



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 02238-19 F.C.

AGENCY DKT. NO. S734174009 (HUDSON COUNTY DEPT OF FAM 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 Petitioner caused his own homelessness when he was evicted from subsidized housing for failing to follow housing rules, and for failing to pay his portion of the rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 19, 2019, but was adjourned at the request of the parties. On March 1, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 4, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the Agency had determined that Petitioner caused his own homelessness, denied him EA benefits, and imposed a six-month EA ineligibility penalty, based exclusively on a termination notice, dated May 31, 2018, from Petitioner's subsidized housing authority. See Initial Decision at 3. The notice stated that Petitioner was terminated from the subsidized housing program because he violated housing rules by smoking in his room, had complaints of physical violence and verbal abuse toward staff and tenants, and for failing to pay his March, April, and May 2018, rent. *Ibid.*; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3). Petitioner denied the allegations in said termination notice, and provided proof that he had indeed paid his March, April, and May 2018, rent. See Initial Decision at 3-4; see also Exhibit P-2. The ALJ found Petitioner's testimony credible, and that the Agency had failed to verify any of the allegations in the termination notice. See Initial Decision at 5. As such, the assertions contained in the termination notice constituted hearsay, unsupported by any credible evidence, and therefore, could not form the basis for the Agency's denial of EA benefits to Petitioner. *Ibid.*; see also N.J.A.C. 1:1-15.5(b). Based on the testimony and documents presented, the ALJ concluded that Petitioner did not cause his own homelessness, and that the Agency's denial of EA benefits to Petitioner, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-1. I agree.

The ALJ also concluded that the Agency shall determine the most appropriate form of EA benefits needed to address Petitioner's housing emergency. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(a)(1). I also agree. However, I find that if the payment of Petitioner's back rent will keep him from being evicted, then it is in the best interest of all parties concerned to pay Petitioner's back rent, in order that he may continue to reside in affordable permanent housing. See Initial Decision at 6; see also Exhibit P-8, and N.J.A.C. 10:90-6.3(a)(6) (stating that, "[Temporary Rental Assistance] is the preferred form of EA in all circumstances, as appropriate").

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on March 6, 2019.



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.

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

Officially approved final version.

Natasha Johnson
Director

MAR 08 2019

