



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*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 11335-24 K.H.

AGENCY DKT. NO. C050113008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, and that her emergent circumstances were not beyond her control, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 22, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when the applicant's behavior directly caused the emergent situation. See N.J.A.C.10:90-6.1(c)(3)(vii).

Here, the ALJ found, and concluded, that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, such that her emergent circumstances were not beyond her control, and that she thereby caused her own homelessness. See Initial Decision at 6-8; see also N.J.A.C. 10:90-6.1(c)(3). Specifically, the ALJ found that Petitioner's emergent situation was a result of her failure to remedy the uncleanness of her apartment unit which caused health and safety concerns and breached the terms of her lease. See Initial Decision at 4; see also Exhibit R-1 at 16, 18-22, 24, 26, 46, 47.

Petitioner resided in the same two-bedroom apartment unit since November 2012 which was housing seven to eight family members. See Initial Decision at 2. The property manager, who has worked at the property since 2022, testified that verbal warnings regarding the uncleanness of the unit had been issued for many years and that during 2023, a state agency inspected the unit and identified concerns with uncleanness, health, and safety within the unit. Ibid. During March 2023, Petitioner was sent a letter from the apartment management in reference to apartment maintenance staff having difficulty entering and servicing the unit due to state of the apartment. See Initial Decision at 3, see also Exhibit R-1 at 46. On September 26, 2023, Petitioner was sent a notice by the apartment complex that the unit was not being kept clean and that the condition of the unit could pose fire and/or safety hazards, in violation of the lease. See Initial Decision at



3; see also Exhibit R-1 at 47. On November 23, 2023, Petitioner was sent a "Notice to Cease" by the landlord citing the conditions of the apartment. See Initial Decision at 3; see also Exhibit R-1 at 26. On January 11, 2024, a "Notice to Quit" was sent to Petitioner followed by a Tenancy Summons and Complaint being filed on March 4, 2024. See Initial Decision at 3; see also Exhibit R-1 at 18-22, 24. On May 4, 2024, a "Consent to Enter Judgment" was signed by the Petitioner and her landlord. Ibid.; see also Exhibit R-1 at 16. Petitioner was ordered to vacate the property on June 9, 2024, and had to be escorted from the premises by police. See Initial Decision at 3.

Based on the foregoing, the ALJ concluded that the Petitioner had known since at least March 2023 that she could be evicted from her housing, and even after several warnings, Petitioner made no plan for alternative housing or to improve the cleanliness of her home, thus the ALJ found that the Agency's denial of Petitioner's EA benefits, and the imposition of a six-month EA ineligible penalty, were proper and must stand. See Initial Decision at 6-8; see also N.J.A.C. 10:90-6.1(c) (1), (3). I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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. August 28, 2024

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Natasha Johnson  
Assistant Commissioner

