



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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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 17431-15 S.C.

AGENCY DKT. NO. C194100 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for an extreme hardship extension of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because she had a capacity to plan and caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 4, 2015, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 5, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed on behalf of Petitioner on November 10, 2015.

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

In order to be EA eligible, the assistance unit must be 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. See N.J.A.C. 10:90-6.1(c). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

The record reflects that Petitioner has received 14 months of EA to date. See Initial Decision at 2; see also Petitioner's Grant History Printout dated November 4, 2015. Petitioner lived with her mother in 2014, during which time Petitioner was employed and earned a yearly net income of \$3,988.00. See Initial Decision at 2; see also Petitioner's 2014 U.S. Individual Income Tax Return. Petitioner received an income tax refund for 2014 of \$1,382.00. Ibid.

Although Petitioner was not working, on July 1, 2015, she voluntarily moved out of her mother's apartment and rented an apartment with a rental amount of \$1,100.00 per month. See Initial Decision at 2. Petitioner testified that she paid the security deposit, and her first month's rent was paid by a community action organization on her behalf on July 20, 2015. Ibid.; see also North Hudson Community Action Corporation Letter dated October 27, 2015. Thereafter, Petitioner paid the August 2015, rent from her savings. See Initial Decision at 2. Petitioner also testified that she had intended to secure employment to pay the rent, but she is currently not employed, nor does she have any prospects of employment. Ibid.

In October 2015, Petitioner applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which were approved on October 22, 2015. See Initial Decision at 2; see also Petitioner's Grant History Printout dated November 4, 2015. On October 26, 2015, Petitioner applied for an extreme hardship extension of EA/TRA. See Initial Decision at 2. The Agency denied Petitioner's application effective October 29, 2015, because Petitioner had the capacity to plan for substitute housing during the time that she was employed and living with her mother, and because Petitioner moved into an unaffordable apartment while she had no income. Ibid.; see also Agency Adverse Action Notice dated October 29, 2015.

In her Initial Decision, the ALJ found, and I agree, that under the circumstances herein, Petitioner does not meet the criteria for an extreme hardship extension of EA. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(b)(1). Therefore, the ALJ concluded, and I concur, that the Agency's denial of Petitioner's application was proper and must stand. Moreover, because Petitioner had a realistic capacity to plan for substitute housing, and caused her own homelessness by moving into an apartment she could not afford, the six-month EA ineligibility penalty imposed upon her by the Agency was appropriate. See N.J.A.C. 10:90-6.1(c)(3). The EA ineligibility period shall run from October 29, 2015 through April 29, 2016, and Petitioner may reapply for EA on April 30, 2016.

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 action is hereby AFFIRMED.

**NOV 18 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director