



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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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 15287-15 A.R.

AGENCY DKT. NO. C280311 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because she abandoned permanent affordable housing and caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was scheduled for October 7, 2015, before the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), which was adjourned. On October 22, 2015, the Honorable Sandra Ann Robinson, ALJ, held a plenary hearing, took testimony, and admitted documents. On October 26, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed on behalf of Petitioner by Northeast New Jersey Legal Services, Inc. on November 2, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

EA shall be provided when the assistance unit is "in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). However, when an adult EA applicant or recipient has caused her own homelessness, without good cause, EA shall not be provided for a period of six months. See N.J.A.C. 10:90-6.1(c)(3).

At the hearing, the ALJ found that Petitioner abandoned permanent affordable housing in the form of a Section 8 apartment, in which Petitioner and her mother were named as tenants on the lease. See Initial Decision at 3; see also Exhibit R-1. Petitioner's mother provided a notarized letter dated April 30, 2015, advising that Petitioner and her two children needed to leave the apartment because noise made by Petitioner's children bothered the landlord. See Initial Decision at 4; see also Exhibit P-1. Petitioner's landlord also provided a notarized statement dated May 20, 2015, advising that Petitioner was to leave the apartment by June 2, 2015. See Initial Decision at 4; see also Exhibit P-2.

On May 21, 2015, Petitioner applied to the Agency for EA/TRA to obtain her own apartment, which application was denied because Petitioner was already in a Section 8 apartment, and her behavior was causing her own homelessness. See Initial Decision at 2; see also Exhibit R-2. On or about June 2, 2015, Petitioner left her Section 8 apartment and moved in with a friend, M.T. See Initial Decision at 4. On September 21, 2015, M.T. wrote a notarized letter stating that Petitioner and her children must leave M.T.'s Section 8 apartment because Petitioner's name was not on the lease. *Ibid.*; see also Exhibit P-3.

Based on the testimonial and the documentary evidence, the ALJ found that Petitioner abandoned permanent affordable housing, and had the time and the realistic capacity to plan for substitute housing while still residing with her mother. See Initial Decision at 7. On that basis, the ALJ concluded, and I concur, that the Agency's denial of EA/TRA to Petitioner effective May 21, 2015, was proper and must stand. *Ibid.* Moreover, I hereby impose a six-month period of EA ineligibility upon Petitioner pursuant to N.J.A.C. 10:90-6.1(c)(3), which shall run from May 21, 2015, through November 21, 2015.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, as instructed by the ALJ in her Initial Decision, copies of the Initial and Final Decisions in this matter have been forwarded to the Division of Child Protection and Permanency ("DCP&P"), f/k/a the Division of Youth and Family Services ("DYFS"), to ensure the health, safety, and welfare of Petitioner's two minor children.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

NOV 04 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director