



*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 1277-15 L.K.

AGENCY DKT. NO. C151667 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she caused her own homelessness by being a disorderly tenant, destroying property, and engaging in criminal activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 26, 2015, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing and took the testimony of the Agency and the hotel owner. Petitioner was hospitalized at the time of the hearing, so the hearing was adjourned to March 5, 2015. On March 5th, the courthouse was closed due to inclement weather and the hearing was rescheduled for March 19, 2015. On March 19, 2015, the Honorable Sarah G. Crowley completed the plenary hearing, took additional testimony and admitted documents. On March 20, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Acting Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM 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 homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." However, EA benefits 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).

N.J.A.C. 10:90-6.6(a) outlines both recipient and Agency responsibilities in helping to resolve the emergency situation and to assist the recipient in securing suitable permanent housing. Recipients' responsibilities include acknowledgment by their signature that they will comply with, and carry out, a service plan ("SP"). N.J.A.C. 10:90-6.6(a)(1)(i) further states, "The service plan shall include, as appropriate, but is not limited to: Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems."

When an EA recipient demonstrates evidence of a mental impairment that would prevent them from possessing the functional capacity to plan and avoid homelessness, the recipient shall be referred to the appropriate services, and is required to engage in an appropriate mental health treatment, which requirements shall be incorporated into her Individual Responsibility Plan and SP. See N.J.A.C. 10:90-6.1(c)(1)(iii)(1),(2).

If [a] qualified professional determines that the [EA] recipient lacked the functional capacity to avoid behaviors that contributed to his or her becoming homeless, due to mental impairments, then good cause is established, and the six-month period of EA ineligibility shall not be imposed. See N.J.A.C. 10:90-6.1(c)(3)

The record in this matter reveals that the Agency has been working with Petitioner since she was evicted from her low income housing on August 3, 2014. See Initial Decision at 2. At that time, the Agency placed Petitioner in a shelter and recommended a psychological evaluation. Ibid. Since August 2014, Petitioner had been placed in several different motels, and had been placed in several separate motels since the pendency of the instant matter, all of which she was either asked to leave because of her disruptive behavior, or left on her own accord, without, what appears from the record, good cause. See *id.* at 3-4. Most recently, on January 26, 2015, Petitioner was removed from a motel placement because she slapped and spit into the motel owner's face, and the police were called. See *id.* at 2, 4; see also Exhibit R-1 at 12. After this incident, the Agency again recommended that Petitioner complete a psychological evaluation and offered to place her in a rooming house pending the outcome of the evaluation, but she refused the offer. See *id.* at 3. Petitioner currently lives with her mother. Ibid. To date, the record indicates that although Petitioner seeks medical attention on a regular basis, she has not agreed to complete a psychological evaluation. See *id.* at 2-3.

The record clearly shows that Petitioner has mental health issues, and my review of the record does evidence that the Agency has, in fact, taken Petitioner's circumstances into consideration. See Exhibit P-1 at 19-20; see also Initial Decision at 3-4. However, Petitioner has consistently refused a mental health assessment to determine whether she lacks the functional capacity to plan and to avoid homelessness, necessary to determine the appropriate mental health treatment to be incorporated into an Individual Responsibility Plan and EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii),(2). Accordingly, I find that although the regulations contemplate special treatment of someone suffering from a mental impairment, they do not contemplate a revolving door of EA placements for a disruptive individual who refuses to take part in the required mental health assessment. See N.J.A.C. 10:90-6.1(c)(2). Therefore, the ALJ found, and I concur, that the Agency properly terminated Petitioner's EA benefits. Further, because Petitioner was the cause of her own homelessness, without good cause, she is ineligible for EA benefits for six months, beginning February 5, 2015, the effective date of her termination of EA benefits. See Exhibit R-1 at 9.

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

MAR 30 2015

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director