



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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NATASHA JOHNSON  
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 03361-19 R.G.

AGENCY DKT. NO. C113180008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA/TRA benefits because she had been approved for subsidized housing and was no longer in need of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 15, 2019, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 18, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on March 19, 2019.

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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

The purpose of the Work First New Jersey Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56.

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," for reasons that may include, but are not limited to, making oneself eligible for EA benefits by refusing to accept subsidized housing. See N.J.A.C. 10:90-6.1(c)(3)(i).

Here, the record reflects that Petitioner receives \$220 per month in WFNJ/General Assistance ("WFNJ/GA") benefits, and it appears that this is her only source of income. See Initial Decision at 2; see also Exhibit P-5 at 2. Petitioner's monthly rent is \$941. See Exhibit R-1 at 16. The record also reflects



that Petitioner was offered subsidized housing, with her monthly contribution toward the rent being \$18. See Initial Decision at 3; see also Exhibit R-1 at 49-51. However, Petitioner refused to accept that subsidized housing offer. See Initial Decision at 2-3. The record indicates that Petitioner has applied for Supplemental Security Income ("SSI") benefits and has a hearing scheduled on May 14, 2019. *Id.* at 2. However, the granting of SSI benefits is too speculative at this juncture, and the amount of said benefits unknown, such that it cannot be determined if she will be able to afford her apartment going forward. *Id.* at 3-4. Although Petitioner has mental health and substance abuse issues, which are asserted to inhibit her from accepting the subsidized housing offered, the provision of EA benefits to Petitioner are time-limited, and I find that to continue to grant EA benefits to Petitioner for an unaffordable apartment, when affordable permanent housing has been offered, (and which does not come available very often), is not beneficial, and does not support WFNJ's purpose of moving Petitioner toward self-sufficiency. *Ibid.*; see also Exhibits P-2, P-3, R-1 at 57, and N.J.S.A. 44:10-56. Based on the foregoing, I conclude that the Agency's termination of Petitioner's EA/TRA benefits was proper and must stand. See Exhibit R-1 at 4, and N.J.A.C. 10:90-6.1(c). Further, because Petitioner has refused to accept subsidized housing, I find that she has caused her own homelessness, and as such, I hereby impose upon her a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3)(i).

By way of comment, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including local Mental Health/Substance Abuse partners, to provide help with her transition.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's action is AFFIRMED.

Officially approved final version.

MAR 28 2019

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Natasha Johnson  
Director

