



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 17202-15 K.G.

AGENCY DKT. NO. C236183 (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 Petitioner 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 2, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 4, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed by Northeast New Jersey Legal Services, Inc. on behalf of Petitioner on November 9, 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, for reasons that include abandoning permanent affordable housing, EA shall not be provided for a period of six months. See N.J.A.C. 10:90-6.1(c)(3).

Here, the assistance unit consists of Petitioner and her two young children. See Initial Decision at 2. The family was receiving monthly cash assistance of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$424.00 and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits of \$430.00. Ibid. However, in July 2014, Petitioner failed to comply with her 28-day work requirement, and her WFNJ/TANF benefits were sanctioned. See Initial Decision at 3; see also Exhibit R-4. As a result of the sanction, Petitioner's WFNJ/TANF file was closed in September 2014. Ibid.

Petitioner found employment at a restaurant and worked there from September 2014 through May 30, 2015, at which time the restaurant closed. See Initial Decision at 3; see also Exhibit P-2. For an undisclosed time period prior to May 30, 2015, Petitioner and her children had been renting a room for \$300.00 per month in an apartment leased by a friend, A.S., from his landlord. See Initial Decision at 3; see also Exhibit P-1. When Petitioner lost her job in May 2015, she was unable to pay rent to A.S. See Initial Decision at 3. Petitioner testified that, because she did not pay her rent, A.S. verbally advised her that she and her children had to vacate the room. Ibid. A.S. did not provide Petitioner with a written notice to vacate, nor did he file an eviction complaint against Petitioner. Ibid. However, on the basis of the verbal instructions of A.S., Petitioner and her children vacated the room in early June 2015. See Initial Decision at 4. Thereafter, the family stayed at the homes of Petitioner's sister and of various friends, the most recent of which is S.R. See Initial Decision at 4; see also Exhibit P-3.

In June 2015, Petitioner applied for WFNJ/TANF benefits, which could not be disbursed by the Agency because Petitioner had never resolved the sanction imposed against her in June 2014. See Initial Decision at 7. On June 22, 2015, Petitioner applied for EA/TRA, but was ineligible for same because she was not a WFNJ or Supplemental Security Income ("SSI") recipient. See Initial Decision at 4. Petitioner eventually resolved the sanction and began receiving WFNJ/TANF benefits of \$424.00 on September 15, 2015. See Initial Decision at 4; see also Exhibit P-4.

On October 20, 2015, S.R. wrote a letter advising that Petitioner and her children must leave her apartment, or S.R. would be evicted. See Initial Decision at 4; see also Exhibit P-4. On October 21, 2015, Petitioner reapplied for EA/TRA, and her application was denied because she voluntarily abandoned permanent affordable housing without being evicted and without securing substitute housing. See Initial Decision at 4; see also Exhibit R-2 and N.J.A.C. 10:90-6.1(c).

In his Initial Decision, the ALJ found, and I agree, that Petitioner caused her own homelessness when she left permanent affordable housing in June 2015, without being evicted and without receiving formal, written notice to quit. See Initial Decision at 8. The ALJ also found that by failing to resolve her WFNJ sanction in July or

August 2014, Petitioner denied herself WFNJ/TANF cash benefits that she otherwise would have received, with which she could have maintained herself in affordable housing. Ibid. Finally, the ALJ found that S.R.'s letter dated October 20, 2015, is not a notice to quit, and that S.R. does not stand in the place of the landlord, nor does S.R. have the power to evict Petitioner or to serve her with a notice to quit. See Initial Decision at 9; see also N.J.A.C. 10:90-6.3(a)(1)(ii).

For the foregoing reasons, the ALJ concluded, and I concur, that Petitioner caused her own homelessness and, therefore, is ineligible for EA/TRA and her application for same was correctly denied. Thus, I find that the Agency's denial of EA/TRA to Petitioner was proper and must stand. Further, I hereby impose a six-month period of EA ineligibility upon Petitioner, to run from October 21, 2015 to April 21, 2016. Petitioner may reapply for EA on April 22, 2016. See N.J.A.C. 10:90-6.1(c)(3).

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.

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

NOV 16 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director