



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 14829-14 F.R.

AGENCY DKT. NO. C090840 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2014, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 24, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed exceptions to the Initial Decision.

As Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency 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 a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). When an individual is found eligible for EA benefits, the Agency "shall determine the most appropriate form of emergency housing, which is required to address the need. . . taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3. EA in the form of Temporary Rental Assistance ("TRA") is one form of EA benefits. However, EA/TRA may only be authorized when the total cost of housing, inclusive of basic utilities, is equal to or

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below the current Fair Market Rent ("FMR"), as established by the United States Department of Housing and Urban Development for the county of residence. Ibid. Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD. Ibid. Finally, payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances. N.J.A.C. 10:90-6.3(a)(5).

The record for this matter demonstrates that the Petitioner, her husband, and their child reside in a one-bedroom apartment. Her rent is \$1,115 plus electric bills of approximately \$50-\$60, for a total monthly shelter expense of \$1,165-\$1,175, which is in excess of the FMR of \$1,106 for a one bedroom apartment in the county. Initial Decision at 2-3 and Exhibit R-4.

In April 2014, the Petitioner's husband lost his job. The Petitioner's mother assisted the family with rent until July 2014, at which time the Petitioner applied for WFNJ/Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits. Initial Decision at 2-3.

At the time of her application, the Petitioner's husband reported that the family had approximately \$6,000-\$7,000 in savings and that the Petitioner had been the recipient of approximately \$40,000 with the settlement of the lawsuit. The Petitioner testified that these funds were gone before the application was filed and were used for payment of outstanding debts, credit cards, auto expenses, and ongoing support. Additionally, Petitioner received a retroactive benefit check from the Agency in the amount of \$2,564. She did not use any of the retroactive benefit check towards rent, again paying off other debt and credit card bills. To date, the Petitioner owes rent for the months of July, August, September, October, and November 2014. Ibid.

It is unclear from the record whether the settlement funds that Petitioner received could have gone towards paying rent for some or all of the months prior to her application. If so, her failure to use the settlement funds or any other funds available to her towards her rent might affect future EA eligibility. See N.J.A.C. 10:90-6.1(c)(3)(imposing six-month period of EA ineligibility when applicant has caused their own homelessness for reasons including had available funds and capacity to prevent homelessness). Nevertheless, the ALJ concluded, and I agree, that Petitioner's apartment is clearly in excess of the FMR guidelines. Additionally, no extraordinary circumstances exist which would warrant the payment of five months of rental arrears. As such, the Agency properly denied the Petitioner's request for EA/TRA.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is hereby AFFIRMED.

DEC - 3 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director