



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Nalasha Johnson  
*Director*  
Tel. (609) 588-2400

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 16259-15 A.S.

AGENCY DKT. NO. C172456 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month EA penalty. The Agency denied Petitioner EA benefits because the monthly rental payment for her apartment was above the allowable Fair Market Rent ("FMR") for Bergen County, and because it determined that she had the realistic capacity to plan for alternate housing but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On October 22, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner receives monthly Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits in the amount of \$162, Supplemental Security Income ("SSI") benefits in the amount of \$764 for her daughter, and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits in the amount of \$249. See Initial Decision at 2. The record also shows that Petitioner, her minor daughter, her adult son, and the son's girlfriend, moved into a two bedroom apartment with a monthly rental payment of \$1,470, not including utilities. *Id.* at 3; see also Exhibit P-4 at 1-2. The record further shows that Petitioner had relied on the proceeds of an income tax refund to cover the security deposit and the first month rent, and then relied on her

credit card to cover the successive four months of rent, until she was evicted. See Initial Decision at 4; see also Exhibits P-1, P-2, and P-5. The ALJ found that Petitioner's monthly rental payment of \$1,470, not including utilities, for a two bedroom apartment, was above the monthly allowable FMR of \$1,371, including utilities, for a two bedroom apartment in Bergen County. See Initial Decision at 3; see also Division of Family Development ("DFD") Instruction No. 14-10-01. The ALJ further found that Petitioner failed to engage in advance planning for alternate housing, when she moved into an apartment that she had no ability to afford. See Initial Decision at 5. Accordingly, the ALJ concluded that the Agency properly denied Petitioner's application for EA benefits because she had the realistic capacity to prevent her own homelessness by seeking a more affordable housing, but failed to do so, without good cause. *Id.* at 6; see also N.J.A.C. 10:90-6.1(c).

No Exceptions to the Initial Decision were filed.

As the Director of DFD, 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 in this matter.

By way of comment, Petitioner may re-apply for EA benefits after her six-month penalty has expired, provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

*Signed Copy on File*

at DFD, BARA

NOV 05 2015

\_\_\_\_\_  
Natasha Johnson

Director