



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 **01114-23 R.D.**

AGENCY DKT. NO. **C041086012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, contending that she caused her own homelessness by losing her Section 8 housing voucher and for failure to pay rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 10, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had lost Section 8 housing rental assistance, effective February 29, 2020, due to various housing violations. See Initial Decision at 2; see also Exhibits R-5, R-6, and R-7. Thereafter, beginning March 1, 2020, Petitioner was required to pay the full amount of her rent \$1,686. See Initial Decision at 2; see also Exhibit R-6. Petitioner failed to pay said full rent, and was consequently evicted from her apartment. See Initial Decision at 2; see also Exhibit R-8. The ALJ found that Petitioner knew in March 2020, that she would not be receiving Section 8 rental assistance, was aware that she had not been paying her rent in full for over two years, and that the COVID-19 emergency moratorium on evictions would expire. See Initial Decision at 4. Further, the ALJ found that Petitioner had failed meet her burden to demonstrate that her homelessness was due to circumstances beyond her control or that she lacked the capacity to plan for substitute housing. *Ibid.*; see also Exhibit R-6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4; see also Exhibit R-10, and N.J.A.C. 10:90-6.1(c)(3)(stating, in relevant part, that 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"). 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 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. February 21, 2023

Natasha Johnson
Assistant Commissioner

