



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*  
Tel. (609) 588-2000

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 9666-14 K.J.

AGENCY DKT. NO. C462699 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 5, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 6, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As 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.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied EA because Petitioner did not document a pending eviction from her sister's apartment. Petitioner has since produced an eviction letter from her sister.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where 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." N.J.A.C. 10:90-6.1(c).

A pending eviction or foreclosure must be documented, either through a tenancy complaint or a court order. N.J.A.C. 10:90-6.3(a)(1)(ii). "Where such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to Agency verification, stating that eviction is imminent or has occurred shall be accepted by the Agency." Ibid.

The ALJ found Petitioner initially did not have sufficient documentation of an imminent eviction. However, she has since obtained the requisite documentation. I note the ALJ's additional findings that Petitioner's continued occupancy is a breach of the sister's lease agreement and contributes to substantial overcrowding of the unit.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

*Signed Copy on File*  
at DFD, BARA

**AUG 15 2014**

\_\_\_\_\_  
Jeanette Page-Hawkins  
Director