



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 11769-14 T.A.

AGENCY DKT. NO. V602737 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA, as it maintained that Petitioner had caused her own homelessness and refused to go to a shelter, as had been agreed to in resolution to Petitioner's prior Fair Hearing request. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and following an independent review of the record, I hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency 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). When a WFNJ recipient qualifies for EA, 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

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services provided." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. *Ibid.* TRA is the preferred form of emergency housing assistance in all situations, as appropriate. N.J.A.C. 10:90-6.3(a)(6).

On September 19, 2014, the ALJ issued his Initial Decision reversing the Agency's determination. The ALJ noted that Petitioner had previously been evicted from her former apartment for nonpayment of rent. See Initial Decision at 2, para. 2. Petitioner applied for EA, which the Agency denied, and Petitioner requested a Fair Hearing. In resolution to the Fair Hearing request, it was agreed that the Agency would place Petitioner in a shelter and assist her in finding an apartment. See *id.* at 2, para. 3; see also Exhibit R-1. Petitioner then went to the Agency, but refused to go to the shelter offered. See *id.* at para. 5, 10. The Agency thus denied Petitioner EA, asserting that it had complied with the terms of the Stipulation of Settlement, yet Petitioner refused placement, thereby causing her own homelessness. See Exhibit R-1 (Adverse Action Notice dated September 10, 2014).

In reversing the Agency's action, the ALJ concluded, and I agree, that the Petitioner had good cause to decline placement at that shelter, opining, "... [Petitioner] has limited eyesight and she had nowhere to go outside the time when she could stay at the shelter. Under the circumstances, [Petitioner] had good cause to decline a placement in a shelter." See Initial Decision at 3. Moreover, the ALJ further maintained that while the Agency had completed part of its Agreement by placing Petitioner in a shelter, it had not completed the remaining part of the Agreement as it had not assisted Petitioner with finding an apartment. *Ibid.* Thus, the ALJ ordered that the Agency's denial of EA be reversed and that the Agency proceed to assist Petitioner in locating an apartment as had been previously agreed upon. *Ibid.*

However, the parties are reminded that the Agency is responsible for determining the most appropriate form of EA "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). With respect to the most appropriate form of EA, temporary rental assistance is the preferred form of EA in all situations, as appropriate. N.J.A.C. 10:90-6.3(a)(6).

As such, the Petitioner is urged to accept the placement that the Agency determines to be most appropriate for her based upon her limited eyesight. While Petitioner resides in the shelter or other suitable EA placement, she may work with the Agency to complete the necessary paperwork for an apartment she has located, and if that apartment is not approved, she must continue to reside in the shelter or other EA placement during her search for more permanent affordable housing.

By way of comment, the Agency shall refer the Petitioner to the Commission for the Blind and Visually Impaired as well as any other agencies or programs which may assist her.

Accordingly, the Initial Decision of the ALJ is hereby ADOPTED and the Agency's actions are REVERSED.

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director