



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
Governor

Kim Guadagno  
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Elizabeth Connolly  
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 2211-15 R.B.

AGENCY DKT. NO. C194090 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he had sufficient household income to pay his monthly rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 2, 2015, the Honorable Patricia M. Kerins, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 15 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on April 30, 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 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).

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 ....”

Here, the record clearly indicates that Petitioner’s assistance unit receives \$1,197 per month in SSI and Retirement Survivors Disability Insurance per month, and his monthly rent is \$800. See Initial Decision at 2. Therefore, in accordance with N.J.A.C. 10:90-6.1(a)(1), Petitioner’s monthly, household income exceeds his shelter costs, and he is no longer eligible for EA benefits. Accordingly, the Agency properly terminated Petitioner’s EA benefits. Further, the record shows that Petitioner has received 57 months of EA benefits. See *id.* at 3. In that regard, of note, EA benefits in the form of temporary rental assistance were meant to temporarily assist recipients through their emergent situation, and were never meant to be a long-term rental subsidy.

Additionally, the Agency is to reset Petitioner’s monthly Supplemental Nutrition Assistance Program benefits to \$275, as agreed to at the hearing. See Initial Decision at 3.

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

*Signed Copy on File*

at DFD, BARA

**MAY 14 2015**

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Natasha Johnson  
Director