



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 11135-14 B.B.

AGENCY DKT. NO. C204984 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she had the realistic capacity to plan for her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 19, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 19, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the Initial Decision.

The purpose of EA is to meet the emergent needs of Work First New Jersey ("WFNJ") recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. 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 relevant 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."

A lack of realistic capacity to engage in advance planning exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing. N.J.A.C.10:90-6.1(c)(1)(i).

EA shall not be provided for a period of six months when the EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, the applicant's or recipient's behavior directly caused the eviction or the adult applicant or recipient abandoned permanent affordable housing. N.J.A.C. 10:90-6.1(c)(3).

Here, Petitioner had been residing with her stepfather temporarily for the past two years. During that time, Petitioner held a few temporary jobs and is paying \$250.00 per month in rent. On August 5, 2014, Petitioner filed an application for EA benefits. She submitted a letter from her stepfather dated August 4, 2014, stating she could no longer reside with him. See Exhibit R-6. Petitioner submitted another letter from her stepfather dated September 2, 2014, again stating that the housing arrangement was a temporary arrangement and since it has been two years, Petitioner and her children have to leave by October 5, 2014. See Exhibit R-1. On September 3, 2014, the Agency denied Petitioner's application for EA benefits. During the hearing, Petitioner's stepfather testified that he took Petitioner and her children in because she was residing in a shelter and now his two bedroom apartment can no longer accommodate Petitioner and her children. Petitioner testified that she is only seeking assistance until she completes the five-month pharmacy technician course. The Agency asserts that since Petitioner knew the arrangement with her stepfather was temporary, she had sufficient time to plan for permanent housing during the two years she resided with him.

The ALJ concluded, and I agree, that Petitioner had sufficient time to plan for her emergency. Moreover, Petitioner is not currently homeless. As such, Petitioner is ineligible for EA benefits.

Accordingly, the Agency action is AFFIRMED.

SEP 30 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director