



State of New Jersey

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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 6965-17 T.M.

AGENCY DKT. NO. S811117009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits contending that he caused his own homelessness by mismanaging his funds, and failing to pay his rent, resulting in the loss of his current apartment, and his Section 8 housing voucher. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 19, 2017, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 22, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the record reflects that Petitioner receives monthly Supplemental Security Income ("SSI"), and Retirement, Survivors and Disability Insurance ("RSDI") benefits, totaling \$662.30. See Initial Decision at 2; see also Exhibit R-4. Due to his mental health condition, Petitioner appointed his nephew as the designated payee of his monthly SSI and RSDI payments. *Ibid.* As such, Petitioner's nephew was responsible for paying Petitioner's monthly rent; however, he failed to do so for several months, thereby resulting in Petitioner's eviction from his Section 8 housing on May 4, 2017. See Initial Decision at 2-3; see also Exhibit R-3. Additionally, Petitioner was unaware that his nephew was not paying his rent until he received the eviction papers from his landlord. See Initial Decision at 3. Nevertheless, the Agency denied Petitioner EA benefits in the form of back rent, contending that a mismanagement of funds caused his eviction. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). Petitioner is currently residing with his mother. See Initial Decision at 3. Further, via telephonic testimony, the Section 8 coordinator for the Jersey City Housing Authority stated that Petitioner would not lose his Section 8 voucher due to his eviction. *Ibid.*

Based on the foregoing, the ALJ found that Petitioner had good cause for failing to pay his rent. *Id.* at 4. Therefore, the ALJ concluded that Petitioner did not cause his own homeless, without good cause, and that the Agency's denial of EA benefits to Petitioner in the form of back rent was improper, and must be reversed. *Ibid.*; see also N.J.A.C. 10:90-6.1(c). I agree with the ALJ's determination that Petitioner did not cause his own homelessness. However, Petitioner has now been evicted from his Section 8 housing, and as such, I find that the payment of Petitioner's back rent may now be a moot issue. See Initial Decision at 3; see also Exhibit R-3. Therefore, Petitioner is to be provided with EA benefits in a form to be determined by the Agency, until such time as he locates new Section 8 housing. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect this finding.



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By way of comment, should Petitioner's former landlord accept payment of back rent, and allow Petitioner to again reside in his former apartment, then the Agency is to provide Petitioner with EA benefits in the form of back rent. See N.J.A.C. 10:90-6.3(a)(5). However, the granting of EA benefits in that form is contingent upon Petitioner appointing a new SSI/RSDI designated payee.

By way of further comment, the Agency should refer Petitioner to an agency or service that is able to assist him with appointing a new SSI/RSDI designated payee.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is REVERSED.

Officially approved final version.

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Natasha Johnson
Director

