



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 9718-14 S.C.

AGENCY DKT. NO. GA561646 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied EA as it contended that Petitioner had caused her own homelessness by not using funds given to her by her daughter to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 5, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On August 7, 2014, the ALJ issued his Initial Decision, reversing the Agency's determination. The ALJ found Petitioner's testimony credible that she utilized the funds provided by her daughter to pay her monthly rent, and the amount presently due to the landlord were for arrears owed following a settlement to a prior December 2013 eviction action. See Initial Decision at 2-3. The ALJ further concluded that the documentation provided by Petitioner "belie the Agency's contention that Petitioner's rent was not paid because allegedly she did not use her daughter's funds to pay the landlord." See Initial Decision at 3. The ALJ thus found Petitioner eligible for EA. *Ibid.*

Neither party filed exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby adopt the Initial Decision.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients and SSI applicant/recipients. See 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 occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

In the present matter, I concur with the ALJ that the documentation in the record clearly support Petitioner's assertion that she was utilizing the funds provided by her daughter to pay her rent each month. See Exhibit P-6. Rather, the arrearages owed stem from the December 3, 2013, Settlement Agreement, which she was unable to pay off in full. See Exhibit P-2. Petitioner herself states, "[In the December 2013 Settlement], I agreed to pay the excess each month going forward. But, each month I was only able to pay the current rent and not the excess. It's the excess money and July, 2014, rent that is outstanding at this time." See Exhibit P-4. I agree with the ALJ that Petitioner has demonstrated that she is in a state of imminent homelessness and should be eligible for EA.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination is hereby REVERSED.

AUG 19 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director