



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 16487-14 M.P.

AGENCY DKT. NO. C020341 (WARREN CO. DIV TEMP ASST & SOC. SVCS)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency terminated Petitioner's EA benefits under HAP because, purportedly, she lost her Section 8 housing for non-compliance with the Section 8 housing rules and regulations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 11, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 24, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on April 15, 2015.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on April 20, 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 MODIFY the ALJ's Initial Decision and REVERSE the Agency's determination.

Here, the Agency terminated Petitioner's EA benefits under HAP because, purportedly, she lost Section 8 housing for non-compliance with Section 8 housing rules and regulations. See Initial Decision at 3; see also N.J.A.C. 10:90-6.10(2)(b)(1) ("Recipients who lost Section housing for non-compliance with Section 8 housing rules and regulations," shall not be eligible for HAP).

However, the ALJ found, and I concur, that Petitioner did not lose her Section 8 housing because she violated Section 8 rules and regulations, but rather, she relinquished her housing because she was then self-sufficient, and wanted someone who was in need to get her spot. See Initial Decision at 4. Accordingly, I find that the Agency improperly terminated Petitioner's EA benefits under HAP. Of note, the ALJ opined that because Petitioner relinquished her Section 8 housing 11 years ago, that it was too remote in time to affect her HAP eligibility, however, the ALJ is misguided; if Petitioner had been found to have violated the Section 8 rules and regulations, no matter how many years ago, she would have been ineligible for HAP.

While I concur with the ALJ's reversal of the Agency's determination, I modify the Initial Decision to reflect that the Agency shall determine the most appropriate form of EA benefits that are "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). Accordingly, the Agency is to reevaluate Petitioner for an extension of EA benefits under HAP.

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

Accordingly, the Initial Decision is MODIFIED, and the Agency's action is REVERSED.

MAY 19 2019

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director