



*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 10273-14 N.E.

AGENCY DKT. NO. GA559007 (ESSEX COUNTY DIVISION OF WELFARE)

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 19, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On August 20, 2014, the ALJ issued an Initial Decision which modified 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 AFFIRM the Agency determination.

In or about July 2014, Petitioner applied for EA based upon a tenancy complaint for non-payment of rent, in material part the result of a rent increase triggered by Petitioner's failure to respond to requests for supplemental financial information by her Section 8 landlord. The Agency denied EA and contends Petitioner caused her own homelessness. The Agency affirmed the denial of EA but reversed the imposition of a six-month penalty pending an opportunity for Petitioner to submit a Med-1 form which substantiates possible mental, cognitive or substance abuse conditions.

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). 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).

The Agency shall not provide EA for a period of six months when an adult EA applicant has caused his or her own homelessness, without good cause, for reasons that include, but are not limited to, the eviction from public and/or subsidized housing for non-payment of rent and when the adult applicant's behavior directly caused the eviction. N.J.A.C. 10:90-6.1(c)(3)(ii) and (vi). However, "[t]he EA penalty shall not be imposed when it has been determined by a qualified professional that due to mental, cognitive or substance abuse impairments, the recipient lacked the functional capacity to avoid behaviors that contributed to his or her becoming homeless." N.J.A.C. 10:90-6.3(c)(3).

There is sufficient credible evidence Petitioner repeatedly failed to provide requested supplemental financial information to her Section 8 landlord, triggering an increase in her rent and ultimately leading to her eviction in mid-August 2014. Accordingly, the ALJ concluded, and I agree, that the Agency appropriately denied EA.

However, the ALJ credited testimony Petitioner obtained and provided a completed Med-1 form to potential legal counsel. The ALJ noted this testimony is supported by copies of largely indecipherable doctor's notes presented at the hearing, but not marked into evidence. Based upon the foregoing, the ALJ found Petitioner "may well have mental problems which would prevent her from appreciating the importance of a recertification for Section 8 housing, but a reliable determination cannot be made without input from a doctor in the form of a Med-1 form." Accordingly, the ALJ concluded, and I agree, that "in the event [Ppetitioner] produces a Med-1 form completed by a doctor, the [Agency] should evaluate the situation under N.J.A.C. 10:90-6.3(c)(3) to determine the appropriate course of action."

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination. However, the Agency is reminded that if the Petitioner produces a Med-1 form, the Agency must consider whether she lacked the functional capacity to avoid behaviors that contributed to her homelessness under N.J.A.C. 10:90-6.3(c)(3).

**AUG 29 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director