



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

REMAND DECISION

OAL DKT. NO. HPW 16854-14 J.C.

AGENCY DKT. NO. GA176273 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot program because he had exhausted available EA, did not meet HAP eligibility criteria and had not located affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 30, 2014, and January 12 and 28, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On February 4, 2015, the CALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the CALJ's Initial Decision, and having made an independent evaluation of the record, I MODIFY the Initial Decision, AFFIRM the Agency determination and REMAND the matter to the Agency as discussed below.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA benefits can also be an appropriate form of assistance for WFNJ recipients, such as Petitioner, who are unable to work. N.J.A.C. 10:90-6.1(b). EA benefits are limited to 12 cumulative months, plus limited extensions for an "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,

Page 2

which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient, such as Petitioner, may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

The HAP pilot program is designed to provide additional housing assistance for up to 24 months to WFNJ and Supplemental Security Income ("SSI") benefits 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). To be eligible for an extension of EA benefits under HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i).

The record in this matter reveals that Petitioner exhausted more than 26 months of EA benefits, including his 12-month lifetime EA benefits limit and six-month "extreme hardship" extension under N.J.A.C. 10:90-6.4(b). Exhibits R-1, R-2. When the Agency denied an extension of EA benefits in October 2014, Petitioner had a current 12-month MED-1 form but had not submitted an application for SSI benefits to the Social Security Administration. Initial Decision at 3-4; Exhibits P-1, P-2. Petitioner has since submitted an application for SSI benefits, but currently has only a six-month MED-1 form. Initial Decision at 3; Exhibits P-1, P-3. Based upon the foregoing, the Agency appropriately denied an extension of EA benefits because Petitioner at no time met applicable criteria for eligibility under HAP, and accordingly, the Initial Decision must be modified.

I note that the record further shows that in October 2014, the Agency asserted that Petitioner allegedly violated his SP by failing to complete required housing searches and submit a series of Temporary Rental Assistance ("TRA") packages. Initial Decision at 2; Exhibit R-1. I concur with the CALJ that the Agency did not sustain its adverse action in this regard in the absence of the SP and other supporting documentation. While there is no indication in the record that the Agency imposed a six-month EA penalty, see N.J.A.C. 10:90-6.6(a), based upon the foregoing, I find that Petitioner is not subject to said penalty and same is to be rescinded in the event that it was imposed.

In total, Petitioner may immediately reapply for an extension of EA benefits under HAP, without prejudice, subject to applicable eligibility criteria as outlined above.

Parenthetically, I note that the Agency recently referred Petitioner for supportive services which may help him satisfactorily address apparently recurring compliance and eligibility issues. Initial Decision at 2. Nevertheless, I concur with the CALJ's

Page 3

conclusion that Petitioner requires "considerable assistance" with the procedural and substantive aspects of the WFNJ and SSI programs. Initial Decision at 4. Given that Petitioner has been in a shelter for more than a year, I agree with the CALJ's recommendation that the Agency should assist Petitioner in securing suitable affordable housing. Initial Decision at 5. For the above reasons, I remand the matter to the Agency to facilitate its ongoing evaluation of Petitioner's case, including his possible placement in an assisted facility. Initial Decision at 4.

Accordingly, the Initial Decision is MODIFIED, the Agency determination is AFFIRMED and the matter is REMANDED to the Agency as outlined above.

MAR 26 2019

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director