



State of New Jersey

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TRENTON, NJ 08625-0716

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 10901-18 N.W.

AGENCY DKT. NO. C468155007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to take reasonable steps to obtain affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 3, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same day, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent 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 to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that Petitioner has received nine months of EA benefits, between October of 2016 and July of 2017. See Payment History. The record is silent with respect to who has been paying Petitioner's rent since her last unit of EA benefits in July of 2017, to April of 2018, when she stopped paying rent. See Initial Decision at 4; see also Verified Complaint. The record does show that the building where Petitioner resides has been sold, and that rents have purportedly not been collected. See Initial Decision at 2. In June 2018, the landlord filed an eviction action seeking April through June, 2018, rental arrears, and on July 19, 2018, Petitioner entered into a Consent Judgment, whereby she agreed with her landlord that if she moved out by August 19, 2018, the landlord would waive any owed arrears. See Initial Decision at 2; see also Verified Complaint and Consent to Enter Judgment. With the required move out date imminent, on July 24, 2018, Petitioner applied for EA benefits. See Application



for Emergency Assistance. On July 25, 2018, the Agency denied Petitioner's application, finding that she had not taken reasonable steps since last receiving EA benefits in July of 2017, to find affordable housing, and that she had a realistic capacity to plan to avoid her emergent situation. See Initial Decision at 3; see also July 25, 2018, Notification Form, and N.J.A.C. 10:90-6.1(c)(1). The ALJ found, however, that Petitioner was facing imminent homelessness, that she had not exhausted available EA benefits, and that she had taken reasonable steps to remedy her housing situation, such as obtaining an officer manager's license and searching for a job. See Initial Decision at 3. Based on the foregoing, the ALJ reversed the Agency's determination and directed that the Agency provide EA benefits in forms of housing placement, as well as security deposit and temporary rental assistance ("TRA") upon offer of employment "without regard to date." See Initial Decision at 4. I agree with the ALJ that the Agency shall provide Petitioner with EA benefits, in a form to be determined by the Agency, which may include shelter placement, to address her current emergent situation. See N.J.A.C. 10:90-6.3(a)(1). However, with respect to any form of prospective EA benefits, security deposit or TRA, Petitioner's receipt of said benefits remains contingent on her continued eligibility for same. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

AUG 13 2018

Officially approved final version.

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Natasha Johnson

Director

