



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 14414-14 M.L.

AGENCY DKT. NO. GA923894 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot and the Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner EA benefits under HAP and HHE because he failed to meet the criteria required for eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 2, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 13, 2015, the ALJ issued an Initial Decision, which affirmed 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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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 the path to self-sufficiency. 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(c) 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."

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/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is eighteen months.

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to twenty-four months to WFNJ/GA and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a). To be eligible for the HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

HHE is another pilot program which also expands upon the granting of EA extensions, but only for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients, not WFNJ/GA benefits recipients. See N.J.A.C. 10:90-6.9.

Here, the record indicates that Petitioner is a WFNJ/GA recipient and has received more than 24 months of EA benefits, well beyond the allowable 18 months for WFNJ/GA recipients. See Initial Decision at 2. The record further indicates that Petitioner applied for SSI and his approval is pending. *Ibid.* Additionally, Petitioner provided the Agency with a MED-1 form indicating a three-month disability. *Id.* at 3. Further, Petitioner is employed part-time. *Id.* at 2.

Based on the foregoing facts, I find, that although Petitioner has applied for SSI, he has not provided a MED-1 form substantiating a 12-month disability required to meet the two-prong criteria for HAP eligibility. See N.J.A.C. 10:90-6.10(a)(1)(i). Therefore, I concur with the ALJ's conclusion, finding that Petitioner is ineligible for an extension of EA benefits under HAP. See Initial Decision at 4.

Additionally, the ALJ found, and I concur, that Petitioner is not eligible for EA benefits

under HHE because he is not a WFNJ/TANF recipient. Id. at 3.

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

Signed Copy on File

at DFD, BARA

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Natasha Johnson
Director