



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 04718-18 T.R.

AGENCY DKT. NO. C394656007 (ESSEX COUNTY DIVISION OF WELFARE)

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 failed to complete her annual recertification for subsidized housing, thereby cause her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2018, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 6, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that she failed to timely recertify for subsidized housing because she did not receive the recertification notices in June and July 2017, as alleged by the new apartment management. See Initial Decision at 2; see also Exhibit R-2. Moreover, the ALJ found Petitioner to be highly credible when stating that she would not have risked losing subsidized housing where she has resided for five years. See Initial Decision at 2. Petitioner acknowledged receipt of a final notice to recertify, on October 31, 2017, stating therein that her monthly rent would increase from \$218 per month to \$1,377 per month starting October 1, 2017. *Ibid.*; see also Exhibit R-1. Thereafter, Petitioner immediately went to the management office to submit the required documentation, which was not accepted and processed by management until December 2017, at which time a new lease was prepared, effective January 2018, with a monthly rent of \$218. See Initial Decision at 2. However, as a result of the increase in Petitioner's rent, she failed to pay her rent for the months of October, November, and December 2017, and is now facing eviction. *Ibid.*; see also Exhibit P-1. Of note, aside from owing back rent, Petitioner is current with her rent. See Initial Decision at 2. Based on the foregoing, the ALJ found Petitioner eligible for EA benefits, and concluded that the Agency should provide Petitioner with EA benefits in the form of back rent for the months of October, November, and December 2017, upon proof from the landlord that three months' back rent is owed, and the correct amount of back rent due. *Id.* at 3; see also Exhibit R-3 at 2, N.J.A.C. 10:90-6.3(a)(5). Accordingly, the ALJ reversed the Agency's denial of EA benefits to Petitioner, and its imposition of a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by the Agency on April 9, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



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By way of comment, Petitioner is advised to be mindful of her recertification requirements for continued subsidized housing because any future loss of subsidized housing, without good cause, may result in the denial of EA benefits for a period of six months.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

APR 16 2018

Natasha Johnson

Director

