



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 01468-19 J.T.

AGENCY DKT. NO. C466515007 (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 moved to New Jersey ("NJ") without a plan, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 1, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that for ten months Petitioner had lived in another country with the father of her two youngest children until September 2018, when he kicked her out of the home that they were sharing. See Initial Decision at 2. With nowhere to go, Petitioner received plane fare from her grandmother and aunt so that she could move back to NJ, where she had lived for most of her life. *Ibid.* Petitioner testified that she knew that she could only stay with her aunt for a short period of time so, prior to moving to NJ, she had made plans with a high school friend to search for an apartment, for them to share, upon her return. *Id.* at 2-3. Further, Petitioner testified that her grandmother had promised to give her money for a security deposit and first month's rent. *Id.* at 3. However, upon Petitioner's arrival, her friend backed out of their plans, and her grandmother never provided her with the promised housing funds. *Ibid.* Consequently, Petitioner and her four children currently reside with her aunt, her aunt's disabled son, and Petitioner's grandmother in a two-bedroom apartment. *Id.* at 2. On January 24, 2019, Petitioner's aunt received a "Notice to Cease" from her landlord wherein she was ordered to remove unauthorized persons from her apartment immediately or face eviction. *Id.* at 4; see also Exhibit P-1. As Petitioner and her children are unauthorized persons, Petitioner is facing imminent homelessness. Because Petitioner had lived with that same aunt, in that same apartment, more than a year ago, and was made to leave the apartment at that time due to the same overcrowding situation, the Agency contended that Petitioner failed to plan, thereby caused her own homelessness when she moved back to NJ with the knowledge that her housing would only be temporary. See Initial Decision at 3. Of note, however, I find that this prior event is too remote in time to form the basis for the Agency's denial of EA benefits to Petitioner. See Exhibit R-1.

Based on the testimony and evidence presented, the ALJ found that Petitioner is imminently homeless and that she did not cause her own homelessness, but rather, that the combination of her friend backing out of their housing arrangement, the lack of the receipt of housing funds from her grandmother, and the aunt's compelling need to make petitioner leave her apartment which has led to Petitioner's imminent homelessness. See Initial Decision at 4-5; see also Exhibit P-1. Further, the ALJ found that Petitioner had placed her name on the waiting list for affordable housing, as required. See Initial Decision at 4; see also Exhibit P-2. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to



Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.

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.

By way of comment, Petitioner is advised that the Agency shall determine the form of EA benefits required to meet her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version.

FEB 07 2019

Natasha Johnson

Director

