



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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*Assistant Commissioner*

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 **09761-24 E.P.**

AGENCY DKT. NO. **C096033018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she caused her own homelessness by failing to utilize her Section 8 housing voucher to secure permanent Section 8 housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for a hearing on May 8, 2024, but Petitioner's request for a three-week adjournment was granted and the hearing was rescheduled for June 6, 2024. On June 6, 2024, a teleconference was held but adjourned as Petitioner provided no documents for the hearing and the Agency provided an incorrect fair hearing packet from an unrelated prior hearing. On June 26, 2024, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 26, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on August 2, 2024 and August 9, 2024.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, based on the discussion below.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance and Supplemental Security Income ("SSI") applicants/recipients. See N.J. A.C. 10:90-6.1(a). Pursuant to N.J.A.C. 10:90-6.1(c)(3)(viii), EA benefits shall not be provided when the adult applicant or recipient refused to accept Section 8 housing. Additionally, that individual is not eligible for EA for a period of six months. See N.J.A.C. 10:90-6.1(c)(3) (stating that EA benefits shall not be provided for a period of six months when an EA applicant or recipient "has caused his or her own homelessness, without good cause").

Here, the record reflects that Petitioner is an SSI benefits recipient, and has been receiving EA periodically for many years, including her current placement at a hotel. See Initial Decision at 2. Petitioner has expressed to the Agency that she prefers EA hotel placement to Section 8 housing. *Ibid.*; see also Exhibits P-2, R-2, R-14. Petitioner previously resided in Section 8 housing from 2005 until 2015, when she was evicted for failing to pay her rent, and she contends that she is concerned she will be unable to contribute her portion of payment for Section 8 housing based upon her income, and that she will be unable to pay her expenses. See Initial Decision at 2; see also Exhibits P-2, R-2.

On January 18, 2023, Petitioner applied for Section 8 housing through the Housing Choice Voucher program administered by the New Jersey Department of Community Affairs ("DCA"). See Initial Decision at 3; see also Exhibit R-11. Petitioner



testified that she believes, based upon her application having a status of “inactive” on the DCA website portal, that she was never approved for Section 8 housing. Ibid. The Agency representative testified, however, that the accuracy of the application status can change frequently as the application moves through the DCA process. Ibid. Specifically, the Agency representative testified that Petitioner’s January 18, 2023, was inactive until July 24, 2023, when DCA processed Petitioner’s application. Ibid. On July 24, 2023, DCA sent Petitioner a Tenant Information Form seeking further information, which Petitioner completed and returned. Ibid. Further, Petitioner met with DCA at their field office on August 7, 2023, when she signed her Section 8 Housing Voucher, and DCA provided her 180 days to find housing (which was extended from the usual 120 days due to Petitioner’s disability). Ibid.; see also Exhibit R-1. Petitioner contends that the voucher she was provided was not legitimate and she had not been approved for Section 8 housing. Ibid. Petitioner further submitted a letter allegedly from a DCA supervisor, which the ALJ found to be “not authentic.” See Initial Decision at 4; see also Exhibit R-13. Petitioner maintains that she was never approved for Section 8 housing, despite signing the voucher document, as well as signing a Service Plan letter on September 20, 2023, and an Individual Responsibility Plan on September 28, 2023, wherein both documents include statements regarding approval for the Section 8 housing voucher. See Initial Decision at 4; see also Exhibits R-8, R-10. As a result of Petitioner’s refusal to find appropriate permanent Section 8 housing, by notice dated February 15, 2024, the Agency terminated Petitioner’s EA benefits effective March 31, 2024, and imposed a six-month EA ineligibility penalty. See Exhibit R-6.

The ALJ found that Petitioner was approved for Section 8 housing, and received the approved voucher, which was valid from August 7, 2023 to February 5, 2024, and that Petitioner caused her own homelessness by failing to find Section 8 housing, as she wanted to continue receiving EA benefits for the hotel placement. See Initial Decision at 4. The ALJ also found that, in accordance with applicable regulatory authority, Petitioner’s refusal of affordable, permanent Section 8 housing, necessitated that the Agency terminate Petitioner’s EA benefits, and impose of a six-month period of EA ineligibility. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3)(viii). Accordingly, the ALJ concluded that the Agency’s termination of Petitioner’s EA benefits, and the imposition of a six-month EA ineligibility penalty were proper and must stand. Ibid. I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, her six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

By way of further 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.

Also, by way of comment, I have reviewed Petitioner’s Exceptions, and I find that the arguments therein do not alter my decision in this matter.

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

Officially approved final version.

August 29, 2024

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Natasha Johnson

Assistant Commissioner

