



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development

P.O. Box 716

TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*

Tel. (609) 588-2000

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 1161-15 S.W.

AGENCY DKT. NO. S408258 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his request for an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner's request for an extension of EA benefits because he failed to provide the Agency with required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 3, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

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 the record, and I ADOPT 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 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." See N.J.A.C. 10:90-6.1(c).

EA benefits are limited to twelve cumulative months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, SSI recipients may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA that an SSI recipient may receive is eighteen months.

If an SSI recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to twenty-four months to Work First New Jersey/General Assistance ("WFNJ/GA") and SSI recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a). However, an SSI recipient who has received an EA penalty, without a showing of good cause for his actions or inactions, within the 12-month period prior to applying for HAP, is ineligible for the program. N.J.A.C. 10:90-6.10(b)(2).

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize [Temporary Rental Assistance] TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent (FMR) .... Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD."

Here, the record indicates that Petitioner is an SSI recipient, who as of September 16, 2013, received 100 units of EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 66-76. Additionally, Petitioner incurred a six-month EA penalty in February of 2014 for failure to pay his agreed upon portion of the rent for his shelter placement. See Initial Decision at 2. Further, the record indicates that Petitioner applied for an extension of EA benefits under HAP, in the form of Temporary Rental Assistance ("TRA"), on August 12, 2014. *Ibid.* Notably, although not at issue here, Petitioner was not eligible for EA benefits at that time because of the six-month penalty he incurred. Regardless, as part of the application process for EA benefits, the Petitioner was required to provide the Agency with a current lease demonstrating the monthly rental amount needed to establish eligibility. *Ibid.*; see also Exhibit R-1 at 28. The Petitioner provided a lease to the Agency indicating that Petitioner was renting apartment ("Apt.") #2 for a monthly rent of \$761.00, including utilities. See Initial Decision at 2. This monthly rental amount of \$761 did not exceed the FMR for Cape May County, and TRA could be authorized. See N.J.A.C. 10:90-6.3(a)(7); see also Exhibit R-1 at 8. However, on September 16, 2014 the Agency received a receipt from Petitioner dated September 2, 2014, indicating that he was residing in Apt. #4, not in Apt. #2. See Initial Decision at 2.

Thereafter, the Agency required that Petitioner provide a lease indicating that he was living in Apt. #4, he failed to do so, and the Agency denied his application for an extension of EA benefits on December 5, 2014. Ibid.

Notably, an eviction complaint was filed on December 22, 2014, indicating that Petitioner took possession of apartment #4 on September 18, 2014, for a monthly rent of \$900.00. Ibid.; see also Exhibit R-2 at 1-3. Accordingly, his monthly rent of \$900 exceeds the FMR for Cape May County and therefore, TRA is not authorized. See N.J.A.C. 10:90-6.3(a)(7); see also Initial Decision at 2 and Exhibit R-1 at 8.

Based upon the foregoing, I concur with the ALJ that the Agency properly denied Petitioner's request for an extension of EA benefits under HAP because his monthly rent was in excess of the FMR for Cape May County. Interestingly, Petitioner never provided the Agency with a valid lease indicating he was renting Apt. #2 for a monthly rent of \$761, and I find the Agency properly denied Petitioner's application for an extension of EA benefits for failure to provide them with the required lease. Finally, Petitioner was ineligible for an extension of EA benefits at the time he applied because he had incurred a six-month penalty in February of 2014 which does not expire until February of 2015. See N.J.A.C. 10:90-6.10(b)(2).

By way of comment, Petitioner may re-apply for EA benefits under HAP after the 12-month ineligibility period has expired, provided he continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.10(a). Petitioner must check with the Agency to determine exactly when in February of 2015 his ineligibility period expires.

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

*Signed Copy on File*  
at DFD, BARA

**FEB 10 2015**

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Jeanette Page-Hawkins  
Director