



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 3376-15 M.C.

AGENCY DKT. NO. V681274 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he was not in a state of homelessness or imminent homelessness due to circumstances beyond his control or the absence of a 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 March 17, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 18, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA for Supplemental Security Income ("SSI") recipients is to minimize the incidence of homelessness among the SSI recipient population. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and 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." Documentation must be presented to the Agency demonstrating that an eviction is pending or has

already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). However, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

When an SSI recipient qualifies for EA benefits, the "county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. Ibid.

Here, the record indicates that when Petitioner applied for EA benefits on November 14, 2014, and February 23, 2015, he failed to provide the Agency with any documentation showing that he was homeless or in imminent danger of homelessness. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Additionally, the record indicated that Petitioner had been living with friends for several years, and therefore, had the capacity to plan for substitute housing, yet failed to do so, thereby causing his own homelessness. Ibid. Accordingly, the ALJ found, and I concur, that the Agency properly denied Petitioner's 2014 and 2015 requests for EA benefits. See *id.* at 4. Further, Petitioner is ineligible for EA benefits for a period of six months, beginning February 25, 2015, when the Agency denied him EA benefits because he caused his own homelessness. See Exhibit R-2 at 2; see also N.J.A.C. 10:90-6.1(c)(3).

Additionally, at the time of the hearing, Petitioner provided documentation indicating that, as of March 15, 2015, he could no longer live with his friend, and was in danger of imminent homelessness. See Initial Decision at 2. As a result of this documentation, the Agency offered Petitioner EA benefits in the form of two months of shelter placement, in order that he may have time to save money towards renting an apartment. Ibid. Petitioner declined this offer, stating that he needs an apartment in order to have visitation with his daughter. See *id.* at 2, 3. However, the ALJ found, and I concur, that the Superior Court's Order regarding visitation does not indicate that Petitioner must have his own apartment in order to see his daughter. See Initial Decision at 3; see also Exhibit P-3. Consequently, the offer of shelter placement will no longer be available to Petitioner, as he is ineligible for EA benefits for a period of six-months.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

Signed Copy on File

at DFD, BARA

MAR 25 2015

Jeanette Page-Hawkins
Director