



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 00531-18 M.W.

AGENCY DKT. NO. C713176007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 1, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 8, 2018, the ALJ issued an Initial Decision, affirming 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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." Additionally, EA benefits 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).

Here, the record reflects that Petitioner and her son were funded by a New York City ("NYC") housing assistance program to relocate from NYC to New Jersey ("NJ"). Petitioner relocated to a NJ apartment in July 2017, for which the NYC housing assistance program had agreed to pay the security deposit of \$1,300, and 4 months rent at \$1,300 per month. See Initial Decision at 2; see also Exhibits R-1 and R-3. On December 8, 2017, Petitioner applied for EA benefits in the form of back rent for the months of November and December, 2017, as well as, for rental assistance going forward. See Initial Decision at 2; see also Exhibit R-2.

Based on the underlying facts of this case, the ALJ found that Petitioner had moved to NJ without making any plan for housing beyond the temporary housing assistance afforded by NYC. See Initial Decision at 3. Specifically, the ALJ found that since moving to NJ in July 2017, Petitioner had done nothing to secure other housing before or after the NYC housing benefits ran out, thereby creating her own emergent situation. *Id.* at 3-4. Further, the Agency testified that Petitioner had not submitted any proof of a basic search for other housing, including subsidized housing, and there was no evidence submitted by Petitioner to prove otherwise. *Id.* at 2-3. Of note, in Petitioner's application for EA benefits she acknowledged that the rent for her apartment was unaffordable. See Exhibit R-2 at 1. Accordingly, the ALJ concluded that Petitioner had failed to plan to avoid her emergent situation, and that the Agency, therefore, properly denied Petitioner EA benefits. See Initial Decision at 4; see also Exhibit R-1. I agree.



As I agree with the ALJ's conclusion, that Petitioner failed to plan to avoid her emergent situation, I find that she has caused her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). As such, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning December 8, 2017, the date of the Agency's denial, through June 7, 2018. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c)(3).

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

MAR 13 2018

Natasha Johnson
Director

