



*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 15745-14 C.C.

AGENCY DKT. NO. C367094 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because Petitioner abandoned Section 8 housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 13, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

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

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 a 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 relevant 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 in the absence of a realistic capacity to plan in advance for substitute housing." However, when the

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recipient causes her own homelessness, she is ineligible for EA benefits. Ibid; see also N.J.A.C. 10:90-6.1(c)(3)(imposing a six-month period of ineligibility when the applicant has caused their own homelessness for reasons including having had available funds and capacity to prevent homelessness and/or abandoned affordable housing).

Here, the Agency denied EA benefits because Petitioner voluntarily moved from her own Section 8 apartment to live in her mother's Section 8 housing for three months in apparent breach of the mother's lease agreement. Initial Decision at 2-3; Exhibits R-1 and R-2. Petitioner acknowledged that she voluntarily left prior permanent housing, and the ALJ further found no evidence that she took any action to transfer her Section 8 voucher in response to alleged, but unsubstantiated claims, of family violence or generally unsafe conditions around her apartment building. Initial Decision at 3. Based upon these uncontroverted material facts, I find that the Agency correctly denied EA benefits, and Petitioner is appropriately subject to a six-month period of EA ineligibility pursuant to N.J.A.C. 10:90-6.1(c)(3)(vii).

By way of comment, the Agency may evaluate whether this matter meets the criteria to support a referral of Petitioner to the Family Violence Option Initiative ("FVO Initiative").

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED

*Signed Copy on File*  
at DFD, BARA

**MAR 09 2015**

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Natasha Johnson  
Deputy Director