



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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Director

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 06113-19 M.A.

AGENCY DKT. NO. C683176007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals a pending decision by the Respondent Agency regarding Petitioner's eligibility for Emergency Assistance ("EA") benefits. The Agency has not yet approved or denied Petitioner's EA benefits application, contending that she has not provided proof of imminent or actual homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 9, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 13, 2019, the ALJ issued an Initial Decision, ordering the Agency to award Petitioner EA benefits.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision.

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 to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that Petitioner is currently a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, that she has received at least 12 months of EA benefits, that she has a 12-month MED-1 form, and that she has a Supplemental Security Income ("SSI") benefits application pending. See Initial Decision at 2-3; see also Exhibit R-1 at 15, 21-26. On May 2, 2019, Petitioner applied for an extension of EA benefits. See Exhibit R-1 at 3-9D. However, before the Agency would approve Petitioner's application, it required that she provide a letter from her boyfriend's mother, with whom she was residing, stating that she is no longer able to stay in her home, and including a date when Petitioner must move out. See Initial Decision at 3; see also Exhibit R-1 at 2. Further, the record reflects that Petitioner has found an apartment which is below the Fair Market Rent ("FMR") for Essex County, and that the Agency was holding off on approving or denying Petitioner's



EA benefits application pending an inspection of said apartment for habitability. See Initial Decision at 3. Additionally, at the time of the hearing, the Agency contended that Petitioner may also be ineligible for EA benefits because her monthly child support income may render her ineligible for WFNJ/TANF benefits. See Initial Decision at 3; see also "NJ Child Support Portal" printout, and N.J.A.C. 10:90-3.1(c), -6.2(a) (stating that only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits).

First, based on an average of Petitioner's monthly child support payments, and after applying the \$100 child support disregard, the ALJ concluded that Petitioner is eligible for WFNJ/TANF benefits, and as such, not precluded from EA benefits eligibility. See Initial Decision at 3-5; see also "NJ Child Support Portal" printout, and N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8(h), and -6.2(a). Of note, Petitioner is currently receiving WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-1 at 21-26. Further, based on Petitioner's credible testimony, the ALJ found that the required letter from Petitioner's boyfriend's mother is currently not available, as the mother is disabled and unwilling to cooperate with providing said letter. See Initial Decision at 2, 5. The Agency confirmed that the mother's letter was the only document needed to approve Petitioner's application for EA benefits. *Id.* at 4. Also, the ALJ found Petitioner credible when she testified that she is unable to continue to reside at the mother's home. *Ibid.* Additionally, the ALJ found that, in light of Petitioner's various medical issues, as well as her daughter's medical condition, the apartment that she has secured is the most appropriate form of housing for the family, not a shelter placement. *Id.* at 5; see also Exhibit R-1 at 15, 16, and N.J.A.C. 10:90-6.3(a)(1), (6), (7). Based on the foregoing, the ALJ concluded that the lack of a letter from Petitioner's boyfriend's mother is not a bar to Petitioner's eligibility for EA benefits, and ordered the Agency to award Petitioner EA benefits for the apartment that she has secured, subject to an inspection of habitability. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c). I agree.

By way of comment, the apartment that Petitioner has secured is only being held open for her until early June 2019, and as such, the Agency is directed to conduct any such inspection on an expedited basis. See Initial Decision at 5.

Accordingly, the Initial Decision is hereby ADOPTED.

Officially approved final version.

Natasha Johnson
Director

MAY 16 2019

