



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

Natasha 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 19510-15 J.S.

AGENCY DKT. NO. C255288 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA penalty contending that she caused her own homelessness by refusing shelter placement in Essex County, and by moving to an unaffordable apartment in Hudson County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 11, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 14, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 16, 2015. Exceptions to the Initial Decision were filed by Petitioner on December 22, 2015.

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 I MODIFY the ALJ's Initial Decision and REVERSE the Agency's determination.

The Agency shall determine the most appropriate form of EA benefits, which may include shelter placement, that are "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into

consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). However, the Agency is reminded that TRA is the preferred form of EA benefits in all circumstances, as appropriate. N.J.A.C. 10:90-6.3(a)(6).

Here, the ALJ found that the Agency failed to prove that Petitioner refused shelter placement in Essex County, thereby causing her own homelessness, and, therefore, improperly denied her EA/TRA benefits, and improperly imposed a six-month EA penalty. See Initial Decision at 2, 3. I concur. Additionally, the ALJ ordered the Agency to provide Petitioner with EA/TRA benefits.

However, the record shows that Petitioner moved from Essex County to an unaffordable apartment in Hudson County. *Id.* at 2. Specifically, the record shows that Petitioner's monthly rent is \$1,100 per month, with her only source of income appearing to be her monthly Work First New Jersey/Temporary Assistance for Needy Families benefits. *Ibid.* Therefore, while I find that Petitioner is eligible for EA benefits, I also find that she is not eligible for EA/TRA for her current, unaffordable apartment. Rather, I find that the Agency shall determine the appropriate form of EA benefits required to meet Petitioner's needs, keeping in mind that EA/TRA is the preferred form of EA benefits. See N.J.A.C. 10:90-6.3(a)(1), (6). The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is hereby put on notice that a refusal of the form of EA benefits to be provided, including shelter placement, would result in a finding that she caused her own homelessness, and result in a six-month period of ineligibility for EA benefits.

By way of further comment, I have reviewed the Agency's and Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is MODIFIED and the Agency's action is REVERSED.

Signed Copy on File
at DFD, BARA

JAN - 6 2016

Natasha Johnson
Director