



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 07660-18 S.M.

AGENCY DKT. NO. C472248007 (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 Petitioner's spouse, who was part of the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") assistance unit, was not on the apartment lease. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 31, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 31, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 4, 2018, providing an "Order for Orderly Removal."

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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

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. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that Petitioner was initially approved for EA benefits on April 20, 2018. See Initial Decision at 2; see also Exhibit R-2. However, upon further review of her application by the Agency, it was discovered that Petitioner's spouse, who was part of the WFNJ/TANF assistance unit, was not on the apartment lease, and that the landlord had refused to put Petitioner's spouse on the lease. See Initial Decision at 2-3. Consequently, on May 7, 2018, the Agency denied Petitioner EA benefits, advising Petitioner that her spouse would have to move out of the apartment in order for her to qualify for EA benefits. *Id.* at 3; see also Exhibit R-3.



Thereafter, Petitioner made a request to have her spouse removed from her WFNJ/TANF benefits grant, and the Agency testified that Petitioner's spouse has since removed himself from Petitioner's apartment, thereby making Petitioner eligible for EA benefits. See Initial Decision at 3; see also "Affidavit" and "Letter from V.B." dated May 21, 2018. The record also indicates that Petitioner is facing imminent homelessness. See Initial Decision at 3; see also "Landlord Agreement to Cease Eviction Proceedings." Based on the foregoing, the ALJ concluded that Petitioner is eligible for EA benefits, and reversed the Agency's determination. See Initial Decision at 3-4; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c). I agree.

By way of comment, Petitioner is advised that should her spouse move back in with her, she must notify the Agency of such change in circumstances, and may be required to locate alternative affordable housing. See N.J.A.C. 10:90-1.13.

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

Officially approved final version.

JUN 07 2018

Natasha Johnson
Director

