



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 3774-15 T.H.

AGENCY DKT. NO. C065383 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the extreme hardship extension, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner an extension of EA benefits under the extreme hardship extension, and imposed a six-month penalty because she was not in a state of homelessness or imminent homelessness because of circumstances beyond her control, or for which she had no opportunity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 27, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 30, 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 1, 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 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 the path to self-sufficiency. 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." However, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

EA benefits are limited to 12 months, plus limited extensions for "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; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA benefits may be provided. *Ibid.* Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

The record indicates that on December 23, 2014, Petitioner and her family (consisting of her husband and two children) moved from New York to New Jersey to live with her friend in a one-bedroom apartment. See Initial Decision at 3. Petitioner's move to New Jersey was precipitated by the fact that her apartment building in New York was being foreclosed on. See *id.* at 2. Notably, Petitioner was given eviction notices on September 19, 2014, September 23, 2014, and October 25, 2014, prior to her actual eviction on December 3, 2014. *Ibid.* Thereafter, Petitioner applied for assistance in New York, where she was provided assistance in the form of a shelter placement. *Ibid.* However, Petitioner was discharged from the shelter program on December 23, 2014, because she was ineligible for homeless services. *Ibid.* The record is devoid of any explanation as to why Petitioner was ineligible for continued assistance in New York. Also, the record is silent as to whether Petitioner appealed the New York Agency's determination.

Immediately after her eviction from the shelter in New York, Petitioner moved to New Jersey, and applied for an extension of EA benefits under the extreme hardship extension (she had already received 12 months of EA benefits from when she had previously resided in New Jersey), and was denied because she moved to New Jersey without a plan, thereby causing her own imminent homelessness. See Initial Decision at 3-4; see also Exhibit R-17 at 1-2. Accordingly, the Agency imposed a six-month period of ineligibility for EA benefits. See Exhibit R-12.

Although the Agency does not elaborate on the reasoning behind its denial, I find that Petitioner had from September 2014 to December 2014 to plan for substitute housing, and the decision to move a family of four into a friend's one-bedroom

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apartment, in another state, does not constitute a reasonable plan for stable housing. Indeed, Petitioner's "plan" for housing appears grounded on her receipt of EA benefits in New Jersey. Further, it does not appear from the record that Petitioner made any inquiries and arrangements to ensure she had stable housing prior to moving to New Jersey. Therefore, the Agency correctly denied Petitioner EA benefits and imposed a six-month period of ineligibility.

By way of comment, the Agency shall refer the Petitioner to any programs, agencies, or resources which may assist her with her needs. Petitioner may reapply for an extension of EA benefits after her six-month penalty has expired (August 4, 2015) provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

By way of further comment, I note that the transmittal in this matter indicates an issue pertaining to the sanctioning of Petitioner's Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits. The Initial Decision, however, indicates that Petitioner came into compliance and the sanction was lifted prior to being imposed. See Initial Decision at 4, para. 19-20. As such, that issue is now moot and not addressed in this decision.

Finally, as the Petitioner indicated on her application for EA, Exhibit R-9, that she requires assistance obtaining treatment for her mental health issues, if it has not done so already the Agency shall refer the Petitioner to the Substance Abuse Initiative/Behavioral Health Initiative for an assessment.

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

Signed Copy on File

at DFD, BARA

APR 15 2015

Natasha Johnson
Director