



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 15934-14 D.T.

AGENCY DKT. NO. C044336 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his request for continued Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner's request for further EA benefits under HAP because it concluded that Petitioner's income exceeded his shelter costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On February 3, 2015, the ALJ issued his Initial Decision reversing the Agency's determination.

Exceptions were filed by the Agency on February 10, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I REJECT the Initial Decision and AFFIRM 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).

In order to be eligible for EA, the recipient must demonstrate that his shelter costs equal or exceed the total income available to his assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the Agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2). Moreover, Supplemental Security Income ("SSI") status does not automatically qualify an applicant for EA benefits, nor is EA eligibility criteria different for Work First New Jersey and SSI individuals. An SSI applicant must still meet the criteria for EA benefits as set out at N.J.A.C. 10:90-6.1, including an evaluation of all support available to the household and whether the individual's income exceeds his shelter costs. See N.J.A.C. 10:90-6.1(a)(1) and -6.1(c)(2); see also *DiMaria v. Board of Trustees of the PERS*, 225 N.J. Super. 341, 351(App. Div. 1988)(stating that "[a]n agency's interpretation of its own regulations is entitled to substantial deference"). Finally, it is important to note that EA benefits are not infinite in duration for any recipient.

An assistance unit ("AU") may qualify for EA benefits when the AU demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii). Items deemed appropriate, include, but are not limited to, food, clothing, housing, attending the funeral of a family member, excessive unreimbursed medical expenses, or car payment or repairs. *Ibid.*

Based on a review of the record, Petitioner's AU receives SSI in the amount of \$1,494.00 per month, \$162.00 in TANF benefits per month, and an undisclosed amount of Supplemental Nutrition Assistance Program, *f/k/a* the Food Stamp Program, benefits. See Exhibits R-1 at 6, 13. On October 27, 2014, Petitioner entered into a one-year lease. See Exhibit R-1 at 16. Petitioner's rent is \$1,558 per month, which includes all utilities. See Initial Decision at 2. The record reveals that, on October 28, 2014, the Agency approved Petitioner for EA benefits in the form of a security deposit, only, finding that he had sufficient income to pay all future rent. *Ibid.*

I concur with the Agency's decision in this matter, in that Petitioner had sufficient monthly income to pay his future rent. However, here, the record lacks details regarding any necessary expenses of Petitioner. Accordingly, Petitioner may qualify for additional EA benefits in the future if he can provide documentary support showing his rent and other necessary expenses exceed his monthly income. See N.J.A.C. 10:90-6.1(c)(1)(ii). As such, Petitioner is without prejudice to reapply for an extension of EA benefits under HAP should his circumstances change, provided he continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.10(a).

Based upon the foregoing, the Initial Decision in this matter is REJECTED and the Agency's determination is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

MAR 26 2015

Jeanette Page-Hawkins
Director