



*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 12579-14 P.W.

AGENCY DKT. NO. C436459 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of temporary rental assistance. The Agency denied Petitioner EA because she had previously refused a shelter placement and imposed a six-month penalty. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 1, 2014, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On the same date, the ALJ issued an Initial Decision, which reversed the Agency's action. The ALJ found Petitioner was eligible for EA pursuant to N.J.A.C. 10:90-6.1(c)7, which permits EA when a parent and their children are homeless due to domestic violence. The ALJ further found that a six-month penalty was inappropriate because Petitioner attempted to locate alternate housing in lieu of a shelter placement. The ALJ ordered the Agency to provide EA in the form of a shelter placement.

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 record, and I ADOPT the ALJ's Findings of Fact and Conclusions of Law, and add the comments below.

If still available and appropriate, Petitioner is urged to reconsider the shelter placement previously offered by the Agency. See N.J.A.C. 10:90-6.3(a)1(authorizing Agency to "determine the most appropriate form of emergency housing" required to address individual's need and circumstances.) But, if the shelter identified at the hearing is no longer available, then the Agency shall provide Petitioner with other shelter or EA options.

In addition, the Agency shall refer Petitioner for a domestic violence assessment pursuant to N.J.A.C. 10:90-20.1 et seq., the Family Violence Option Initiative.

By way of comment, it is noted that the citation on the form submitted by the Agency at the hearing, "REVIEW 10:90-6.3 C-i" is incorrect as there is no such citation. The Agency should review the EA regulations and revise the form as appropriate.

Accordingly, the Initial Decision is ADOPTED.

**OCT 16 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director