



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 **09878-23 R.T.**

AGENCY DKT. NO. **C192934013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner, through his designated representative who has power of attorney, appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, 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 he refused permanent Section 8 housing, preferring to stay in a temporary EA placement at a motel. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 23, 2024, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 5, 2024, 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 ("DFD"), 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 AFFIRM the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance and Supplemental Security Income ("SSI") applicants/recipients. See N.J. A.C. 10:90-6.1(a).

Pursuant to N.J.A.C. 10:90-6.1(c)(3)(viii), EA benefits shall not be provided when the adult applicant or recipient refused to accept Section 8 housing. Additionally, that individual is not eligible for EA for a period of six months. See N.J.A.C. 10:90-6.1(c)(3) (stating that EA benefits shall not be provided for a period of six months when an EA applicant or recipient "has caused his or her own homelessness, without good cause.")

Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, the record reflects that Petitioner had been residing in a temporary EA placement at a motel, when he was approved for Section 8 housing. See Initial Decision at 2-3. Petitioner refused the Section 8 apartment, preferring to stay at the motel placement, despite the Agency's explaining to Petitioner the temporary nature of the motel placement and that the motel did not qualify as permanent housing. See Initial Decision at 3-4; see also Exhibits R-8, R-10. As a result of Petitioner's refusal of appropriate permanent Section 8 housing, by notice dated August 28, 2023, the Agency terminated Petitioner's EA benefits effective September 27, 2023, and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-11. Based on the testimony and documentary evidence provided, the ALJ found that the Agency was aware of Petitioner's mental health issues and barriers, and had worked with Petitioner in locating temporary EA placement, and then with securing affordable permanent housing, which Petitioner had refused. See Initial Decision at 6. The ALJ also found that, in accordance



with applicable regulatory authority, Petitioner's refusal of affordable, permanent Section 8 housing, necessitated that the Agency terminate Petitioner's EA benefits, and the imposition of a six-month period of EA ineligibility. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3)(viii). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty were proper and must stand. Id. at 6-7; see also Exhibit R-11 and N.J.A.C. 10:90-6.1(c)(3)(viii). I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, his six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. April 25, 2024

Natasha Johnson
Assistant Commissioner

