



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
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Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*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 406-15 A.H.

AGENCY DKT. NO. C323701 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit and first month's rent. The Agency denied Petitioner EA benefits because she had paid her security deposit and first month's rent, so there was no imminent need for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2015, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 2, 2015, the ALJ issued an Initial Decision, which affirmed 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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA for Supplemental Security Income ("SSI") recipients is to minimize the incidence of homelessness among the SSI recipient population. 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).

The record indicates that on October 6, 2014, Petitioner applied for a Section 8 voucher and had until October 31, 2014, to find a Section 8 apartment. See Initial Decision at 2. Petitioner found an apartment, but needed a security deposit and first month's rent to secure the apartment before her Section 8 voucher ran out on October 31, 2014. Ibid. Shortly thereafter, on October 7, 2014, Petitioner contacted the Agency for a home visit to apply for EA benefits, the Agency made the home visit on October 21, 2014, and Petitioner completed and returned her EA application on October 22, 2014. Ibid. Thereafter, on November 20, 2014, the Agency issued a notice denying Petitioner's EA application because she moved from one county to another county without the available funds to pay for housing, thereby causing her emergency situation. Ibid; see also Exhibit R-1 at 2. The Petitioner testified, and the ALJ found credible, that she did not receive the Agency's notice because they sent it to her old address. See id at 2.

Consequently, because Petitioner did not receive the denial notice from the Agency prior to her move date of October 31, 2014, she paid the security deposit and 1st month's rent herself, borrowing the security deposit funds from a third party. Ibid. After various calls to the Agency, Petitioner found out that her October 22nd application for EA benefits was denied, and she was advised by the Agency to reapply for EA benefits, which she did on or about December 3, 2014. See id. at 3. Subsequently, on December 22, 2014, the Agency denied Petitioner EA benefits because her security deposit and first month's rent had already been paid and therefore, she was not in imminent need of EA benefits. Ibid. This appeal followed. Ibid.; see also Exhibit R-1 at 7.

Based on the foregoing facts, the ALJ found, and I concur, that Petitioner was not in imminent need of EA benefits, and, therefore, the Agency properly denied Petitioner EA benefits.

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

**APR 27 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director