



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 01864-20 D.S.

AGENCY DKT. NO. C146333016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit. The Agency denied Petitioner EA benefits, contending that he violated the terms of his lease, resulting in eviction, and thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2020, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, had been evicted from permanent affordable housing for violating the terms of his lease. See Initial Decision at 3; see also Exhibit R-1 at 14-28. Specifically, Petitioner allowed unauthorized persons to reside in his studio apartment from time to time, which was in violation of his lease. See Initial Decision at 3; see also Exhibit R-1 at 18, 26. Further, Petitioner was warned several times by his landlord of such violation, but Petitioner continued to allow unauthorized persons to reside with him, and as a result, he was evicted from his apartment. See Initial Decision at 3; see also Exhibit R-1 at 28-30. Petitioner claimed that the persons who had resided with him were his children, and that they were only there temporarily to assist him with his medical issues. See Initial Decision at 3-4; see also Exhibits P 1, P-2. However, the ALJ found that Petitioner was aware that his lease did not allow family members to stay with him for even a few days, and that he was warned on several occasions of the violation of his lease, yet he took no steps to remedy the situation. See Initial Decision at 5; see also Exhibit R-1 at 28-30. Based on a preponderance of credible evidence, the ALJ concluded that Petitioner had the capacity to plan for substitute housing that would allow his family members to stay with him, and that the continuation of the violation of his lease was not due to circumstances beyond his control. See Initial Decision at 4-5. Accordingly, the ALJ found that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 5; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-6.1(c)(3)(vi). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on February 13, 2020.



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, I have reviewed the Exceptions submitted on behalf of Petitioner, 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 AFFIRMED.

Officially approved final version **FEB 19 2020**

Natasha Johnson
Assistant Commissioner

