



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*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 14376-14 D.B.

AGENCY DKT. NO. C229071 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner an extension of EA benefits under HAP because she failed to meet the criteria required for eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 23, 2015, the ALJ issued an Initial Decision, which affirmed 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 AFFIRM the Agency's 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 the 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 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."

EA benefits are limited to 12 months, plus limited extensions for "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; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA benefits may be provided. *Ibid.* Thus, the maximum amount of EA benefits a WFNJ/TANF recipient may receive is 24 months.

HAP is a pilot program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance 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. See 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); see also N.J.A.C. 10:90-4.10(a)(2).

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all of the "extreme hardship" extensions, she may qualify for HHE, 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 benefits. *Ibid.*

Here, the record indicates that Petitioner has received 12 months of EA benefits, plus two six-month extreme hardship extensions, for a total of 24 months of EA benefits. See Initial Decision at 2. Further, the record indicates that Petitioner's application for SSI was denied, and there is no indication that she appealed that denial. *Ibid.* Additionally, Petitioner has not provided a MED-1 form indicating at least 12 months of disability, which is also required to establish HAP eligibility. See Initial Decision at 2. Accordingly, the ALJ found, and I concur, that Petitioner is not eligible for an extension of EA benefits under HAP at the present time. See *id.* at 3; see also N.J.A.C. 10:90-6.10(a)(1)(i).

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Further, in her application for an extension of EA benefits, Petitioner states that she is unable to work due to medical problems. See Exhibit R-3 at 3. In order to be eligible for an EA extension under HHE, Petitioner must be employable. Accordingly, based upon the record presented, I find that Petitioner is not eligible for HHE at this time.

Petitioner is without prejudice to reapply for an extension of EA benefits under either HAP or HHE if she is able to meet the regulatory criteria discussed above, provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

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

APR 21 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director