



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 16849-18 L.C.

AGENCY DKT. NO. C341890016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she abandoned permanent affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the ALJ found that, although Petitioner entered into a "Consent to Enter Judgment," wherein she agreed to vacate her rental property no later than November 30, 2018, as of the date of the hearing, Petitioner still remained on the property, and as such, that she had not abandoned said property. See Initial Decision at 5-6; see also Exhibit P-1. The ALJ also found that Petitioner may have legal avenues to pursue, which could result in her being able to remain on the property. See Initial Decision at 6. Of note, the record reflects that the Agency has paid Petitioner's rent through November 2018. *Id.* at 4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, on the basis that she abandoned permanent affordable housing, was improper and that Petitioner is eligible for EA benefits in the form of Temporary Rental Assistance. *Id.* at 6-7; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c), -6.3(a)(6). Further, the ALJ found that, if Petitioner is still residing in the apartment a week after the date of the fair hearing, and if Petitioner's landlord is willing to accept an EA benefits voucher, then the Agency should issue such voucher. See Initial Decision at 6. I agree. However, I find that should Petitioner no longer be residing in that apartment as of the date of the issuance of this Final Agency Decision, that she is not required to reapply for EA benefits, as opined by the ALJ, but rather,



that the Agency shall provide Petitioner with EA benefits in a form to be determined by the Agency, which may include shelter placement. Ibid.; see also N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

DEC 07 2012

Natasha Johnson
Director

