



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 15421-14 B.L.

AGENCY DKT. NO. C389494 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her request for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") and back rent. The Agency denied Petitioner's application for EA because it contended that Petitioner had abandoned affordable housing in Pennsylvania and come to New Jersey with no plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 1, 2014, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On December 2, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's denial of EA benefits and imposed a six month period of EA ineligibility. See Initial Decision at 3. The ALJ agreed with the Agency that Petitioner had voluntarily abandoned affordable housing in Pennsylvania and moved to New Jersey without any promise of permanent employment, thereby causing her own homelessness. *Ibid.*

No Exceptions to the Initial Decision were filed.

As the Director of the 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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and 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." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

The record in this matter clearly demonstrates that Petitioner, by her own admission, abandoned subsidized housing in Pennsylvania and voluntarily moved to New Jersey, and is now facing eviction from an apartment which she cannot afford. See Initial Decision at 2. Despite the fact that Petitioner contends that she felt isolated where she resided in Pennsylvania, it cannot be overlooked that Petitioner abandoned affordable subsidized housing, thereby causing her own present housing emergency. See N.J.A.C. 10:90-6.1(c)(3)(vii). Petitioner is ineligible to receive EA benefits for a period of six months from the date of the Agency's denial, or from November 24, 2014.

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

Signed Copy on File
at DFD, BARA

DEC 10 2014

Jeanette Page-Hawkins
Director