



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development

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*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

REMAND DECISION

OAL DKT. NO. HPW 11993-15 R.M.

AGENCY DKT. NO. V703983 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he had exhausted his lifetime limit of EA benefits, including two six-month extreme hardship extensions, and failed to provide documentation of actual or imminent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 19, 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 ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency based on the discussion below.

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(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior

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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).

If an SSI recipient exhausts their 12-month lifetime limit for EA benefits, plus any applicable extreme hardship extensions, the recipient may receive additional EA benefits under the Housing Assistance Program ("HAP"), which is a pilot program that expands upon the extensions of EA benefits. See N.J.A.C. 10:90-6.10. HAP was designed to provide additional housing assistance for up to 24 months to Work First New Jersey and SSI recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a).

When an SSI recipient qualifies for EA benefits, the "county/municipal 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." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter, hotel/motel, transitional housing, or shelters for victims of domestic violence. *Ibid.*

Here, the record shows that Petitioner receives SSI due to a mental disability, and has been homeless since 2014. See Initial Decision at 3. Based on Petitioner's testimony, the ALJ concluded that due to his mental health condition, shelter placement was not appropriate for him. *Id.* at 2. Additionally, the ALJ found, and I agree, that Petitioner's 2014 eviction is too remote in time to make the production of eviction documentation a condition of his EA eligibility, and subsequent denial of EA benefits. *Id.* at 4. Accordingly, the ALJ found that the Agency improperly denied Petitioner EA benefits on that basis. *Ibid.* Further, I find that the Agency may not deny Petitioner EA benefits on the grounds that he refused shelter placement, particularly when it appears from the record that the Agency knew of his mental health issue, and recognized that a shelter was not an appropriate placement for him. *Id.* at 2, 5.

However, the record indicates that Petitioner has received 26 months of EA benefits and therefore has exhausted his 12-month lifetime limit of EA benefits, plus all applicable six-month extreme hardship extension(s), and is only eligible for an extension of EA benefits under HAP. *Id.* at 3; see also N.J.A.C. 10:90-6.10. Additionally, the record

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indicates that Petitioner was not considered for HAP when he applied for EA benefits on June 9, 2015. See Initial Decision at 3. Accordingly, the ALJ found that the Agency is to reevaluate Petitioner for HAP eligibility, and place him in temporary housing, other than a shelter, while the Agency is reevaluating his EA eligibility. Id. at 5, 6. I concur.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the foregoing discussion.

**AUG 24 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director