



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 10112-14 T.F.

AGENCY DKT. NO. C479398 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 19, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, 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") and Supplemental Security Income and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits.

Petitioner did not pay approximately two and a half months rent after her landlord allegedly failed to abate water damage to her apartment. The Agency denied EA in the form of retroactive temporary rental assistance and contends Petitioner had the available funds to avoid homelessness. The ALJ found Petitioner caused her own homelessness because she had available funds and neither properly withheld rent nor sought a court order for repairs or rent abatement.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). 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). However, the Agency shall not provide EA for a period of six months when an adult EA applicant has caused his or her own homelessness, without good cause, for reasons that include, but are not limited to, having the available funds to prevent homelessness or applicant behavior. N.J.A.C. 10:90-6.1(c)(v) and (vi).

There is no document evidence of damage to Petitioner's apartment. Regardless, Petitioner withheld rent without notifying the landlord or depositing rent monies and the money she received from her family members in an escrow or similar account to be used to prevent her eviction. Similarly, Petitioner did not seek legal advice or judicial intervention to either force the landlord to make necessary repairs or abate the rent.

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

AUG 27 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director