



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
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 03984-21 S.C.

AGENCY DKT. NO. C161879002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she had abandoned affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 20, 2021, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 27, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that in May 2020, the Agency approved Petitioner for EA/TRA benefits for an apartment with a monthly rent of \$800, including all utilities, plus internet. See Initial Decision at 2; see also Exhibit R-1 at 6, 7-9. However, Petitioner never moved into that approved apartment, but rather, moved into another apartment in June 2020, with a monthly rent of \$1,350. See Initial Decision at 3, 5. Petitioner had never advised the Agency that she had moved into a different apartment, nor had she provided a copy of the new lease or name of the landlord, and moreover, the Agency had not authorized EA/TRA benefits for said apartment. *Id.* at 2-3, 5. Of import, the Agency continued to pay its contribution of EA/TRA benefits on the approved apartment through March 2021, until such time as it had discovered that Petitioner had not been living the apartment approved by the Agency. *Ibid.*; see also Exhibit R-1 at 5. Upon such discovery, that Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, on the basis that she had voluntarily vacated the approved EA/TRA benefits apartment, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3) The record also reflects that Petitioner owes \$10,000 in back rent for the unauthorized apartment. See Initial Decision at 3. Petitioner claimed that the EA/TRA benefits monthly payments were being transferred from the approved apartment landlord to the unauthorized apartment landlord. *Id.* at 3-4. Petitioner also claimed that she had moved into the unauthorized apartment because she was unable to move into the approved apartment due to the COVID pandemic, and storm damage. *Id.* at 3. Petitioner further claimed that she had attempted to contact the Agency on multiple occasions to advise them of her move into a different apartment, but was unsuccessful. *Ibid.* The ALJ found that Petitioner's claims were not credible and were unsubstantiated by any documentation. *Id.* at



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5. The ALJ also found that based upon Petitioner's income, the unauthorized apartment at \$1,350 per month rent was unaffordable for Petitioner. Id. at 2, 5. Based on the foregoing, the ALJ concluded that Petitioner had the capacity to avoid her emergent situation and had caused her own homelessness, and therefore, the Agency's termination of Petitioner's EA/TRA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 5; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3)(v), (vii), (viii). I agree.

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 Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her 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 Social Services for the Homeless.

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

Officially approved final version. JUN 29 2021

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Natasha Johnson  
Assistant Commissioner

