



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Governor

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Jeanette Page-Hawkins
Director
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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 12385-14 S.G.

AGENCY DKT. NO. C198266 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 2, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony, and admitted documents. On October 3, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination on other grounds.

Petitioner submitted exceptions on October 8, 2014.

As the Director of the Division of Family Development, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

EA is available where 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." N.J.A.C. 10:90-6.1(c). "A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure." N.J.A.C. 10:90-6.3(a)(1)(ii).

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The ALJ appropriately found Petitioner was neither homeless nor imminently homeless based upon the dismissal of the tenancy complaint returnable the week before the OAL hearing. Under the circumstances, I direct the Agency to rescind any EA penalty imposed in connection with this matter.

Petitioner may reapply for EA without prejudice. If Petitioner decides to reapply, I recommend she provide document proof of actual or imminent homelessness to the Agency. If Petitioner wishes to remain in her present apartment, I recommend she also provide document proof that her rent is below established fair market rent, and that she is the only lessee on the lease agreement.

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

OCT 20 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director