



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 3426-15 A.H.

AGENCY DKT. NO. C654137 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's EA/TRA request because she failed to plan for her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for an emergent hearing. On March 17, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On the same day, the ALJ issued an Emergent Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and hereby ADOPT the Initial Decision and REVERSE the Agency 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 a 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 relevant 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." N.J.A.C. 10:90-6.1(c).

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In relevant part, a lack of realistic capacity to plan exists where the assistance unit demonstrates that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing. N.J.A.C. 10:90-6.1(c)(1)(i).

I note initially that Petitioner is in imminent danger of homelessness, as indicated in the transmittal sheet, that Petitioner received an eviction notice and the matter has been stayed. The record shows that Petitioner moved from New York to New Jersey in August of 2014, with her disabled child, while still employed in New York. See Initial Decision at 3. However, Petitioner lost her job in October 2014 because there was a lack of work. Ibid. Petitioner had been receiving Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, as well as a thirty-dollar per-week payment for commuting assistance, in New York. Ibid. Petitioner's rent is \$1,050 per month. Ibid. Petitioner applied for EA in January of 2015, and the Agency denied the request on January 9, 2015. See Initial Decision at 3-4; Exhibit P-1 at 2. The reason the Agency denied Petitioner's EA request was for "Failure to Plan. Client moved from New York with an Emergency." See Exhibit P-1 at 2.

The ALJ, in his findings of fact, noted that the Agency presented no proof that Petitioner was ineligible for EA benefits. See Initial Decision at 2. Moreover, he concluded that the Petitioner did plan when she relocated to New Jersey, as she was continuing to work and she moved into more affordable housing with her disabled child. See Initial Decision at 3.

I agree with ALJ's reversal of the Agency's determination, as I find that the circumstances leading to Petitioner's request for EA/TRA were beyond her control and did not constitute poor planning on her part. That is, the loss of her job was through no fault of her own and she moved to more affordable housing when she moved to New Jersey. Moreover, as Petitioner is in imminent danger of homelessness, I find that the ALJ properly determined that Petitioner should receive EA/TRA retroactively to the time she first applied for EA/TRA assistance. With regard to prospective EA benefits, the Agency shall evaluate Petitioner for continued EA benefits, if needed, and subject to applicable eligibility criteria.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

MAR 30 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director