



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 **01533-23 T.B.**

AGENCY DKT. NO. **S631497012 (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, and imposed a six-month EA ineligibility penalty, contending that he was evicted from subsidized housing due to non-payment of rent, thereby causing his own homelessness, that his emergency was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2023, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 27, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been evicted from his Section 8 subsidized housing due to nonpayment of his portion of the rent for two years, and that he had failed to look for, or secure, more affordable housing when he had known since 2020, that said housing was unaffordable. See Initial Decision at 2-3; see also Exhibit R-1 at #8, #9, and #11. The ALJ found that Petitioner was not homeless due to circumstances beyond his control, and that he had the capacity to plan to avoid his homelessness, as he had known that he was obligated to pay his portion of the Section 8 housing rent, had known that his apartment was unaffordable, had known for two years that he needed to find more affordable housing, but failed to do so, and had known that the COVID-19 eviction moratorium would expire. See Initial Decision at 3-4. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had caused his own homelessness, and that the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. *Ibid.*; see also Exhibit R-1 at #13, and N.J.A.C. 10:90-6.1(c)(3). I agree.

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 his 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. March 7, 2023

Natasha Johnson
Assistant Commissioner

