



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 09819-18 A.A.

AGENCY DKT. NO. C160745007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency denied Petitioner an extension of EA benefits contending that she failed to comply with her EA service plan ("SP") by failing to complete housing searches. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 17, 2018, but was adjourned to September 24, 2018, to bring in an interpreter for Petitioner. On September 24, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 25, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

Here, the record reflects that Petitioner and her husband are Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipients who have received 24 months of EA benefits, and as such, they have exhausted their lifetime limit of EA benefits, plus all extreme hardship extensions. See Initial Decision at 2; see also GAWeb Payment History at 1-4, and N.J.A.C. 10:90-6.4(a), (b), (c). On April 26, 2018, Petitioner applied for an extension of EA benefits under PHASE. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.9. The Agency denied the extension, contending that Petitioner had failed to comply with an SP, which would have been executed when Petitioner had previously received EA benefits from March 10, 2016, through December 1, 2017, by failing to continue to conduct housing searches after her EA benefits had been terminated. See Initial Decision at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-6.6(a). Of note, an SP executed by Petitioner was not produced by the Agency at the hearing. See Initial Decision at 2. The ALJ found that, pursuant to the regulatory authority



set forth at N.J.A.C. 10:90-6.6(a), Petitioner was not obliged to continue to search for housing once suitable permanent housing had been found. *Id.* at 3. Moreover, I find that Petitioner was not required to comply with the terms of a prior SP during the time that she was not receiving EA benefits, and as such, I find that Petitioner has not failed to comply with an SP, which would have been a disqualifier for an extension of EA benefits under PHASE. See N.J.A.C. 10:90-6.6(a), -6.9(c)(5). It should also be noted that the documents submitted at the hearing indicate that Petitioner is on several wait lists for subsidized housing, and that she has applied for a Section 8 voucher. See "Newark Housing Authority" letter, dated April 10, 2018; "Regional Housing Authority" application, dated January 18, 2017; "Holyoke Housing Authority" application, dated January 17, 2017; "Housing Authority of the City of Redding" application, dated January 16, 2017; and "Housing Authority of the Township of Irvington" application, dated January 16, 2017.

Although Petitioner is now ten months behind in her rent, I find that, at the time she applied for EA benefits on April 26, 2018, she was only four months behind in her rent; that both she and her husband had valid 12-month MED-1 forms; and that both she and her husband had Supplemental Security Income ("SSI") benefits applications pending, for which they are represented by counsel. See Initial Decision at 2; see also Exhibit R-1; "Legal Services" letters, dated April 27 and 30, 2018; and "Examination Report," dated March 23, 2018. Further, Petitioner is in imminent danger of homelessness. See "Eviction Notice;" see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, I find that Petitioner is eligible for an extension of EA benefits under PHASE, and that the Agency is to provide Petitioner with back rent, as well as prospective EA benefits, provided she continues to need said benefits, and remains otherwise eligible for same. See N.J.A.C. 10:90-6.3(a)(5), (7), and -6.9.

Accordingly, I concur with the ALJ's reversal of the Agency's denial of EA benefits to Petitioner. See Initial Decision at 3-4; see also Exhibit R-2.

By way of comment, if Petitioner's landlord does not accept the Agency's payment of back rent and stop the eviction process, or if Petitioner has already been evicted, then the Agency shall provide Petitioner with EA benefits in a form to be determined by the Agency, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, Petitioner is advised that in accordance with PHASE she must continue to look for housing which will be accessible and affordable with the anticipated SSI benefit amount to be received by her and her husband, and that failure to do so may result in the termination of EA benefits.

See N.J.A.C. 10:90-6.9(b)(4).

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

Officially approved final version.

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Natasha Johnson
Director

