



## State of New Jersey

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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 02649-18 S.W.

AGENCY DKT. NO. S493119007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had exhausted her lifetime limit of EA benefits, had been evicted from affordable housing due to nonpayment of rent, and had not provided proof of homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On the 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.

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. EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

EA benefits are limited to 12 lifetime cumulative months, plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(a), (b). A Supplemental Security Income ("SSI") recipient, without dependent children, may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that an SSI recipient may receive is 18 months.

Here, the ALJ found that Petitioner is an SSI benefits recipient who has received 16 months of EA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 9-10. The ALJ also found that Petitioner has been homeless since she was evicted from her previous apartment in 2015, and that she has mental health issues which contributed to her failure to pay rent and resultant eviction. See Initial Decision at 3; see also Exhibit R-1 at 2-3. Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner, and its imposition of a six-month EA ineligibility penalty, was improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-6.1(c), -6.4(a), (b), (c). I agree.



Additionally, I find that Petitioner's 2015 eviction for failure to pay rent is too remote in time to find that Petitioner caused her own homelessness, such that it warrants a denial of EA benefits and an imposition of a six-month EA ineligibility penalty. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3). Further, based on an independent review of the record, I find that Petitioner has only received 14 months of EA benefits, as two of the EA payments appearing on the Agency's payment history, entered into evidence, were for security deposits, which are not counted towards the recipient's 12-month lifetime limit on receipt of EA benefits. See Exhibit R-1 at 10; see also N.J.A.C. 10:90-6.4(a)(1). The Initial Decision is modified to reflect this finding.

By way of comment, the Agency shall provide Petitioner with those services, and/or referrals, she may require to address any disabilities.

By way of further comment, Petitioner is advised that the Agency shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version.

FEB 27 2018

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Natasha Johnson

Director

