



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 17054-15 T.D.

AGENCY DKT. NO. C188614 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because it contended that Petitioner's behavior caused her eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 5, 2015, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 6, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, following an independent review of the record, I hereby ADOPT the Initial Decision and REVERSE 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, EA shall not be provided for a period of six months. See N.J.A.C. 10:90-6.1(c)(3).

The record reflects that Petitioner applied to the Agency for EA/TRA on August 20, 2015, seeking retroactive rent and late fees for her apartment, from which she was being evicted for non-payment of rent. See Initial Decision at 2; see also Exhibit R-1 at 19-27. Initially, the Agency approved Petitioner's application, and on September 15, 2015, the Agency contacted Petitioner's landlord to make arrangements to pay the outstanding balance due. See Initial Decision at 2; see also Exhibit P-1 and Exhibit R-1 at 2. However, the landlord refused to accept the Agency's payment because a lockout had already occurred on September 14, 2015, which the landlord would not reverse. *Ibid.*; see also Exhibits P-2 and P-3. The Agency contends that the landlord refused to reverse the lockout because of Petitioner's aggressiveness towards the landlord's staff and management. See Initial Decision at 2. Based on Petitioner's alleged "bad behavior" towards the landlord, the Agency then denied Petitioner's EA/TRA application effective October 5, 2015, and imposed a six-month period of EA ineligibility upon her, stating that Petitioner was evicted and was "denied entrance back into [her] apartment due to [her] own behavior." See Initial Decision at 2; see also Exhibit R-1 at 9-14.

At the hearing, the landlord's manager, C.K., testified that the landlord rarely reverses a lockout once it has been scheduled and has already occurred. See Initial Decision at 3. However, C.K. also testified that the landlord would have been willing to accept the back rent, penalties, and late fees, had they been paid prior to the lockout date. *Ibid.* According to C.K.'s testimony, because the landlord did not receive the entire outstanding balance due by September 14, 2015, the day the lockout was scheduled, the lockout proceeded on that date. See Initial Decision at 4.

Based upon the foregoing, the ALJ found, and I agree, that the eviction proceeding and resulting lockout had nothing to do with Petitioner's "bad behavior," but rather was "predicated solely on the nonpayment of rent." See Initial Decision at 4. Therefore, the ALJ concluded, and I concur, that the Agency's denial of EA/TRA to Petitioner, as well as the imposition of a six-month period of EA ineligibility upon her, was improper and should be reversed. Inasmuch as Petitioner is no longer a tenant at her former apartment, the Agency shall determine the most appropriate form of EA benefits for Petitioner 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." See N.J.A.C. 10:90-6.3(a)(1).

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

NOV 16 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director