



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 **08227-23 D.T.**

AGENCY DKT. NO. **C442754004 (CAMDEN-CCBSS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 31, 2023, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 1, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 MODIFY the Agency's determination, based on the discussion below.

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 during the relevant time at issue, from January through May 2023, Petitioner had a total monthly household income of \$15,426.19, and from June through August 2023, Petitioner had a total monthly household income of \$4,398.50. See Initial Decision at 3-4; see also Exhibit R-1 at 16, 19-24. Petitioner did not dispute said income. Petitioner's portion of her Section 8 housing's monthly rent was \$954 per month for the months of February through April 2023, thereafter reduced to \$475 beginning May, 2023. See Initial Decision at 3-4; see also Exhibit R-1 at 16-18. However, the record indicates that Petitioner failed to pay her portion of rent for the months of February through August 2023, resulting in eviction. See Initial Decision at 3-4; see also Exhibit R-1 at 7-16. The ALJ found that Petitioner had admittedly failed to apply her household income to her rent, and had failed to provide any proofs as to how she had spent that household income. See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the testimony and documentary evidence provided, the ALJ found that Petitioner had sufficient funds and the capacity to pay her rent, but failed to do so, without good cause, thereby causing her own homelessness. See Initial Decision at 5. Accordingly,



the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 5-6; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Further, in accordance with regulatory authority, as Petitioner had caused her own homelessness, without good cause, the ALJ imposed a six-month period of ineligibility for EA benefits upon Petitioner. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3). I also agree. Petitioner's six-month EA ineligibility penalty shall run from August 22, 2023, the effective date of the Agency's denial, through February 21, 2024. See Exhibit R-1 at 3. The Agency's determination is modified to reflect this finding.

By way of 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 MODIFIED, as outlined above.

Officially approved final version. September 20, 2023

Natasha Johnson
Assistant Commissioner

