



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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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 9347-14 S.R.

AGENCY DKT. NO. C499130 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21 and 26, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. On August 26, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families.

Petitioner promptly applied for EA after she was accepted to live in subsidized housing and received notice she could no longer live with her mother. Without contradiction, Petitioner contended the Agency denied EA because she had lived with her mother for over 6 months. The ALJ found no credible support for the Agency determination. I agree.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

EA is available where 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).

A lack of a realistic capacity to plan exists when the applicant can demonstrate “there was insufficient time to secure housing between receipt of notice of imminent loss of housing and ... actual loss of prior permanent housing.” N.J.A.C. 10:90-6.1(c)(1)(i).

“A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for an eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity ..., subject to agency verification, stating that eviction is imminent or has occurred shall be accepted by the agency.” N.J.A.C. 10:906.3(a)(1)(ii).

There is sufficient credible evidence Petitioner is facing imminent homelessness and did not have a realistic capacity to plan for substitute housing. In contrast, there is no credible support for the denial of EA.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

OCT 23 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director