



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 3163-15 D.G.

AGENCY DKT. NO. C645703 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she moved from Georgia to New Jersey without a plan for housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 6, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 9, 2015, the ALJ issued an Initial Decision, which reversed the Agency's determination and directed the Agency to provide EA benefits to Petitioner in the form of Temporary Rental Assistance.

No exceptions to the Initial Decision were received.

As the Deputy Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to 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

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homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

The record for this matter establishes that Petitioner previously moved to Georgia from New Jersey to live with her grandfather. See Initial Decision at 2. The record further establishes that after approximately six months of living in Georgia, Petitioner realized that her elderly grandfather was not in good enough health to tolerate her five children, so she moved back to New Jersey with the expectation that she could move back into her former residence, which was owned by the brother of one of her children's father. *Ibid.* However, upon arriving in New Jersey, she was denied access to her former residence by the owner of the property. *Ibid.* Thereafter, Petitioner moved in with her aunt, but cannot stay with her as Petitioner is not on the lease. *Ibid.*; see also Exhibit P-1.

The Agency in this matter contended that Petitioner had caused her own homelessness by abandoning affordable housing in another state and coming to New Jersey without an adequate plan for housing, and, accordingly, denied Petitioner EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 2. Based upon the evidence presented in this matter, I agree with the Agency. Specifically, I find that Petitioner should have contacted the owner of her previous residence to see if it was still available to her, yet the record is silent as to any such forethought. Accordingly, I find that Petitioner's assumption that she could move back to New Jersey, directly into her previous residence, shows the lack of adequate planning. Consequently, I find that Petitioner caused her own homelessness, and therefore will be ineligible for EA benefits for a period of six months. See N.J.A.C. 10:90-6.1(c)(3). An applicant's period of EA ineligibility is applied from the date of denial of the application for EA benefits, which in this case, is March 2, 2015. See DFD Instruction 08-5-4 at 11.

The Agency shall refer the Petitioner to any and all programs and/or agencies that may assist her with her housing needs.

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

MAR 30 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director