



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

FINAL DECISION

OAL DKT. NO. HPW 327-15 A.A.

AGENCY DKT. NO. GA570655 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner an extension of EA benefits under HAP because she does not meet the criteria for eligibility under HAP. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On March 9, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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 benefits are 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).

EA benefits are limited to 12 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 Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

If a WFNJ/GA recipient exhausts her lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to 24 months to WFNJ/GA and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a). To be eligible for the HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that she has "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

HHE is another pilot program which also expands upon the granting of EA extensions, but only for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients, not WFNJ/GA benefits recipients. See N.J.A.C. 10:90-6.9.

The record indicates that Petitioner is a WFNJ/GA recipient, is employable, and has received eighteen months of EA benefits. See Initial Decision at 2, 4. Since Petitioner is employable and has neither applied for SSI, nor provided the Agency with a Med-1 form indicating at least 12 months of disability, she is not eligible for an extension of EA benefits under HAP. See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1)(i). See N.J.A.C. 10:90-6.9. Therefore, I find that the Agency properly denied Petitioner an extension of EA benefits under HAP. Additionally, since Petitioner is a WFNJ/GA recipient, she is not eligible for an extension of EA benefits under HHE.

As the record indicates that the Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's child(ren).

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

MAY 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director