



State of New Jersey

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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 16789-18 D.T.

AGENCY DKT. NO. C666558007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2018, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 7, 2019, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision in this matter and REVERSE the Agency determination.

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 the path to self-sufficiency. See 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 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 in advance for substitute housing."

Here, Petitioner, a Work First New Jersey/General Assistance benefits recipient, applied for EA benefits on October 15, 2018. See Initial Decision at 2; see also Exhibits R-4. The record reflects that, after losing her job, Petitioner resided with her daughter for four years, attended college, and obtained a degree. See Initial Decision at 2-3. At the time she applied for EA benefits, Petitioner provided a letter from her daughter stating that the daughter was relocating and could no longer accommodate her mother. See Initial Decision at 2; see also Exhibit R-5. The Agency denied Petitioner EA benefits, finding that Petitioner did not take reasonable steps to resolve her emergency housing situation, in that she had only made one attempt to seek affordable housing in four years. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). However, the ALJ found that the Agency had failed to provide evidence that for four years, Petitioner's homelessness was imminent. See Initial Decision at 3. Specifically, the ALJ found that it was only after the daughter decided to relocate that housing became an issue for Petitioner, and because of that fact, Petitioner was currently homeless. Ibid. Further, the ALJ found that there was nothing in the record as to when Petitioner's daughter decided to relocate, or why she chose a unit that would not accommodate Petitioner. Ibid. The ALJ also noted that Petitioner had made an effort to become self-sufficient, as evidenced by her obtaining a college degree. Ibid. Therefore, the ALJ found



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that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1. I agree.

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

Officially approved final version.

Natasha Johnson
Director

FEB 14 2019

