



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 16436-14 D.I.

AGENCY DKT. NO. C202152 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of her request for Emergency Assistance ("EA") in the form of retroactive rent. The Agency denied Petitioner's request contending that she had sufficient income to pay monthly rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2014, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 19, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination subject to verification as outlined below.

The purpose of Work First New Jersey ("WFNJ") is to uniformly both inspire and require all able-bodied families with dependent children, single adults, and couples without children to work instead of receiving welfare. N.J.A.C. 10:90-1.

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).

A lack of realistic capacity to plan exists where the assistance unit demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii).

Retroactive Temporary Rental Assistance ("TRA") is authorized for up to three months if it will prevent actual homelessness. N.J.A.C. 10:90-6.3(a)(5). Payment of retroactive TRA for more than three calendar months shall be made only under extraordinary circumstances (as found at N.J.A.C. 10:90-6.4(b)(1)) subject to authorization by DFD. N.J.A.C. 10:90-6.3(a)(5)(i).

The Agency denied Petitioner's request for EA in the form of retroactive TRA and contends Petitioner simultaneously received WFNJ/TANF and Unemployment Insurance Benefits ("UIB") in a total amount greater than her rent. See Exhibit D-1.

The record reveals that Petitioner began collecting \$319.00 weekly UIB on April 12, 2014, and continuously through October 4, 2014. Exhibit D-3. Petitioner began collecting WFNJ/TANF benefits on April 24, 2014. Exhibit D-2.

While Petitioner testified that she is presently \$2,550.00 in arrears for three months back rent, see Initial Decision at 2, this is in clear contradiction to the full statement of Petitioner's account with her landlord. See Exhibit P-2 at 3. To wit, that account statement clearly shows that Petitioner's rent balance is due in arrears in the amount of \$6,300 as of December 2014. Ibid. There is no indication in the record that the landlord will forgive the total remaining balance on Petitioner's account. As Petitioner is imminently homeless, I will adopt the ALJ's Initial Decision. However, in light of the discrepancy between the letter from Petitioner's landlord and the attached account statement, I am directing the Agency to receive verification from Petitioner's landlord that the \$2,550.00 is indeed the full amount of arrears owed and will bring Petitioner's account current. Receipt of EA is contingent upon this clarification.

For the foregoing reasons, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

JAN 15 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director