



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 11820-14 L.F.

AGENCY DKT. NO. C219893 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot program, N.J.A.C. 10:90-6.9. The Agency denied Petitioner's application for an extension of EA under HHE as it alleged that Petitioner had caused her own homelessness without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 26, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 29, 2014, the ALJ issued her Initial Decision reversing the Agency's determination. The ALJ noted that as of October 2013, Petitioner had received twenty four months of EA, Petitioner's EA was ending and Petitioner would need to reapply for further EA benefits if needed. See Initial Decision at 2. However, Petitioner was not notified that her TRA was ending in October 2013, and in fact, that Agency acknowledges that it did not send her a notice advising Petitioner of the need to come in and reapply for further benefits. *Ibid.* Petitioner was not made aware that the Agency had stopped EA payments several months earlier until January 2014 when she spoke to her landlord. *Ibid.* It was at that time that Petitioner then went to the Agency, and spoke to her newly assigned caseworker. *Ibid.* Petitioner then applied for further EA benefits under HHE, but was advised that she was ineligible due to a sanction in June 2013 for non-compliance with a work activity. *Ibid.* Petitioner requested a Fair Hearing, which she later withdrew, as she maintained she had good cause for missing the work activity and would provide supporting documentation to the Agency. See *id.* at 2-3. No payments having been made towards the rent arrears, Petitioner's landlord then proceeded with eviction proceeding against Petitioner in March 2014. See *id.* at 3. The Agency attempted resolution of the arrearages without

success and then advised Petitioner that she would be eligible for EA under HHE in July 2014. *Ibid.* However, when Petitioner then applied for HHE, the Agency denied Petitioner's application on the basis of having caused her own homelessness. See Exhibit R-4 at 2. The ALJ concluded that the credible facts presented in the case clearly demonstrated that Petitioner did not cause her own homelessness, and that she and her child were now homeless through no fault of her own. See Initial Decision at 8. Thus, the ALJ ordered that the Agency's determination be reversed and the Agency was to immediately provide Petitioner with EA. See *id.* at 9-10.

An Exception to the Initial Decision was filed by counsel to Petitioner on October 1, 2014.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I concur with the ALJ's determination and I hereby ADOPT the Initial Decision and REVERSE the Agency's denial of an extension of EA under HHE.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve cumulative months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a WFNJ/TANF recipient may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. *Ibid.* Thus, the maximum amount of EA that a WFNJ/TANF benefits recipient may receive is twenty four months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for HHE, which expands upon the granting of EA extensions for TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit of EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. *Ibid.* However, a WFNJ/TANF recipient who has received a sanction within the 12-month period prior to applying for HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

Here, the record demonstrates that Petitioner had received twenty four months of EA as of October 2013 when her EA ceased. See Initial Decision at 2. The Agency admits and acknowledges that at no time did it forward Petitioner a "10 day notice" to advise her that her EA benefits were ending and that she needed to reapply for further benefits. See Initial Decision at 2. The record further shows that Petitioner was current with paying her portion of the rent. Ibid. It was only upon being advised by her landlord in January 2014 that the Agency had not been paying Petitioner's EA for several months that Petitioner went to the Agency herself. Ibid. I therefore find it troubling that, months later, after trying to negotiate the rent arrears with Petitioner's landlord, the Agency would then deny Petitioner EA on the basis that Petitioner caused her own homelessness "by allowing her past TRA to stop" because she had not come into the Agency to rectify the situation. See Exhibit R-4 at 2. As noted above, Petitioner's actions were quite to the contrary. Rather, it is the Agency that was dilatory in its responsibilities, in not providing notice when Petitioner's EA was to cease in October 2013. As such, I fully concur with the ALJ's conclusion that Petitioner is homeless through no fault of her own and therefore, the Agency's determination in this matter must be reversed.

By way of comment, the ALJ opines that the June 2013 sanction for non-compliance with a work activity should have been rescinded, as Petitioner had evidence to prove good cause. See Initial Decision at 6, para. 6. While the documentation presented in the record does seem to provide good cause, it is unclear from the record presented if Petitioner ever provided that evidence to the Agency, as Petitioner was directed when she withdrew her prior Fair Hearing request on April 8, 2014. See Exhibit P-4. Moreover, that sanction no longer affects Petitioner's eligibility for receipt of EA benefits under HEE, as it was more than a year ago, and is therefore moot.

By way of further comment, the Agency is reminded of its responsibility to provide timely and adequate notice pursuant to N.J.A.C. 10:90-9.1.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is hereby REVERSED.

OCT 21 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director