



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 11705-14 T.P.

AGENCY DKT. NO. V112685 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits and denial of an extension of EA benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner EA benefits because she had received her 12-month lifetime limit of EA benefits, and denied Petitioner an extension of EA benefits under HAP because she had sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 30, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions were filed by the Petitioner on January 8, 2015.

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 for Supplemental Security Income ("SSI") recipients is to minimize the incidence of homelessness among the SSI recipient population. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, the recipient must demonstrate that her shelter costs equal or exceed the total income available to her assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of

EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2). To clarify, SSI status does not automatically qualify an applicant for EA benefits, nor is EA eligibility different for WFNJ and SSI individuals. An SSI applicant must still meet the criteria for EA benefits as set out at N.J.A.C. 10:90-6.1, including an evaluation of all support available to the household and whether the individual's income exceeds her shelter costs. See N.J.A.C. 10:90-6.1(a)(1) and -6.1(c)(2).

EA benefits are limited to twelve cumulative months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, SSI recipients may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA that an SSI recipient may receive is eighteen months.

HAP is a pilot program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance to WFNJ recipients who are determined permanently disabled and SSI recipients who are in imminent danger of homelessness and have exhausted all EA extensions, as appropriate, provided such recipients continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1. See N.J.A.C. 10:90-6.10(a)(1).

Based on a review of the record, Petitioner receives \$481 per month in Child Support, \$414 per month for her son in SSI benefits, and \$251 per month in Supplemental Nutritional Assistance Program ("SNAP") benefits. See Initial Decision at 2. Petitioner's monthly rent is \$873.00 and she has a utility credit of \$507.67. *Ibid.* Additionally, Petitioner has an Social Security Disability Insurance ("SSDI") application pending. *Ibid.*

Here, I agree with the Agency that Petitioner has exhausted all available EA benefits. As of October 2014, Petitioner had received thirty-five months of EA benefits and has received continued assistance during the pendency of this matter. See *id.* at 3. Thus, Petitioner has received the maximum amount of EA permitted under the regulations as outlined above.

Additionally, because Petitioner's total household income exceeds her shelter costs, I agree with the ALJ that she is ineligible for HAP. See *id.* at 5; see also N.J.A.C. 10:90-6.1(a)(1). Further, even though Petitioner has an SSDI application pending, she is still otherwise ineligible for HAP because her household income exceeds her shelter costs, which in turn makes her ineligible for EA benefits under N.J.A.C. 10:90-6.1. See N.J.A.C. 10:90-6.10(a). Moreover, should Petitioner receive SSDI benefits, this increase in household income would only continue to make her ineligible for EA benefits under HAP. *Ibid.*

By way of comment, I find Petitioner's Exceptions to be without merit. I initially note that Petitioner raises facts in her Exceptions which were not presented to the ALJ at the October 21, 2014, plenary hearing, which is not permitted. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions."). Be that as it may, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

FEB 23 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director