



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 3470-15 M.T.

AGENCY DKT. NO. C140845 (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 had sufficient income to pay his housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 19, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 19, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions were filed by the Agency on March 20, 2015.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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 the path to self-sufficiency. 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).

Pursuant to N.J.A.C. 10:90-6.1(c)(2), "As part of the determination of eligibility for [EA], the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance (see N.J.A.C. 10:90-6.3(a)(5) to be provided, and the specific kinds of preventative services which may be required by the individual, couple without dependent children or family with dependent children."

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA shall be made available "[w]hen shelter costs equal or exceed total recorded income to the WFNJ or SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses"

An assistance unit ("AU") may qualify for EA benefits when the AU demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii). Items deemed appropriate, include, but are not limited to, food, clothing, housing, attending the funeral of a family member, excessive unreimbursed medical expenses, or car payment or repairs. Ibid.

Based on a review of the record, Petitioner's AU has a monthly income of \$926.00 and receives \$157.00 in Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits per month. See Initial Decision at 2. The record further indicates that Petitioner's monthly rental obligation is \$775.00, including utilities. Ibid. Therefore, after Petitioner's rent is paid, his AU has \$151.00 in available funds with which to pay for other necessary household expenses. Further, the record does not indicate any extraordinary, necessary expenses for which Petitioner was obligated to pay, that may otherwise make EA eligibility a possibility. See N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, I find that Petitioner had sufficient income, albeit limited, to pay his housing expenses, and therefore the Agency properly denied him EA benefits. See N.J.A.C. 10:90-6.1(a)(1).

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

Signed Copy on File

at DFD, BARA

MAR 26 2015

Jeanette Page-Hawkins
Director