



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

REMAND DECISION

OAL DKT. NO. HPW 12910-14 C.D.

AGENCY DKT. NO. GA499412 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

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 request as it asserts that Petitioner is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2014, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and entered documents into evidence.

On November 19, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. Petitioner is residing at a rooming house where the rent is \$650. See Initial Decision at 3. The ALJ notes that Petitioner has applied for Supplemental Security Income ("SSI") and is appealing a denial. *Ibid.* Petitioner also provided a MED-1 form at the hearing and has been in substantial compliance with her service plan and document requests from the Agency. *Ibid.* As such, the ALJ concluded that Petitioner was eligible to receive EA/TRA benefits. See *id.* at 3. The ALJ further directed that Petitioner is to provide proof of her SSI appeal and copy of the MED-1 form, together with any further documentation requested by the Agency. *Ibid.*

No Exceptions to the Initial Decision were filed by either party.

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 and REMAND this matter to the Agency for further clarification.

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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/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is eighteen months.

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ/GA 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). To be eligible for the 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). A WFNJ/GA client may also be eligible for EA under HAP when "there is recent documentation of long-term medical or psychological problems, which indicates that the recipient is unlikely to ever secure and/or maintain employment." See N.J.A.C. 10:90-6.10(a)(1)(iii).

The record in this matter is silent as to how many months of EA assistance Petitioner, who is a WFNJ/GA client, has previously received. As such, it is unclear if Petitioner has exhausted her lifetime limit of 12 months of EA assistance. If Petitioner has exhausted her lifetime limit, Petitioner may be eligible for an extreme hardship extension, see N.J.A.C. 10:90-6.4, or an extension of EA under the Housing Assistance Program ("HAP") pilot, see N.J.A.C. 10:90-6.10, based upon her purported SSI appeal status and MED-1.

Therefore, I am remanding this matter back to the Agency to clarify Petitioner's EA status and thereafter, to consider Petitioner's eligibility for any further EA benefits under the lifetime limit, if that has not been exhausted, or if it has, then under the extreme hardship extension or under HAP, contingent upon Petitioner providing the requisite documentation.

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Accordingly, the Initial Decision is hereby ADOPTED and the matter is REMANDED to the Agency for further clarification and evaluation consistent with this decision.

DEC - 1 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director