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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 2329-15 P.H.

AGENCY DKT. NO. C236757 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she caused her own homelessness. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On April 15, 2015, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 29, 2015, the ALJ issued an Initial Decision which affirmed the Agency's determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and, having made an independent review of the record in this matter, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as actual or imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path of self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." When the recipient causes her own homelessness, she is ineligible for EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3).

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Here, Petitioner applied to the Agency for EA on January 18, 2015 seeking assistance for a new apartment. See Initial Decision at 2. Petitioner testified at the hearing that she previously received housing assistance through the Ryan White Program. See Initial Decision at 3. Petitioner left her first subsidized housing in December 2009 due to carbon monoxide issues, and she left her next subsidized home in 2013 due to mold. Ibid. Petitioner ceased paying rent on her most recent apartment in December 2014 due to a variety of issues, including carbon monoxide/smoke alarms going off and a lack of gas and hot water. Ibid. As a result, Petitioner was evicted for non-payment of rent and she vacated the apartment on February 9, 2015. See Initial Decision at 3. Thereafter, Petitioner temporarily resided with her son until March 22, 2015, then lived at a shelter for a few days, and has since stayed at hotels. Ibid.

Sometime prior to Petitioner's EA application, the Ryan White Program sent Petitioner a letter advising that her housing assistance under their Program would not be renewed. See Initial Decision at 3. However, that letter was not produced at the hearing by either Petitioner or the Agency. See Initial Decision at 2-3.

The Agency denied Petitioner EA because Petitioner provided documentation with her application indicating that her rental assistance from the Ryan White Program was not being renewed. See Initial Decision at 2. Accordingly, the Agency denied Petitioner's EA application because she had caused her own homelessness with an affordable rental program. Ibid.; see also Exhibit P-1.

The ALJ concluded, and I agree, that the Agency's denial of EA to Petitioner was proper because Petitioner failed to demonstrate that she did not cause her own homelessness. See Initial Decision at 5. Specifically, it was undisputed by Petitioner that she did not pay her rent, although she had sufficient funds to do so, resulting in her eventual eviction for non-payment. Ibid. In addition, Petitioner failed to demonstrate that the non-renewal of her rental assistance by the Ryan White Program was not due to her own actions. Ibid.

Accordingly, the Initial Decision is ADOPTED and the Agency action is AFFIRMED.

MAY 2 6 2015

Signed Copy on File at DFD, BARA

Natasha Johnson Director