



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 11420-23 A.J.

AGENCY DKT. NO. C141315020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's delay in providing him with Emergency Assistance ("EA") housing. The Agency failed to provide Petitioner with EA housing, contending that none of the Agency's contracted housing placements will take Petitioner due to his prior history of behavioral incidents. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on November 28, 2023, and continuing on November 29, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 30, 2023, the ALJ issued an Initial Decision, modifying the Agency's determination. Here, the ALJ found that Petitioner had been approved for EA benefits, and that the Agency had failed to place him in housing, contending that there was no housing placement that would accept him due to his past inappropriate behaviors at several previous housing placements. See Initial Decision at 2-4; see also Exhibit R-1. Of note, the ALJ found that the Agency had failed to provide witnesses and/or sufficient documentation to substantiate the prior alleged incidents. See Initial Decision at 2. Further, the ALJ found that there was nothing documented in the record that would render Petitioner ineligible for EA benefit housing services, and as such, found that the Agency had a continuing obligation regardless of past events, to try to place Petitioner in appropriate housing. *Id.* at 4. The ALJ also found that Petitioner may have mental health issues which contributed to his alleged past behaviors, and both parties agreed, that as a condition of the ALJ's decision that the Agency continue to assist Petitioner with finding housing, Petitioner would agree to go for a mental health evaluation, as recommended by the Agency, which may in turn make it possible for the Agency to more easily find housing for Petitioner. *Id.* at 3-4. Based on the foregoing, the ALJ concluded that Petitioner is eligible for EA benefits, and that the Agency's determination, that it is unable to find a housing placement, is modified to require the Agency to go back to all of its vendors to find a suitable placement for Petitioner. *Id.* at 5. Accordingly, the ALJ ordered Petitioner to present himself for a mental health evaluation within the next forty-eight hours, and to follow through with treatment if such is recommended, and also ordered the Agency to revisit all of its vendors, and to work diligently to find a suitable placement for Petitioner. *Id.* at 6. 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, the Agency is advised that it may look outside of Union County for an appropriate housing placement for Petitioner, as necessary, and Petitioner is advised that it is the Agency who shall determine the appropriate form of housing required to meet her needs, which may include out-of-county shelter placement. See N.J.A.C. 10:90-6.3(a)(1). Further, Petitioner is advised that refusal of EA placement may result in the termination of his EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3).

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

Officially approved final version. December 07, 2023

Natasha Johnson
Assistant Commissioner

