



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Acting Commissioner

Natasha Johnson
Director

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 15924-14 M.P.

AGENCY DKT. NO. C293221 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2015, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I reviewed the record 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.

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); -6.2(a). EA benefits can also be an appropriate form of assistance for Work First New Jersey ("WFNJ") recipients who are unable to work. N.J.A.C. 10:90-6.1(b).

EA is available when the assistance unit is in a state of actual or imminent homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is

necessary for health and safety. N.J.A.C. 10:90-6.1(c). In addition, "a pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to Agency verification, stating that eviction is imminent or has occurred shall be accepted by the Agency." N.J.A.C. 10:90-6.3(a)(1)(ii).

I agree with the ALJ's finding that Petitioner is not eligible for EA benefits because she has no document evidence of actual or imminent homelessness. N.J.A.C. 10:90-6.3(a)(1)(ii); Initial Decision at 4. Like the ALJ, I find no extraordinary circumstances that would support the payment of more than 7 months of retroactive Temporary Rental Assistance ("TRA") for the three-bedroom townhome owned by Petitioner's parents. N.J.A.C. 10:90-6.3(a)(5)(i); Initial Decision at 3-4; Exhibits R-1 at 8-9, P-1. Finally, I also agree with the ALJ's conclusion that a three-bedroom townhome is not the most appropriate form of EA for Petitioner. See Initial Decision at 4; N.J.A.C. 10:90-6.3(a).

In summary, the Agency appropriately denied EA benefits in the absence of document evidence that Petitioner is imminently or actually homeless. Petitioner may reapply for EA benefits, without prejudice, subject to applicable eligibility criteria.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

APR 16 2013

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director