



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 14080-14 T.H.

AGENCY DKT. NO. C462915 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA"). Because the Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 14, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party submitted exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law that are contained in the Initial Decision.

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 already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Where such documentation does not exist, a letter from a landlord stating that an eviction is imminent or has occurred, subject to agency verification, shall be accepted by the Agency. Ibid.

The record for the present matter indicates that the Petitioner applied for an extension of EA and was subsequently denied by the Agency for failing to qualify for an extension. The Petitioner produced a letter from her landlord which indicated that she had not paid her rent and had until November 1, 2014 to vacate the premises. Exhibit P-1. While the letter from her landlord may have been sufficient to establish that she was imminently homeless under N.J.A.C. 10:90-6.3(a)(1)(ii), during the hearing the Petitioner testified that her landlord did not intend to bring an eviction. Initial Decision at 3. As such, the ALJ concluded, and I agree that the Petitioner is not imminently homeless and thus not eligible for EA at this time.

Petitioner is free to complete a new application for EA, but must demonstrate that she is imminently homeless as required by N.J.A.C. 10:90-6.3(a)(1)(ii). Should the Petitioner complete a new EA application, the Agency is instructed to evaluate her for an EA extension under both the Housing Hardship Extension pilot, N.J.A.C. 10:90-6.9, and the Housing Assistance Program pilot, N.J.A.C. 10:90-6.10. In evaluating the Petitioner for an EA extension under these programs, the Agency shall take into consideration the Med-5 form dated August 1, 2014, which indicates that Petitioner is able to work full-time but must be available for medical appointments as needed. Exhibit R-2.

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

NOV 28 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director