



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 10473-15 B.M.

AGENCY DKT. NO. S463610 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he failed to comply with the Stipulation of Settlement ("Agreement"), by failing to seek affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2015, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 24, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the Initial Decision were filed by Petitioner on September 10, 2015.

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 ADOPT the ALJ's Initial Decision and the AFFIRM Agency's determination.

EA benefits, in the form of Temporary Rental Assistance ("TRA"), may be provided "when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable." N.J.A.C. 10:90-6.3(a)(6).

Here the record shows that Petitioner receives \$764.25 per month in Supplemental Security Income benefits, and his monthly rent is currently \$885. See Initial Decision at 2, 5. At a prior hearing, on March 10, 2015, regarding the Agency's termination of Petitioner's EA benefits, the parties entered into an Agreement wherein the Agency promised to provide Petitioner with EA benefits for the months of April, May and June, 2015, and in turn Petitioner promised to seek affordable housing. *Id.* at 3; see also Exhibit R-1 at 3. Although the record indicates that Petitioner sought housing, it was not affordable housing, and, admittedly, he did not contact the affordable rooming houses on the list provided to him by the Agency, in violation of the March 10, 2015, Agreement. See Initial Decision at 5. Moreover, Petitioner renewed his lease for a one-year term on an apartment that is not affordable, and is not anticipated to become affordable. *Id.* at 5; see also N.J.A.C. 10:90-6.3(a)(6). Based on the foregoing, the ALJ found that the Agency properly terminated Petitioner's EA benefits. See Initial Decision at 5. I concur.

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

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

Signed Copy on File

at DFD, BARA

SEP 22 2015

Natasha Johnson

Director