



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 7385-15 V.T.

AGENCY DKT. NO. C323561 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA"). The Agency denied Petitioner's request because she was ineligible for the Housing Hardship Extension ("HHE") and Housing Assistance Program ("HAP") extension programs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 29, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision in this matter.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). 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, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). In the event the recipient's extreme hardship continues to exist

Page 2

at the expiration of the six-month extension period, an additional six months of EA may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, they may qualify an extension of EA under the HHE pilot program, which expands upon the granting of EA extensions for WFNJ/TANF recipients. N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit on EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA. *Ibid.*

HAP is another pilot program which also expands upon the granting of EA extensions. However, HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1).

To be eligible for HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance (RSDI) and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

The record in this matter reflects that Petitioner is a former WFNJ/TANF recipient with four children; three boys and one girl. See Initial Decision at 3. She currently receives income from her eight-year old son's SSI and has another SSI application pending for her 18-month old son. *Ibid.* Petitioner's TANF benefits ended on April 1, 2015 and she currently receives a monthly income of \$1,124.00. *Ibid.* Petitioner stated she fell on hard times due to the death of her mother on December 7, 2014, and has been unable to pay rent since. *Ibid.* The Agency denied Petitioner's final EA application on May 15, 2015, since she had received 44 months of EA previously and failed to pay any of her \$8,306.00 in rent arrearages. *Id.* at 5; see also Exhibit 5. The ALJ affirmed the Agency's decision also finding Petitioner failed to comply with WFNJ program requirements by failing to pay any portion of her rent and failing to notify the Agency that her plan to move to Washington, D.C. had changed. *Id.* at 7.

I am in agreement with the Agency and the ALJ in this matter. Petitioner has made no effort to apprise the Agency of her financial situation nor has she made a good faith effort to make payments on her rent. As the ALJ stated, Petitioner has been able to

remain in the apartment due to the mercy of the landlord. Id. at 6.

By way of comment, a copy of the Initial and Final Decisions will be forwarded to the Department of Child Protection and Permanency, f/k/a the Division of Youth and Family Services, to ensure that the health, safety and welfare of the petitioner's children will be protected.

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

JUN 05 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director