



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 9189-14 J.M.

AGENCY DKT. NO. C243236 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 5, 2014, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 6, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

The assistance unit consists of Petitioner and his seventeen year-old younger brother with functional needs. The assistance unit receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Social Security Disability Insurance ("SSDI"), and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In early May 2014, the Agency granted EA limited to a security deposit and one month's rent allegedly conditioned upon Petitioner maintaining his job and paying the remaining rent due under the lease agreement. The Agency contends Petitioner's combined earnings from his employment, WFNJ/TANF and SSDI benefits were sufficient to pay the June rent.

Petitioner seeks retroactive rent for June, July and August 2014, and prospective EA in the form of Temporary Rental Assistance ("TRA"). Petitioner alleges he was unexpectedly laid-off from his job on May 10, 2014, and did not work long enough to earn enough money to pay for his rent. He is currently enrolled in a bookkeeping program which satisfies his WFNJ work requirement and expects to graduate in November.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

In relevant part, EA is indicated when "shelter costs equal or exceed total recorded income ... and the recipient is unable to document other sources of income" or when the applicant's income is reduced "as a result of the reduction in WFNJ benefits or other available income, through no fault of the individual or family." N.J.A.C. 10:90-6.1(a)(1) and (a)(3).

EA is available where 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 for substitute housing." N.J.A.C. 10:90-6.1(c). New Jersey public policy favors TRA as part of a comprehensive, economical and socially-desirable approach to the problem of homelessness. N.J.A.C. 10:90-6.3(c)(6).

The ALJ found Petitioner was unable to earn enough money before he was laid-off to pay the June 2014 rent. There is sufficient credible evidence Petitioner is imminently homeless through no fault of his own and lacked the ability to plan for substitute housing. I note the Petitioner's former employer verified Petitioner's full-time, permanent job a month before it laid him off with no notice because of a decline in business. Accordingly, the ALJ appropriately directed the grant of retroactive EA in the form of TRA and prospective TRA. N.J.A.C. 10:90-6.3(a)(5).

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

AUG 15 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director