



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 11599-14 J.C.

AGENCY DKT. NO. C132738 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals the Respondent Agency's denial of an extension of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot program, N.J.A.C. 10:90-6.9. The Agency denied Petitioner's extension because it contended that Petitioner had been terminated from subsidized housing, thereby precluding eligibility under HHE. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On November 7, 2014, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 20, 2014, the ALJ issued an Initial Decision which reversed the Agency determination. The ALJ noted that Petitioner had previously exhausted her 12-month lifetime limit of EA and had received two 6-month extreme hardship extensions under N.J.A.C. 10:90-6.4. See Initial Decision at 4. The ALJ further noted that in 2011, Petitioner had vacated housing subsidized by the State Rental Assistance Program ("SRAP") when she lost her employment and then went to reside with her mother in a neighboring state. See *id.* at 2. The ALJ opined that the Agency's reliance upon the December 28, 2011, Department of Community Affairs ("DCA") notice to Petitioner terminating her from SRAP for not notifying the Agency of her vacating the premises, see Exhibit R-7, did not meet the enunciated "prohibited" reasons set forth in N.J.A.C. 10:90-6.9(c)(2). See *id.* at 4. The ALJ therefore concluded that the Agency's reliance on the December 28, 2011 notification as the basis for denying Petitioner's application under HHE was improper. See *id.* at 5. However, the ALJ also found that Petitioner had not met her burden in establishing that she was otherwise eligible for an EA extension under HHE. *Ibid.*

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination as premised upon the DCA notification.

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/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). 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 may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

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

The record in this matter indicates that Petitioner receives WFNJ/TANF and has exhausted her 12-month lifetime EA limit and two 6-month extreme hardship extensions. In denying Petitioner for a further EA extension under HHE, the Agency relies on N.J.A.C. 10:90-6.9(c)(2), which precludes eligibility for WFNJ/TANF recipient "who were evicted from [subsidized housing] due to property destruction, failure to pay rent, or other behaviors resulting in eviction."

I concur with the ALJ that Petitioner's failure to notify DCA that she had quit the apartment and moved to another state to reside with her mother does not rise to the level of the "prohibited" forms of conduct, nor did her omission result in an eviction. As such, I agree that the Agency's reliance upon the December 28, 2011 DCA notification as the basis for denial of HHE was improper.

However, the ALJ also concluded that Petitioner did not meet her burden to establish that she is, in fact, eligible for an extension of EA under HHE. As such, Petitioner is without prejudice to reapply for an EA extension, if her housing emergency continues

and if she is otherwise eligible for WFNJ/TANF benefits.

For the foregoing reasons, I hereby ADOPT the Initial Decision and REVERSE the Agency determination based upon the December 28, 2011 DCA notification.

**JAN - 7 2015**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director