



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 2894-15 A.J.

AGENCY DKT. NO. C308050 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she is not in a state of homelessness or imminent homelessness due to circumstances beyond her control or in the absence of a realistic capacity to plan in advance for substitute housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 3, 2015, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 3, 2015, the ALJ issued an Initial Decision, which reversed 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 REVERSE 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). Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA shall not be provided for a period of six months when an applicant "has caused his or her

Page 2

own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

The record for this matter indicates that seven months ago Petitioner moved from North Carolina to New Jersey, and had not been receiving public assistance from the State of New Jersey since moving here. See Initial Decision at 2. Rather Petitioner had worked part-time, had received SSI benefits, and resided in a basement apartment where the rent was forgiven in exchange for maintenance work performed by her partner. See *id.* at 2, 3. Accordingly, I find the record establishes that Petitioner moved to New Jersey with a plan and therefore, the Agency could not impose a six-month period of EA ineligibility, for failure to plan, pursuant to this move. See *id.* at 3.

Further, the record establishes that Petitioner and her family are now homeless, having been illegally evicted by their landlord without proper notice or legal proceedings. *Ibid.* Specifically, Petitioner was, without warning, forced to leave and was locked out of her apartment by the new superintendent of the building. *Ibid.* Thereafter, Petitioner moved in with an upstairs neighbor, who was then evicted on or around February 23, 2015. See *Id.* at 2; see also Exhibit P-1. Consequently, on February 23, 2015, Petitioner applied for EA benefits and was denied because the Agency determined that she had the capacity to plan in advance for substitute housing and had the resources to pay rent. See Exhibit R-1 at 2. Having found Petitioner credible, the ALJ concluded, and I concur, that Petitioner did not get proper notice of her eviction and therefore did not have time to plan for substitute housing, whether or not she had the resources to pay rent. See Initial Decision at 3. Therefore, at the very least, the Agency should have provided Petitioner with EA benefits on an immediate needs basis. See N.J.A.C. 10:90-1.3(a)(2).

Here, I agree with the ALJ's finding that Petitioner is eligible for EA because she is homeless due to circumstances beyond her control, and that the Agency improperly denied EA benefits, and that the Agency shall determine the most appropriate form of EA benefits and number of EA units for Petitioner's situation. See N.J.A.C. 10:90-6.3(a)(1).

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

MAR 17 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director