



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 13200-14 T.G.

AGENCY DKT. NO. C104827 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). Respondent denied Petitioner's application for EA benefits because she entered into a lease knowing the monthly shelter expenses were greater than her income. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 18, 2014, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 25, 2014, 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 action.

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).

N.J.A.C. 10:90-6.3(a)(6) states that EA/TRA benefits “may be provided when the recipient is facing eviction, in order to maintain current permanent housing which has previously been affordable but which is no longer affordable for reasons such as, but not limited, 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.”

According to the facts of this case, the Petitioner moved into an apartment on August 4, 2014. The rent for the apartment was \$1,000 per month and both the Petitioner and her husband knew at the time they moved in that the monthly rent exceeded their income. See Initial Decision at 2. Petitioner and her husband both testified that they had hoped to pick up more hours at work so as to be able to afford the rent, however that did not happen. Ibid. The ALJ therefore concluded that Petitioner entered into a new lease for an apartment that was unaffordable, remains unaffordable and is not anticipated to become affordable. Ibid.; see also N.J.A.C. 10:90-6.3(a)6.

I agree with the ALJ that Petitioner entered into a lease agreement for housing that was not “previously affordable” for her family based on the funds available to her at the time, and our regulations do not permit a recipient to move into unaffordable housing and then seek EA assistance. Further, the record does not indicate that the Petitioner is homeless or in imminent danger of homelessness, and is not facing eviction. See Initial Decision at 2-3. Accordingly, Petitioner is not eligible for EA benefits at this time.

Based on the foregoing, the Initial Decision is ADOPTED and the Agency's determination AFFIRMED.

JAN 20 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director