



*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 1794-15 D.G.

AGENCY DKT. NO. C453381 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her request for an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner's request for an extension of EA benefits because she had exhausted her lifetime limit of EA benefits and all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 11, 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 is 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 months, plus limited extensions for "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; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient 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 a WFNJ/TANF 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, she may qualify for HHE, which expands upon the granting of EA extensions for TANF recipients. 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 on 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 12 months of EA benefits. *Ibid.*

The Housing Assistance Program ("HAP") pilot is another program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance 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). There is no indication in the record that Petitioner is disabled, and as such, Petitioner is ineligible for an extension of EA under HAP.

With the above-referenced limitations in mind, the operative question in this matter is whether Petitioner still has EA benefits available to her. An independent review of the record, specifically Exhibit R-1, shows that Petitioner has received 42 months of EA benefits, not including several EA payments for furniture, utilities and security deposits. Keeping in mind that HHE went into effect in July 2012, I note that Petitioner has received 28 months of EA since that time. Clearly, Petitioner exhausted her 12-month lifetime limit, two six-month extreme hardship extensions, and more than 12 months thereafter when HHE was in effect. As such, I find that Petitioner has indeed exhausted her 12-month lifetime limit of EA benefits and available extensions, both under the extreme hardship extension provisions, as well as those available EA benefits under HHE. While I commend Petitioner on the efforts and strides that she has taken to moving towards self-sufficiency, I most note that EA benefits are not unlimited.

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

Signed Copy on file  
at DFD, BARA

**FEB 27 2015**

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Natasha Johnson  
Deputy Director