



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 05821-23 C.M.

AGENCY DKT. NO. C070994001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

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 benefits, and imposed a six-month EA ineligibility penalty, contending that she was evicted due to destruction of property, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for July 28, 2023, and an adjournment was requested and granted. On August 3, 2023, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for additional documents, and then closed on August 9, 2023.

On August 29, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and Petitioner did not dispute, that Petitioner had been facing eviction from her housing due to destruction of property, having pets in violation of her leasing agreement, and interference with other tenants use and enjoyment of their units. See Initial Decision at 2; see also R-10. Petitioner claimed that the property destruction was caused by a leak in a unit above, and that the Landlord ("LL") had failed to repair damage to her walls and floor. See Initial Disclosure at 5. However, the ALJ found that Petitioner did not make the apartment available for repairs, damage amounted to a catastrophic leak that would render the unit uninhabitable, and the presence of pets in Petitioner's unit, all resulted in violations of her lease. See Initial Decision at 7; see also Exhibit R-1 at 16. Significantly, the ALJ found that, regardless of possible monetary means provided to Petitioner, the LL stated he would not keep Petitioner as a tenant past her leasing term. See Initial Decision at 7. Based on the foregoing, the ALJ concluded that Petitioner had caused her own homelessness, and accordingly, concluded that the Agency's termination of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper, and must stand. See Initial Decision at 7-8; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3)(iv). 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, because Petitioner has received continued assistance pending the outcome of this fair hearing, Petitioner's six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision. See Exhibit R-1 at 2.

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.      October 5, 2023

---

Natasha Johnson  
Assistant Commissioner

