



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 10931-15 L.B.

AGENCY DKT. NO. C203807 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency denied Petitioner EA because she failed to provide documentation necessary to complete her application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 10, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on August 14, 2015.

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

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit "is 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). The assistance unit shall be ineligible for EA for a six-month period when the adult application caused their own homelessness without good cause. See N.J.A.C. 10:90-6.2(c)(3).

The record reflects that Petitioner receives monthly Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$424.00, as well as monthly Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits of \$492.00. See Initial Decision at 2. Petitioner and her two young children have resided with Petitioner's mother in a Section 8 apartment for several years, and Petitioner's name is included on the lease as a co-tenant. Ibid. Petitioner was last employed in March 2014, when she was laid off due to lack of work. Ibid. Petitioner testified that she continues to seek employment. Ibid.

Throughout the years that Petitioner and her mother have lived together, they have occasionally engaged in verbal altercations. See Initial Decision at 3. Petitioner claims that, during these verbal disputes, her mother uses profanity around her children. Ibid. Because of an argument between Petitioner and her mother on April 21, 2015, the police were called. See Jersey City Police Department Report dated April 21, 2015. The report indicates that a "domestic dispute" occurred, but that no injuries were sustained and no weapons were used. Ibid.

Thereafter, on July 10, 2015, Petitioner and her mother argued about washing the dishes. See Initial Decision at 2; see also Petitioner's Statement dated July 15, 2015. The argument ended when Petitioner's mother told Petitioner to leave the apartment, which she did. Ibid. Petitioner then called a homeless hotline and obtained a hotel room for herself and her children for the weekend. See Initial Decision at 2.

On July 13, 2015, Petitioner visited the Agency, applied for EA, and was given a one-night emergency hotel stay. See Initial Decision at 2. However, Petitioner failed to produce information and documents requested by the Agency in order to complete her EA application. Ibid. The requested documentation includes a copy of Petitioner's current lease, proof of her last employment and any unemployment benefits received, and proof of school attendance. Ibid.

On July 15, 2015, Petitioner visited the Jersey City Housing Authority ("JCHA") and attempted to have her name removed from the Section 8 lease. See Initial Decision at 3. However, the JCHA advised that Petitioner's name could not be removed until she provides them with proof of her new residence. Ibid.; see also Letter from JCHA dated July 15, 2015.

When domestic violence is asserted, as it is here, the WFNJ regulations mandate that the victim be referred for a domestic violence ("DV") risk assessment in accordance with the Family Violence Option Initiative. See N.J.A.C. 10:90-20.8. Accordingly, the Agency scheduled an appointment for Petitioner to have a DV risk assessment completed. See Initial Decision at 3; see also N.J.A.C. 10:90-20.8(a)(1). Petitioner did not keep her appointment and, to date, she has not

rescheduled it. See Initial Decision at 3. Moreover, Petitioner has not shown good reason for failing to complete a domestic violence risk assessment within ten days of the referral, as is required by the regulations. See N.J.A.C. 10:90-20.8(b)(4).

In her Initial Decision, the ALJ found that, although the previous disputes between Petitioner and her mother have only been verbal, "society need not wait until someone is hurt with fists or weapons before interceding." See Initial Decision at 3. On that basis, the ALJ found that Petitioner was forcibly removed from the apartment, that she is facing a homelessness emergency, and that she qualifies for EA in the form of a short-term shelter placement. *Ibid.*

I disagree with, and hereby reject, the ALJ's decision, for the following reasons. First, Petitioner has refused to undergo a mandatory DV risk assessment. See Initial Decision at 3; see also N.J.A.C. 10:90-20.8(a)(1). On that basis, and upon an independent evaluation of the facts, it appears that no domestic violence exists in this case.

Second, Petitioner's housing emergency did not occur for reasons beyond her control. See N.J.A.C. 10:90-6.1(c). Instead, Petitioner voluntarily abandoned affordable Section 8 housing, and was not forcibly removed therefrom. In fact, Petitioner's written statement regarding the July 10, 2015, verbal altercation with her mother clearly states that, during the argument, Petitioner left the apartment as soon as her mother told her to leave. See Petitioner's Statement dated July 15, 2015. I must note that, because Petitioner is a co-tenant on the Section 8 lease, she has as much legal right to remain in the apartment as her mother does. For the foregoing reasons, I find that Petitioner is ineligible for EA and, therefore, the Agency's determination was appropriate.

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

AUG 26 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director