



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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

REMAND DECISION

OAL DKT. NO. HPW 13839-14 N.R.

AGENCY DKT. NO. C323140 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of temporary rental assistance ("TRA"). The Agency denied Petitioner's application for EA because it contended that Petitioner was not imminently homeless and had voluntarily moved from another state where she had affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 5, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 6, 2014, the ALJ issued his Initial Decision, which affirmed the Agency's denial of EA benefits. The ALJ found that Petitioner's basis for abandoning affordable housing in Pennsylvania was reasonable, given fear for her safety as substantiated by the application for a restraining order. See Initial Decision at 3. The ALJ noted, however, that Petitioner has previously received forty four units of EA, and was not presently homeless or imminently homeless, thus warranting affirmance of the Agency's decision. See *id.* at 3-4. The ALJ recommended that the matter be remanded to the Agency for consideration of Petitioner's eligibility for EA under the Housing Assistance Program ("HAP") pilot in light of Petitioner's Supplemental Security Income ("SSI") recipient status. See Initial Decision at 4.

No Exceptions to the Initial Decision were filed by either party.

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As the Director of the Division of Family Development, Department of Human Services, having made an independent review of the record and the Initial Decision, I hereby MODIFY the Initial Decision of the ALJ, AFFIRM the Agency determination and REMAND to the Agency for further investigation and clarification as outlined below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

I concur with the ALJ that Petitioner is presently not homeless or imminently homeless, and therefore not eligible for EA at this time. However, I disagree with the ALJ's recommendation that the matter be remanded to the Agency for consideration of Petitioner's eligibility under HAP at this time. Rather, I believe further investigation by the Agency is necessary prior to consideration for any further possible EA benefits, and as such, I am modifying the ALJ's decision. Specifically, the record indicates that Petitioner signed a lease for public housing in Scranton, Pennsylvania on January 1, 2014. See Exhibit P-2. Petitioner applies for a Restraining Order, on September 15, 2014, with a hearing scheduled for September 26, 2014. See Exhibit P-8. Petitioner then applies for EA benefits in New Jersey on October 9, 2014. See Exhibit P-6. Based upon the foregoing, it is clear that Petitioner was in Pennsylvania from January until late September or early October. I note that a benefits printout, see Exhibit P-4, shows that Petitioner received benefits from New Jersey during the months she was in Pennsylvania, including payment for TRA, as well as for Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits. See Exhibit P-3. As such, I am remanding this matter to the Agency for investigation, clarification and handling as necessary.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency action is AFFIRMED. This matter is REMANDED to the Agency for further investigation and handling as outlined above.

Signed Copy on File
at DFD, BARA

DEC - 2 2014

Jeanette Page-Hawkins
Director