



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 13400-14 C.B.

AGENCY DKT. NO. C049063 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 21, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony, admitted documents and issued an Initial Decision which reversed the Agency determination.

The Agency submitted exceptions on October 22, 2014.

As the Director of the Division of Family Development, I independently reviewed the record and hereby MODIFY the Initial Decision and REVERSE the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied EA and contends Petitioner caused her own homelessness when she abandoned permanent affordable housing in Camden County and moved to Cape May County. The ALJ reversed the Agency determination based upon a finding Petitioner moved because of "some sort of domestic dispute ("DV") with her former roommate."

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

EA is in relevant part available when there has been "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 in the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

EA shall not be provided for a period of 6 months when an adult EA applicant has caused his or her own homelessness, without good cause, including the abandonment of affordable housing. N.J.A.C. 10:90-6.1(c)(3)(vii).

EA is nevertheless available in situations where "there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated [DV] which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7).

There is insufficient credible evidence Petitioner moved from Camden County because of "some sort of [DV] with her former roommate." There is no document evidence of a DV incident before Petitioner vacated the apartment in mid-February 2014, leaving her personal belongings for the remainder of the lease term. Petitioner was allegedly assaulted when she returned to collect those belongings months later, but did not report the incident to police for another three weeks and the charge was eventually dismissed for insufficient evidence. It appears Petitioner did not disclose the existence of the alleged DV incident to the Agency until she testified at the OAL hearing in October.

Rather, Petitioner lived in Camden County and paid rent from her WFNJ/TANF cash benefit with additional financial support from her family. Petitioner amicably terminated her rental arrangement in mid-February 2014 and moved to Cape May County where she rented an affordable room from a friend, ostensibly seeking to reunite with her child's birth father. In September, Petitioner vacated the apartment when the friend's mother moved into her room.

The unsubstantiated DV incident does not preclude a finding Petitioner caused her own homelessness. N.J.A.C. 10:90-6.1(c)(7). Notwithstanding, Petitioner's voluntary move from one affordable housing unit to another affordable unit 8 months ago did not cause her present homelessness, and is not itself an appropriate basis for the denial of EA and the imposition of a penalty under N.J.A.C. 10:90-6.1(c)(3)(vii).

To the contrary, there is sufficient credible evidence Petitioner is homeless due to circumstances beyond her control and lacked the realistic capacity to plan in advance for substitute housing. Specifically, the mother of Petitioner's friend unexpectedly relocated from Puerto Rico to New Jersey because of medical need and moved into the friend's apartment. N.J.A.C. 10:90-6.1(c); -6.3(a)(1)(ii). Accordingly, the ALJ appropriately reversed the Agency determination, including the penalty, and granted EA in the form of Temporary Rental Assistance.

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By way of comment, Petitioner is the primary source of eligibility information and is responsible to provide all documentation required to establish eligibility for assistance. N.J.A.C. 10:90-1.6(a); -2.2(a)(5). Petitioner must "inform the county or municipal agency of any change in circumstances as soon as possible but no later than 10 calendar days after the change takes place. N.J.A.C. 10:90-1.13(a).

Petitioner's continued receipt of reduced WFNJ/TANF and SNAP benefits from Camden County more than 5 months after she moved to Cape May County suggests Petitioner did not timely notify either Camden or Cape May County about her move, and that Petitioner may not have been in compliance with WFNJ program requirements.

I therefore recommend the Agency consider the appropriateness of a potential recovery action.

For the foregoing reasons, I MODIFY the Initial Decision and REVERSE the Agency determination.

NOV 07 2018 *Signed Copy on File*
at DFD, BARA

Jeanette Page-Hawkins
Director