



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **03006-24 N.G.**

AGENCY DKT. NO. **C256533007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from Respondent Agency's denial 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 caused her own homelessness by abandoning affordable permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 7, 2024, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 7, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-4. Specifically, the ALJ found that Petitioner had left her Section 8 apartment back in 2020, because her landlord demanded that she vacate her apartment, and also based on calls from someone at Section 8 telling her that she must leave the apartment. *Id.* at 3. The ALJ also found Petitioner credible when she testified that based on the aforementioned, she moved in with her boyfriend in 2020, believing that to be a more permanent situation. *Id.* at 3-4. The record reflects that Petitioner had continued to live in her boyfriend's apartment until May 31, 2023, at which time she was evicted from the apartment due to her boyfriend's death in December 2022, due to the fact that she was not on the lease, and also due to the fact that her boyfriend had owed \$15,000 in back rent. *Id.* at 2; see also Exhibit R-11. The ALJ also found that Petitioner may have a valid Section 8 voucher, but to date, has been unable to secure Section 8 housing after the untimely death of her boyfriend, as the housing authority has been unresponsive to her and her attorney's inquiries. See Initial Decision at 3-4; see also Exhibit R-6. Petitioner is currently homeless. *Id.* at 2. The record also reflects that Petitioner has mental health issues which may have contributed to her actions. See Initial Decision at 3; see also Exhibits P-1, P-2, P-3, R-5.

Based on Petitioner's credible testimony and particular circumstances, the ALJ concluded that Petitioner was homeless due to circumstances beyond her control, particularly due to the death of her boyfriend and the consequent eviction from his apartment, and the demands of her landlord, and someone at Section 8 housing, to vacate her apartment in 2020. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.1(c). Accordingly, the ALJ further concluded that Petitioner did not cause her own homelessness by abandoning permanent affordable housing, and as such, ultimately concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(vi). I agree. Moreover, I concur with the ALJ's ultimate conclusion, finding that Petitioner's act of vacating her Section 8 housing four years ago, the basis upon which the Agency relied for its denial of EA benefits to Petitioner, was too remote in time for consideration in regards to Petitioner's EA benefits eligibility. See Initial Decision at 1, 3.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, as it appears from the record that Petitioner may have mental health issues, the Agency should refer Petitioner for Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") evaluations, if appropriate. See Initial Decision at 3; see also Exhibits P-1, P-2, P-3, R-5, and N.J.A.C. 10:90-6.1(c)(1)(iii). Should that assessment require Petitioner to engage in treatment, that requirement shall be incorporated into her Individual Responsibility Plan ("IRP") and her EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii).

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

Officially approved final version. March 15, 2024

Natasha Johnson
Assistant Commissioner

