



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
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 **02527-23 T.S.**

AGENCY DKT. NO. **C265143009 (HUDSON COUNTY DEPT OF FAM 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 she was terminated from subsidized house for non-payment of rent, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 24, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 27, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, in relevant part, the record reflects that Petitioner, her mother, and aunt, resided in Section 8 subsidized housing, and that these three adult residents were responsible to pay a total monthly rent of \$485. See Initial Decision at 2; see also Exhibits R-2, R-3, R-5. However, Petitioner's household was evicted from Section 8 housing for nonpayment of rent, and the household's Section 8 voucher was terminated. See Initial Decision at 2; see also Exhibits R-4, R-6. Petitioner claimed that she had provided her mother, designated as "Family Representative" for Section 8 housing voucher purposes, with her portion of the rent each month, and believed that her mother had been making the required monthly rental payments. See Initial Decision at 2; see also Exhibit R-3. Petitioner also claimed that she was never served with any eviction pleadings. See Initial Decision at 2. The ALJ found that, as an adult resident, Petitioner had an obligation to ensure that the residents' portion of the monthly rent was paid, and that she had also failed to ensure that her mother had indeed been paying the \$485 monthly rent, and paying it timely. *Id.* at 3. Further, the ALJ found that Petitioner had provided no evidence to refute the landlord's right to eviction. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner had caused her own homelessness, and accordingly, concluded that the Agency's denial of EA benefits to Petitioner, and its imposition of a six-month EA ineligibility penalty, were proper, and must stand. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ii). 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, Petitioner's 6-month EA ineligibility penalty shall run from February 28, 2023, the effective date of the Agency's denial, through August 27, 2023. See Exhibit R-1.

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.

March 30, 2023

Natasha Johnson

Assistant Commissioner

