



**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 7959-14 K.S.

AGENCY DKT. NO. V462945 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") in the form of a shelter placement. Petitioner receives \$603.00 in Social Security Disability Insurance ("SSDI"), a/k/a SSD, \$165.26 in Supplemental Security Income ("SSI") and \$497.00 in Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Petitioner's son receives \$35.00 in SSI benefits.

Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was closed on August 29, 2014. On September 2, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

Exceptions were filed to the Initial Decision on September 12, 2014.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

Petitioner entered into a repayment agreement with the New Jersey Department of Community Affairs ("DCA") for an overpayment of Rental Assistance payments made on his behalf under the U.S. Housing and Urban Development, Section 8 Housing Choice Voucher Program. Initial Decision at 2. Petitioner failed to make the payments he had agreed to make under the repayment agreement. Ibid. Consequently, Petitioner's participation in the Housing Choice Voucher Program was terminated. Ibid. Although Petitioner appealed his termination from the Housing Choice Voucher Program, his termination from the program was upheld in a Final Agency Decision to Terminate. Ibid.

Petitioner applied for EA in the form of a shelter placement because he was concerned about his termination from the Housing Choice Voucher Program and the anticipated loss of his Section 8 housing. The Agency denied Petitioner's application pursuant to N.J.A.C. 10:90-6.1(c) because he was unable to demonstrate that he was homeless or would be imminently homeless due to circumstances which were beyond his control and for which he had no opportunity to plan.

At the hearing, Petitioner remained unable to show that he was subject to a pending eviction from his present housing by producing a tenancy complaint filed by his landlord or a letter from his landlord stating that his eviction was imminent or had already occurred. N.J.A.C. 10:90-6.3(a)1ii requires documentation of a pending eviction or foreclosure as a condition of the award of EA benefits by an Agency. Thus, the ALJ correctly affirmed the Agency's decision denying Petitioner's application for EA.

Subsequent to the hearing, the Petitioner provided a final demand letter dated September 4, 2014, from Brentwood Gardens Apartments with his filed exceptions. This letter states that the matter of Petitioner's unpaid rent has been referred to an attorney for the commencement of eviction proceedings. Because this letter was filed with Petitioner's exceptions, the Agency has not had the opportunity to consider it. Moreover, this letter was issued by the landlord well after the Petitioner applied for EA on March 26, 2014. Exhibit R-1. Therefore, I recommend that the Agency obtain a new application for EA from the Petitioner for the purpose determining whether the Petitioner is imminently homeless and otherwise eligible for EA benefits.

By way of comment, it should be noted that should Petitioner be evicted and become homeless, he may be ineligible to receive EA for a period of six months pursuant to N.J.A.C. 10:90-6.1(c)3vi subject to a good cause exception under N.J.A.C. 10:90-4.11.

Accordingly, the Initial Decision in the action is hereby ADOPTED and the Agency action is AFFIRMED.

**NOV 01 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director