



*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

REMAND DECISION

OAL DKT. NO. HPW 17144-14 C.T.

AGENCY DKT. NO. C284868 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's November 26, 2014, denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA because she allegedly abandoned permanent affordable housing being paid for by the Agency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 15, 2015, the Honorable Lisa James-Beavers, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents into evidence. On January 16, 2015, the ALJ closed the record. On January 21, 2015, the ALJ issued an Initial Decision which reversed the denial of EA and imposition of a six-month period of ineligibility, and directed Petitioner to reapply for an extension of EA under the Housing Hardship Extension ("HHE") and Housing Assistance Program ("HAP") pilot programs.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision, REVERSE the Agency determination, and REMAND the matter to the Agency to evaluate Petitioner's eligibility for EA benefits under the HHE and HAP pilot programs.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities

without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). 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/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as Petitioner, may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. Ibid. Thus, the maximum amount of EA that a WFNJ/TANF benefits recipient may receive is 24 months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for HHE, which expands upon the granting of EA extensions for TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit of EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. Ibid. However, a WFNJ/TANF recipient who has received a sanction within the 12-month period prior to applying for HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

HAP is another pilot program that expands upon the extensions of EA benefits. However, HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ 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); see also N.J.A.C. 10:90-6.10(a)(1). To be eligible for 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 they have "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). A WFNJ client may also be eligible for EA under HAP when "there is recent documentation of long-term medical or psychological problems, which indicates that the recipient is unlikely to ever secure and/or maintain employment." See N.J.A.C. 10:90-6.10(a)(1)(iii).

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The record in this matter reveals that the Agency terminated Petitioner's EA benefits effective July 31, 2014, because Petitioner exhausted her 12-month lifetime EA limit and two extreme hardship extensions, and denied an extension of EA under the HAP pilot program because Petitioner did not have a current 12-month MED-1 form in connection with her treatment for an ankle injury. See Initial Decision at 2-3, 5; see also Exhibit P-1 at 4. Petitioner then appealed that determination and the Agency continued to pay Petitioner's rent for August and September 2014. See Initial Decision at 3.

Petitioner's landlord notified Petitioner she was taking possession of the apartment premises on August 1, 2014, apparently prompted by the Agency's termination of EA and notwithstanding the continuation of assistance pending a fair hearing. *Ibid.*; see also Exhibit P-2 at 6. Despite having entered into a valid lease renewal with Petitioner on June 14, 2014, see Exhibit P-1 at 5-11, the landlord then increased Petitioner's rent by \$650.00 and required a credit check, a second security deposit, a second first-month's rent, and proof of work income. See Exhibit P-2 at 6. In mid-August 2014, the landlord filed a tenancy complaint which misrepresented that the original lease expired on July 31, 2014, and failed to disclose the existence of a renewal agreement. Initial Decision at 3; Exhibit P-2 at 3-4.

Although disputed by the Agency, the ALJ found Petitioner went to the Agency at least three times before she vacated her apartment on September 10, 2014, apparently based upon the misconception she would be evicted the following day. See Initial Decision at 4-6; see also Exhibit R-3. Now homeless, Petitioner independently secured permanent, affordable housing using her modest savings with additional financial assistance from her church. See Initial Decision at 2. In mid-November 2014, the Agency denied EA benefits and imposed a six-month period of ineligibility because Petitioner allegedly abandoned permanent prior housing without Agency approval. See Initial Decision at 2; see also Exhibit R-1 at 4. The Agency does not contend Petitioner's present apartment is otherwise unacceptable. Petitioner's \$900.00 rent is two and a half months in arrears and her present landlord has agreed to forego execution of a warrant of removal until the end of January 2015. See Initial Decision at 4; see also Exhibit P-5.

Under the totality of the circumstances presented in this matter, I concur with the ALJ that there is sufficient credible evidence that Petitioner had good cause for vacating her previous apartment. I further agree with the ALJ that the Agency improperly imposed a six-month period of ineligibility.

As noted above, in July 2014, the Agency terminated Petitioner's EA benefits and denied an extension of EA benefits under the HAP pilot program. See Exhibit P-1 at 4; see also Initial Decision at 8-9. It would appear that the Agency did not evaluate Petitioner for an EA extension under HHE. I take official notice of the fact that the appeal requested by Petitioner on that termination and denial was withdrawn on or about October 21, 2014. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4).

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The record shows that Petitioner has exhausted 26 months of EA benefits; her 12-month lifetime EA limit, two extreme hardship extensions, and two months of continued assistance the Agency paid before Petitioner vacated her previous apartment. See Initial Decision at 2-3; see also Exhibit R-1 at 8. As such, Petitioner is not eligible for further EA benefits unless she meets the criteria for either an extension of EA under either the HHE or the HAP pilot programs, as discussed above. The ALJ in this matter directed that Petitioner be permitted to reapply for EA benefits under HHE and HAP. See Initial Decision at 9. Accordingly, I am remanding this matter to the Agency. In light of Petitioner's forthcoming eviction, I direct that the Agency expeditiously evaluate Petitioner for an extension of EA benefits under the HHE and HAP pilot programs.

Accordingly, the Initial Decision is ADOPTED, the Agency's November 26, 2014, determination is REVERSED, and the matter is REMANDED to the Agency to timely evaluate Petitioner's eligibility for EA benefits under the HHE and HAP pilot programs.

**FEB 11 2015**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director