



## 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 3246-15 R.C.

AGENCY DKT. NO. C112563 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her request for an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner's request for an extension of EA benefits under HAP because it concluded that Petitioner's income exceeded her shelter costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 8, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On April 24, 2015, the ALJ issued his Initial Decision affirming the Agency's determination. Exceptions were received from Petitioner on May 4, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter, and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the 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).

Here, as found by the ALJ, Petitioner provided no evidence that she was in a state of homelessness or imminent homelessness in the filing of her application with the Agency for an extension of EA under the HAP pilot or at the hearing and therefore Petitioner is not eligible for EA/TRA under HAP. See Initial Decision at 4. As a documented showing of homelessness or imminent homelessness is a threshold eligibility requirement for receipt of EA/TRA benefits, I concur with the ALJ's ineligibility finding in the matter. As I am in agreement with the ALJ, my decision therefore is limited to the dispositive issue in the matter of Petitioner's failure demonstrate that she is eligible for EA/TRA benefits pursuant to the regulatory requirements of the HAP pilot.

I have read Petitioner's exceptions, and they did not alter my decision in the matter.

Accordingly, Petitioner may qualify for additional EA benefits in the future if she should become in danger of imminent homelessness and is able to document, for example, that her rent and other appropriate, necessary or reasonable expenses exceed her monthly income thereby causing the circumstance of imminent homelessness, through no fault of her own, to present itself. See N.J.A.C. 10:90-6.1(c)(1)(ii). As such, Petitioner is without prejudice free to reapply for such EA should her circumstances change, provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.10(a).

By way of comment, although the record indicates that Petitioner has received 17 months of EA/TRA, See Initial Decision at 4; see also Exhibit R-1 at 1, Petitioner, by way of her exceptions, disputes that number. Therefore, for purposes of clarification, the Agency is directed to investigate the total number of the EA/TRA benefits that have been received by Petitioner to date and then provide her with a written statement detailing its conclusions.

Based upon the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is hereby AFFIRMED.

MAY 30 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director