



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 02248-18 R.C.

AGENCY DKT. NO. S702727016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits, contending that Petitioner caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The ALJ converted the matter to an emergent case based on Petitioner's imminent homelessness.

On March 14, 2018, the ALJ issued an Initial Decision reversing the Agency determination. Here, the record reveals that Petitioner was granted EA benefits in August, 2017, in the form of first month's rent and a security deposit. See Initial Decision at 2; see also Exhibit R-3. On August 8, 2017, Petitioner signed an EA Service Plan agreeing that he would pay his regular rent when due. See Initial Decision at 2; see also Exhibit R-4. In October, Petitioner paid \$100 less than he owed to his landlord; however, in November and December, he paid the full rent. See Initial Decision at 2. Due to the \$100 shortage in October, the landlord asked him to vacate the apartment, which Petitioner did in early January of 2018. *Ibid.* Petitioner currently resides in a shelter, but must move out prior to March 31, 2018. See Initial Decision at 2; see also Exhibit P-1. On January 26, 2018, Petitioner applied for EA benefits for a new apartment, and was denied by the Agency, which claimed, in relevant part, that he had caused his own homelessness by voluntarily leaving his previous apartment. See Initial Decision at 2-3; see also Exhibit R-1. Petitioner testified that the lease agreement with his prior landlord stated that he had to move out if he could not pay the full rent, as the landlord would not commence eviction proceedings. See Initial Decision at 3. Neither party produced a copy of the lease or a witness to confirm or deny that assertion. *Ibid.*

The ALJ in this matter found Petitioner credible, and concluded that although eviction proceedings were not pending against Petitioner, the lease required Petitioner to move out of the apartment voluntarily if he could not pay rent. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits was not proper and must be reversed. See Initial Decision at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were filed.

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 REVERSE the Agency's determination.



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

Officially approved final version.

Natasha Johnson
Director

MAR 20 2018

