



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 1588-15 C.V.

AGENCY DKT. NO. V707043 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied EA benefits contending that Petitioner had a non-eligible co-tenant on her lease. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10 and February 17, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 18, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency action.

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 a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available when there has been "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 in the absence of a realistic capacity to plan in advance for substitute housing ... and the [Agency] determines the provision of [EA] is necessary for health and safety." N.J.A.C. 10:90-6.1(c). Only Work First New Jersey ("WFNJ") and

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Supplemental Security Income ("SSI") recipients are eligible for EA. N.J.A.C. 10:90-6.2(a).

The record indicates that Petitioner, an SSI and Social Security ("SS") recipient, is in arrears on her apartment and is facing eviction. See Initial Decision at 2; see also Exhibit R-1 at 6-11. However, because Petitioner had her son co-sign the lease agreement, and the son is not eligible to receive EA benefits, the Agency would only pay half of Petitioner's arrearages contingent on proof of the son paying his required share. *Ibid.* The Agency found that Petitioner must either remove the son from the lease agreement or have the third son pay half of the arrears owed to the landlord. See *id.* at 2. It was from these Agency determinations that the ALJ concluded, that as it stands currently, Petitioner does not qualify for EA benefits. *Id.* at 3.

I agree with the ALJ. Petitioner signed a lease agreement for a two bedroom apartment with her son. *Id.* at 2. The total rent for the apartment is \$1650.00 per month; \$825.00 of that amount owed by Petitioner. If Petitioner were to elect to drop her son from the lease, the apartment would not be affordable given her income level. See Exhibit P-1 at 19-22. Moreover, Petitioner has yet to provide proof her son has paid his portion of the arrearages. Therefore, since Petitioner cannot qualify for EA under either of these scenarios, I agree with the Agency determination that Petitioner is not eligible for EA.

By way of comment, if Petitioner is currently homeless, she is without prejudice to reapply for EA benefits.

Accordingly, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Signed Copy on File
at DFD, BARA

FEB 26 2015

Jeanette Page-Hawkins
Director