



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

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Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 5223-15 M.M.

AGENCY DKT. NO. C404062 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application on the basis Petitioner was not listed on her mother's lease. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On April 22, 2015, the CALJ issued her Initial Decision, which reversed the Agency's denial of EA benefits.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and I hereby ADOPT the Initial Decision of the CALJ and REVERSE 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."

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).

Contrary to the Agency's determination that Petitioner was not listed on the lease when it denied her application, the documents submitted with Petitioner's application are not ambiguous. Indeed, one document is the lease that clearly lists Petitioner as of February 1, 2015, and further confirms Petitioner agreed to pay \$375 a month for her room. See Exhibit R-2. Even though the letter from Petitioner's mother states that Petitioner is not on the lease, the lease speaks for itself. See Exhibit R-3. The March 30, 2015, letter from the landlord advising Petitioner to vacate the premises by April 1, 2015, is also not ambiguous. See Exhibit R-4. Not only did the landlord know Petitioner was residing in the attic as a tenant, he apparently went through the process of obtaining a warrant of removal on April 1, 2015, to ensure Petitioner did vacate the premises when she did not pay her rent. See Exhibit R-6.

Accordingly, the proper inquiry in this matter is whether Petitioner's homelessness is based upon her failure to plan. Admittedly, moving to an apartment for \$375 a month when Petitioner only received \$322 in WFNJ/TANF benefits, coupled with Petitioner relying upon a friend to pay her rent, was not proper planning. See Initial Decision at 3. However, the facts surrounding the short period of time between Petitioner leaving her previous abusive home; to Petitioner not receiving her complete WFNJ/TANF payment until March 2015, resulting in Petitioner's current homelessness, support the conclusion Petitioner's homelessness is not due to a failure to plan. *Id.* at 4.

As Petitioner states that she has been a victim of domestic violence, if it has not done so already, the Agency shall refer Petitioner for a Family Violence Option Risk Assessment. N.J.A.C. 10:90-20.1 et seq.

Based upon the foregoing, the Initial Decision is ADOPTED and the Agency action is REVERSED.

MAY 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director