



## 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 12488-14 K.R.

AGENCY DKT. NO. C273699 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA because she had previously refused a shelter placement and imposed a six-month penalty. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2014, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On October 1, 2014 the ALJ issued an Initial Decision, which reversed the Agency's action. The ALJ concluded that the Agency's denial of EA was inappropriate because Petitioner is facing imminent homelessness as a result of her need to vacate her apartment due to a transfer in ownership of her apartment building. The ALJ also found the imposition of a six-month penalty inappropriate and ordered the Agency to rescind the sanction.

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 record, and I AFFIRM and MODIFY the ALJ's Initial Decision. Here, I agree with the ALJ's finding that Petitioner is eligible for EA because she is imminently homeless, and that the Agency inappropriately applied a six-month penalty under the circumstances. Also, as briefly mentioned in the ALJ's Initial Decision, in light of Petitioner's need to vacate her apartment due to a change in ownership, the issue of back rent and utilities for the apartment is moot.

However, I modify the Initial Decision in order to address Petitioner's specific request for EA in the form of TRA. Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing includes placement in a shelter. Ibid. Therefore, if the shelter placement that was previously offered to Petitioner is still available and appropriate, Petitioner is urged to reconsider that shelter placement. But, if the shelter identified at the hearing is no longer available, then the Agency shall provide Petitioner with other shelter or EA options. Moreover, because TRA is the preferred form of EA, Petitioner and the Agency should work together to locate more permanent affordable housing. N.J.A.C. 10:90-6.3(a)6.

By way of comment, should Petitioner and her child be placed in a shelter outside the Montclair school district, the Agency shall assist Petitioner with arranging for and coordinating transportation to and from school with the Petitioner's school district. See N.J.A.C. 6A:27-6.2 (defining school district responsibility for the transportation of homeless students).

Accordingly, the Initial Decision is AFFIRMED and MODIFIED.

**OCT 23 2014**

*Signed Copy on File*  
at DFD, BARA

---

Jeanette Page-Hawkins  
Director