



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 04202-19 R.H.

AGENCY DKT. NO. C766496007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergency, 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 March 28, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 1, 2019, the ALJ issued an Initial Decision, affirming 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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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." See N.J.A.C. 10:90-6.1(c)(3).

Here, the record reflects that Petitioner and her three children moved to New Jersey ("NJ") through a New York City housing program called "Special One Time Assistance" ("SOTA"), which is a program that pays an individual's rent for a certain period of time upon relocating to another state. See Initial Decision at 3; see also Exhibit R-1. SOTA paid Petitioner's \$1,250 monthly rent for a full year, from December 2017, through December 2018. See Initial Decision at 3. Petitioner's household income was approximately \$3,000 in Supplemental Security Income ("SSI") benefits, until such time as her son moved out, and is currently \$2,320.95. *Id.* at 2-3; see also Exhibits R-1, R-2 at 2, R-3 through R-6. However, the record reflects that after that year ended, Petitioner failed to pay her rent for the months of January, February, and March 2019, and was facing eviction. See Exhibit R-7. Prior to eviction, Petitioner moved out of that apartment, claiming that it was uninhabitable. See Initial Decision at 3; see also Exhibit R-2. Of note, there is nothing in the record to substantiate her claim. Petitioner temporarily moved in with her mother, but testified that she could no longer stay there, and applied for EA benefits on March 7, 2019. *Id.* at 2; see also Exhibit R-2. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan and the funds to avoid her homelessness, but failed to do so, thereby causing her own homelessness. See Exhibit R-7, and N.J.A.C. 10:90-6.1(c)(3). The ALJ agreed, finding that Petitioner had been living in NJ for a year, rent free, and had the time and the money to avoid her homelessness. See



Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 4; see also Exhibit R-7. I agree.

By way of comment, because I concur with the ALJ's conclusion that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c) (3). Petitioner's six-month EA ineligibility penalty shall run from March 7, 2019, the date of the Agency's denial, through September 6, 2019. See Exhibit R-7.

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 Social Services for the Homeless.

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

Officially approved final version.

Natasha Johnson
Director

APR - 4 2019

