



*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 10175-14 L.H.

AGENCY DKT. NO. GA113448 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied Petitioner's application for EA because there was no imminent emergency. In addition, the Agency denied Petitioner's application for EA because she had excess resources and the realistic capacity to plan in advance for substitute housing.

Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 4, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was closed on September 4, 2014. On September 19, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions were filed to the Initial Decision.

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 made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

Petitioner received Unemployment Insurance Benefits ("UIB") in the amount of \$840, Work First New Jersey/General Assistance ("WFNJ/GA") benefits of \$140, and Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") in the amount of \$783 from November 2013. Initial Decision at 3. In addition, Petitioner

receives Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits in the amount of \$125, reduced from \$189 as of April 1, 2014. Initial Decision at 2. Petitioner's SNAP benefits were reduced from \$189 to \$125 because she failed to report receiving UIB while receiving WFNJ/GA and EA/TRA benefits. Ibid.

To be deemed eligible for EA, an applicant must show that she is either homeless or imminently homeless due to circumstances beyond her control or that she did not have the realistic capacity to plan in advance for substitute housing. N.J.A.C. 10:90-6.1(c). N.J.A.C. 10:90-6.3(a)1ii provides that a pending eviction or foreclosure must be documented through either a tenancy complaint, order from the court or letter from the landlord stating that eviction is imminent. At the hearing, Petitioner submitted a letter from her landlord stating that she had accrued unpaid rental charges. Exhibit P-2. However, this letter does not indicate that the landlord has commenced or will be commencing eviction proceedings against the Petitioner. Ibid.

In addition, Petitioner was denied EA by the Agency because she had excess income and thus, should have been able to afford her monthly rent of \$825 per month without the assistance of additional benefits under EA. The record reflects that Petitioner has received UIB on a claim filed on October 6, 2013 for majority of the weeks during the period October 12, 2013 through March 8, 2014. Exhibit R-2. At the hearing, Petitioner stated that all of the back rent charges sought by her landlord had been satisfied.

In conclusion, Petitioner's application for EA has been properly denied by the Agency because she has not shown that she was either imminently homeless or homeless. Moreover, Petitioner's satisfaction of her past due rent demonstrates that she had sufficient income which has allowed her to maintain her affordable housing without receiving EA. I therefore conclude that the ALJ has properly affirmed the Agency's denial of Petitioner's application for EA.

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

**NOV 07 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director