



State of New Jersey

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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 1976-15 M.G.

AGENCY DKT. NO. C190217 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit. The Agency denied Petitioner EA benefits because there was no emergency, as she was not homeless or in imminent danger of homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 17, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 17, 2015, the ALJ issued an Initial Decision, which reversed 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 REJECT the ALJ's 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).

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Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid.

Pursuant to N.J.A.C. 10:90-6.3(b), "The county or municipal agency may authorize payment for security deposits when a [Temporary Rental Assistance] TRA is being provided. Issuance of a new security deposit shall not be contingent upon return of the previous deposit."

The record indicates that Petitioner moved into Section 8 housing on January 1, 2015. See Initial Decision at 2; see also Exhibit R-1. Additionally, Petitioner had already paid her January and February 2015 rent. See Initial Decision at 3. Thereafter, Petitioner applied to the Agency for EA benefits in the form of a two-month's security deposit, and was denied. Id. at 2. Here, Petitioner testified that she may be in jeopardy of losing her Section 8 housing if the full security deposit is not paid. Id. at 3. Based on the foregoing, and relying on N.J.A.C. 10:90-6.4(b)(1)(ii), the ALJ found that Petitioner was in imminent danger of homelessness, and that there was imminent danger of the break-up of her family. Id. at 3. I respectfully disagree, based on the following.

First, Petitioner has not provided any documentation indicating that she must pay a two-month security deposit. Rather, the lease, submitted into evidence, does not indicate that a security deposit is required or in what dollar amount. See Exhibit R-1. Additionally, Petitioner has not provided any documentation demonstrating that an eviction has occurred or is pending, as required for EA eligibility pursuant to N.J.A.C. 10:90-6.1(c). See Initial Decision at 2. Therefore, I find that Petitioner has not provided any evidence to substantiate that a security deposit is required by her landlord, and that she is in danger of imminent homelessness. Accordingly, I find that the Agency properly denied Petitioner EA benefits.

Finally, N.J.A.C. 10:90-6.4(b)(1)(ii), relied upon by the ALJ in reversing the Agency's determination, is not relevant here, as it plainly speaks to the time limitations regarding an extension of EA benefits, and not to the availability of EA benefits as set out in N.J.A.C. 10:90-6.1.

By way of comment, Petitioner is without prejudice to reapply for EA benefits if she should become homeless, or is in imminent danger of homelessness; and can provide the Agency with documentation of an eviction or pending eviction, as discussed above.

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

Signed Copy on File

at DFD, BARA

FEB 27 2015

Jeanette Page-Hawkins
Director