



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 1577-15 S.A.

AGENCY DKT. NO. C206656 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, determining that she caused her own homelessness because she had a realistic capacity to plan in advance for substitute housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 12, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action, and further ordered that Petitioner and the Agency immediately meet to assess Petitioner's current EA eligibility.

No exceptions to the Initial Decision were received.

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 AFFIRM the Agency's 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 the 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 pertinent 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 the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Additionally, EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

In relevant part, a lack of realistic capacity to plan exists where the assistance unit demonstrates that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing; or when the assistance unit demonstrates functional incapacity, such as evidence of alcohol or drug abuse that would prevent them from planning for or securing substitute housing. N.J.A.C. 10:90-6.1(c)(i), (iii).

Here, the record indicates that Petitioner was put on notice in June of 2013, that after the death of her mother-in-law, she would be required to move from her mother-in-laws property. See Initial Decision at 6. Subsequently, her mother-in-law died in September 2013, and Petitioner was evicted on January 7, 2014, albeit for reasons other than the death of her mother-in-law. See *id.* at 4. Thereafter, from January 7, 2014, to August 2014, Petitioner resided at her grandmother's house until she moved from that location due to overcrowding. *Id.* 4. Petitioner then moved to another property owned by her mother-in-law where she continued to reside, with her sister-in-law, as of the time of the hearing, February 9, 2015. *Id.* at 4, 5. Notably, Petitioner had not been paying any rent while residing at this property. See Exhibit P-3.

Further, the record demonstrates that on November 1, 2014, Petitioner's sister-in-law wrote a letter, "To Whom It May Concern," stating that Petitioner could no longer live with her because, among other things, her landlord wants Petitioner out. See Initial Decision at 2; see also Exhibit P-3. Thereafter, on November 11, 2014, Petitioner applied for EA, and the Agency denied EA, contending that Petitioner failed to take reasonable steps to resolve her housing situation that commenced in June 2013, thereby causing her own homelessness. See Initial Decision at 2.

Accordingly, the ALJ found, and I concur, that Petitioner had more than one and one-half years to resolve her housing situation, and therefore, had the time and a realistic capacity to plan for substitute housing. *Id.* 6. Therefore, I find that because

Petitioner had the capacity to plan, and failed to do so, that she, thereby, caused her own homelessness. See N.J.A.C. 10:90-6.1(c)(3). Accordingly, Petitioner is ineligible for EA benefits for a period of six months, beginning November, 14, 2014; and she will not be able to reapply for EA benefits until April 15, 2015. See Exhibit R-1.

Based on the foregoing, the Initial Decision is MODIFIED, and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

MAR 03 2015

Jeanette Page-Hawkins
Director