



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 7353-15 C.W.

AGENCY DKT. NO. C197769 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA because she caused her own homelessness by failing to pay rent when she had the available funds to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 26, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 27, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

No exceptions to the Initial Decision were filed by either party.

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

The record indicates that Petitioner's monthly household income is \$926.00 and consists of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$162.00 for one of her children, Supplemental Security Income ("SSI") for herself of \$764.00, and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamps Program, benefits of \$516.00. See Initial Decision at 2. Petitioner also receives occasional child support payments of \$50.00 per month pursuant to a family court order. Ibid.

At the hearing, Petitioner testified that her landlord failed to maintain the apartment in which she resides with her two children. See Initial Decision at 2. Because the apartment allegedly became uninhabitable, Petitioner withheld payment of her \$900.00 monthly rent to force the landlord to make repairs. Ibid. As a result, Petitioner's landlord filed an eviction action against her in February 2015 for non-payment of rent. Ibid. When Petitioner received notice of her impending eviction, she paid \$1,400.00 to her landlord towards unpaid rent. Ibid. However, the landlord continued with Petitioner's eviction action. Ibid. On May 6, 2015, Petitioner appeared at the eviction hearing, and the tenancy court issued an Order for Orderly Removal stating that Petitioner would be locked out of her apartment on May 15, 2015 at 9:00 a.m. Ibid.; see also Exhibit P-1.

On May 15, 2015, Petitioner applied to the Agency for EA/TRA for payment of back rent of \$5,439.00. See Initial Decision at 3. The Agency denied Petitioner's application because she had sufficient income to make payments toward her rent, but failed to do so, thereby causing her own homelessness without good cause. Ibid.; see also Exhibit P-2. Further, the Agency representative testified at the hearing that Petitioner receives sufficient income to pay her rent and that she mismanaged her funds. See Initial Decision at 3.

In the Initial Decision, the ALJ failed to address the issue of whether Petitioner had caused her own homelessness without good cause. Instead, the ALJ concluded that the Agency improperly denied Petitioner EA/TRA because public policy favors allowing public assistance recipients to "retain affordable long-term housing which they will become capable of sustaining after the TRA benefits are exhausted" rather than housing them in hotels or other short-term facilities. See Initial Decision at 3. However, the ALJ also found that "Petitioner has some income sufficient enough that she can pay for housing on her own." Ibid.

Having made an independent review of the record, I hereby reject the Initial Decision in this matter. I agree with the Agency that Petitioner caused her own homelessness due to a mismanagement of funds. See Initial Decision at 3. After withholding over four months of rent from her landlord at \$900.00 per month, Petitioner should have had at least \$3,600.00 on hand when she received the eviction complaint. However, Petitioner testified that, when she discovered her landlord had filed an eviction action against her, she paid her landlord only \$1,400.00. See Initial Decision at 2. There record is silent in regards to what Petitioner did with the remaining \$2,200.00 which she purportedly withheld.

Based on the foregoing, I disagree with the ALJ's conclusion that denial of EA/TRA to Petitioner was inappropriate under these circumstances. See Initial Decision at 4. In light of the facts, I find that the Agency correctly denied Petitioner EA/TRA because Petitioner mismanaged her income and caused her own homelessness.

Accordingly, the Initial Decision is hereby REJECTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

'JUN 05 2015

Natasha Johnson
Director