



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 15130-19 A.L.

AGENCY DKT. NO. C156768016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had lost affordable housing due to nonpayment of rent, and that she had the capacity to plan for alternate housing, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 28, 2019, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 28, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was evicted from her prior affordable housing in April 2019, due to nonpayment of rent, and thereafter moved in with a friend. See Initial Decision at 3. The record also reflects that Petitioner had lived with her friend until October 24, 2019, currently resides with a relative, but is imminently homeless. *Ibid.*; see also "A.S. Letter" dated October 7, 2019. Petitioner testified that she had been living with her uncle in his apartment, and had been paying her portion of the rent directly to her uncle. See Initial Decision at 3. Petitioner further testified that her uncle had not been paying the rent, which resulted in the April 2019, eviction of the entire household. *Ibid.* Finding Petitioner's testimony credible, the ALJ concluded that Petitioner had not caused her own homelessness. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3). Further, the ALJ found, and the Agency acknowledged, that all of Petitioner's available funds had been expended on necessary items, and as such, she lacked the capacity to plan for alternate housing. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also "Notification Form" dated October 23, 2019, and N.J.A.C. 10:90-6.1(c). I agree.

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

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

Officially approved final version.

OCT 31 2019

Natasha Johnson

Assistant Commissioner

