



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Chris Christie  
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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 2142-15 S.S.

AGENCY DKT. NO. C108725 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner's application for HAP because she is ineligible under the HAP criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2015, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On March 18, 2015, the ALJ issued an Initial Decision, which affirmed 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 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 to self-sufficiency. N.J.A.C.10:90-6.1(a). EA benefits are available to recipients of Work First New Jersey (WFNJ) benefits 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).

By law, EA benefits are not unlimited. See N.J.A.C. 10:90-6.4 (limiting EA to a lifetime limit of 12 cumulative months, plus two six-month extreme hardship extensions). If a WFNJ recipient has exhausted his or her 12-month lifetime limit for EA benefits, plus two six-month extensions, the recipient may be eligible to receive additional EA benefits under HAP, a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to 24 months to former EA recipients facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a). However, a person is ineligible for HAP unless he or she has shown good cause for the occurrence of certain prior actions or inactions. One category of ineligibility is a recipient's non-compliance with Section 8 housing rules and regulations, resulting in the loss of Section 8 affordable housing. N.J.A.C. 10:90-6(b)(1).

Based on the facts contained in the record, I agree with the ALJ that the Agency properly denied Petitioner an extension of EA under HAP. Initial Decision at 4-5. Petitioner, a WFNJ/TANF recipient, requested a HAP extension because she has exhausted her lifetime limit of EA plus two six-month extreme hardship extensions. Initial Decision at 5. However, Petitioner is ineligible for HAP because Petitioner was evicted from Section 8 housing in 2012 for non-payment of rent despite the fact that she was receiving both TANF and child support at that time. Initial Decision at 4. Because Petitioner could not show good cause as to why she was evicted from Section 8 housing under those circumstances, the ALJ found Petitioner ineligible for HAP in accordance with N.J.A.C. 10-90-6(b)(1). Initial Decision at 5.

Pursuant to instructions contained in the ALJ's Order, the Agency shall refer Petitioner to the Division of Child Protection and Permanency (DCP&P) to see if that Agency may afford some interim assistance to Petitioner and her children. Therefore, a copy of the Initial and Final Decisions shall be sent to the DCP&P.

Accordingly, the Initial Decision is ADOPTED and the Agency action is AFFIRMED

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director

**MAY 18 2015**