



*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 12500-14 D.V.

AGENCY DKT. NO. C079426 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits because she had sufficient income to pay her rent. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 2, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On October 3, 2014, the ALJ issued an Initial Decision. The ALJ found Petitioner's total income is \$914, her rent is \$750 and she had already received 28 months of EA. The ALJ observed that Petitioner "at all times, had sufficient funds to pay her rent." The ALJ noted that Petitioner made no efforts to make partial rent payments or other arrangements with her landlord. Thus, the ALJ concluded that "petitioner caused her own imminent homelessness by failing to pay rent for three months when she had the capacity to do so."

On October 14, 2014, Petitioner submitted exceptions and a copy of an Order for Orderly Removal, dated October 8, 2014, indicating her warrant of removal had been stayed until 12 noon on October 15, 2014. No exceptions were submitted by the Agency.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having reviewed the record, I ADOPT the ALJ's Initial Decision. In the present matter, Petitioner had the realistic capacity to plan in advance so as to avert her

emergency because she has sufficient, available income to pay her rent. See N.J.A.C. 10:90-6.1(c)(providing that 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 ..."); see also N.J.A.C. 10:90-6.1(c)(2)(indicating agency must evaluate all potential contributions of support to the household in EA eligibility determination) and N.J.A.C. 10:90-6.1(a)(i)(requiring shelter costs equal or exceed the total income available to the assistance unit). Therefore, the Agency properly denied Petitioner EA benefits.

With respect to her exceptions, Petitioner requests EA in the form of 3 months of back rent because she used her income to pay for other expenses. The Initial Decision shows that the ALJ considered Petitioner's argument, but apparently found it unpersuasive or not credible, and I agree based on Petitioner's monthly income.

By way of comment, the Agency shall refer Petitioner to any and all organizations that may be able to assist with her current needs.

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

OCT 21 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director