



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director

Tel. (609) 588-2000

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 331-15 R.M.

AGENCY DKT. NO. C125232 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because her housing is not affordable and it is not anticipated to become affordable. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2015, the Honorable Sandra Ann Robinson, 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 Deputy 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." 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).

Pursuant to N.J.A.C. 10:90-6.1(c)(2), "As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance (see N.J.A.C. 10:90-6.3(a)(5)) to be provided, and the specific kinds of preventative services which may be required by the individual, couple without dependent children or family with dependent children."

EA benefits, in the form of Temporary Rental Assistance ("TRA"), may be provided "when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues." N.J.A.C. 10:90-6.3(a)(6).

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rental (FMR), as established by [HUD] for the county of residence."

The record indicates that Petitioner applied for EA benefits on or about December 16, 2014. See Exhibit R-1. At that time, her assistance unit consisted of herself, her grandchild, and a male roommate. See Initial Decision at 5. At the time of her application, Petitioner was required to provide information regarding her male roommate's income, but did not. *Id.* at 5-6. The record further indicates that Petitioner's rent is \$1,300 per month and her monthly income is \$1,116. *Id.* at 2. At the time of the hearing, Petitioner was behind on her rent for the months of November and December of 2014; and January and February of 2015. See Exhibit P-2 at 4. Consequently, Petitioner is now facing eviction. See Initial Decision at 4.

At the hearing, Petitioner testified that she could no longer afford to pay her rent "without a contributor." *Id.* at 4. Although this testimony alluded to the fact that her male roommate had moved out, the record indicates that he is still residing in the home, yet his income, or lack thereof, had not been provided. *Id.* at 1, 3, 5. Further, Petitioner provided no evidence indicating that her roommate ever contributed any monies toward payment of his share of the rent. Accordingly, I agree with the ALJ's finding, that the Agency must make a determination of EA eligibility based on the totality of the AU's financial resources, that Petitioner failed to provide all the required financial information, and therefore, the Agency's denial of EA benefits was proper. *Id.* at 6; see also N.J.A.C. 10:90-6.1(c)(2).

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Additionally, I concur with the ALJ's finding that Petitioner is unable to afford the rent herself, and it is unlikely that such housing will again become affordable unless she finds another contributor. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(a)(6). Further, the Agency found that even when her roommate was residing in the home, Petitioner was unable to pay her rent. See Initial Decision at 2, 3. Accordingly, Petitioner is ineligible for EA benefits. See N.J.A.C. 10:90-6.3(a)(6). Moreover, the record is devoid of enough substantive evidence to determine if the cost of her apartment exceeds the allowable FMR for Essex County. See N.J.A.C. 10:90-6.3(a)(7).

As the record indicates that the Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's grandchild.

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

MAR 20 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director