



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 9503-14 K.H.

AGENCY DKT. NO. GA130599 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 4, 2014, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents and issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency contends Petitioner was evicted from subsidized housing because her spouse lived in the apartment in violation of the lease agreement, and both individuals were involved in an altercation with a neighbor which resulted in a criminal complaint. Petitioner denies her spouse lived in the apartment and alleges the criminal complaint was dismissed.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

EA is available where 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." N.J.A.C. 10:90-6.1(c).

The Agency shall not provide EA for a period of six months when an adult EA applicant has caused his or her own homelessness, without good cause, for reasons that include, but are not limited to, criminal activity or applicant behavior. N.J.A.C. 10:90-6.1(c)(iii) and (vi).

In September 2013, Petitioner's landlord issued a notice to cease which alleged Petitioner's spouse was an unauthorized occupant of her apartment and summarized a series of alleged disorderly conduct; specifically, repeated harassment of fellow tenants on three floors and numerous unfounded emergency calls to police and fire departments. In October, the landlord issued a notice to quit which renewed allegations about Petitioner's spouse and alleged Petitioner "attempted to stab and/or cut" her neighbor resulting in a criminal complaint. In December 2013, the landlord filed a tenancy complaint.

In March 2014, Petitioner agreed to vacate her apartment by mid-September. After several incidents with her neighbor in April and May, Petitioner agreed to accelerate her departure date to mid-August. In late July, Petitioner applied for EA.

There is sufficient credible evidence Petitioner caused her own homelessness and had the realistic capacity to plan for substitute housing. Accordingly, I agree the Agency appropriately denied EA and imposed a six-month penalty.

The record supports the conclusion that the Petitioner's spouse was an unauthorized occupant of her apartment for an extended period of time. A review of the Departmental Online Verification Engine ("DOVE") and Family Assistance Management Information System ("FAMIS") reports indicate the spouse is a Supplemental Security Income ("SSI") and SNAP recipient who has apparently shared a residence address with Petitioner for at least the past five years.

The record reflects Petitioner made dozens of complaints about her neighbor to the police over an approximately six month period time, allegedly attempted to stab the neighbor while she was taking out her trash, and repeatedly harassed other building tenants by banging on the ceiling of her apartment, routinely using loud and abusive language and filing unfounded complaints with building management and the police.

There is no credible evidence Petitioner did not share the apartment with her spouse or that she was evicted for reasons other than her own disruptive conduct.

By way of comment, the DOVE and FAMIS reports suggest possible issues regarding Petitioner's eligibility for WFNJ/GA and the couple's individual or collective eligibility for SNAP benefits. As such, the Agency may wish to reevaluate the Petitioner's eligibility for WFNJ/GA and to investigate whether any possible Intentional Program Violations occurred under the WFNJ program and SNAP.

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

AUG 13 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director