



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

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 14404-14 S.B.

AGENCY DKT. NO. C084160 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application asserting that Petitioner was not homeless or in an imminent state of homelessness due to circumstances beyond the Petitioner's control or for which there was an absence of the realistic capacity for her to plan for the housing emergency. 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 into evidence. On February 2, 2015, the ALJ issued an Initial Decision, affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and having made an independent evaluation of the record, I MODIFY the 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 a 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 relevant 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." N.J.A.C. 10:90-6.1(c). Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

A lack of realistic capacity to plan exists where the assistance unit demonstrates that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing. N.J.A.C. 10:90-6.1(c)(i).

Here, the record shows that Petitioner was living with her a friend at the time of her EA application, dated September 30, 2014, and had been living with her since October of 2013. See Initial Decision at 2. The Agency asserted that during the lengthy time Petitioner was living with her friend, she had ample time to plan for alternate housing. Ibid. Based upon these facts, the ALJ in this matter concluded that Petitioner was not homeless due to circumstances beyond her control for which Petitioner had no opportunity to plan. See Initial Decision at 3. I agree.

Based upon this finding, Petitioner is hereby subject to a six month period of EA ineligibility, see N.J.A.C. 10:90-6.1(c)(3), which is applied from the date the Agency denied EA benefits, or October 1, 2014. Because the ALJ did not address the six month period of ineligibility, and I find it to be applicable here, it is on this basis that I MODIFY the Initial Decision. Petitioner may reapply for EA benefits on April 1, 2015, provided that she is in need of EA and is otherwise eligible pursuant to N.J.A.C. 10:90-6.1.

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

APR - 6 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director