



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 14302-14 J.A.

AGENCY DKT. NO. C256638 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her request for an extension of Emergency Assistance ("EA"). The Agency denied Petitioner's request because the household had sufficient resources to pay the rent. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On December 5, 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, 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.

EA shall be made available through the Work First New Jersey ("WFNJ") program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. EA is also available to Supplemental Security Income ("SSI") recipients. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve months, plus limited extensions for "extreme hardship." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51.

Page 2

Additional EA may be provided under the Housing Assistance Program ("HAP"), which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ and SSI recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a).

Recipients are required to contribute to the payment of their EA placement. The EA recipient contribution is based on all income available to the EA household. N.J.A.C. 10:90-6.5.

Here, Petitioner applied for EA and was initially granted Temporary Rental Assistance ("TRA") in May 2014, based on a household of five, which consisted of two adults and three children. See Initial Decision at 2. One child receives SSI in the amount of \$512.00 per month and another child who attends college is also employed through his college. Ibid. The Agency subsequently learned that for July 2014, the household income was \$11,422; \$12,801 for August; and \$13, 277 for September 2014, which rendered the household ineligible for EA benefits. Ibid. Petitioner's rent is \$1,150 per month plus utilities and she owes back rent for July and August 2014. Ibid. On October 7, 2014, the Agency found that one member left the household but still contributes financially to the household. Ibid. The Agency maintains that Petitioner had sufficient income to pay her rent and utilities for the months of July, August and September 2014, based upon the household's unreported income. See *id.* at 3. Petitioner contends that although she listed the other adult, her boyfriend, on her EA application, he never resided in her household during the months claimed by the Agency and she should be entitled to six months of TRA as had been approved in May. Ibid.

The ALJ concluded, and I agree, that the Petitioner's monthly household income is more than enough to cover her monthly rent. Therefore, Petitioner does not qualify for EA benefits.

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

JAN 20 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director