



## 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 15415-15 M.C.

AGENCY DKT. NO. C050254 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA/TRA, and imposed a six-month period of ineligibility, because he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 8, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 9, 2015, the ALJ issued his Initial Decision modifying the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on October 15, 2015.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby MODIFY the Initial Decision and AFFIRM the Agency determination.

The record reveals that Petitioner began receiving EA/TRA in August 2014, for a one-bedroom apartment with a written lease at a monthly rental amount of \$761.00. See Initial Decision at 2; see also Exhibit R-1 at 26-30. It bears noting that the HUD Fair Market Value ("FMV") monthly rental limit for a one-bedroom apartment in Cape May County is \$761.00. See Exhibit R-1 at 30. Included in the lease terms is a statement that the landlord will pay the utilities. See Exhibit R-1 at 27. For some unknown reason, in October 2014, Petitioner converted the utility service into his

own name. See Initial Decision at 2-3; see also Exhibit R-1 at 31. The average monthly utility amount is \$121.59 which, when added to \$761.00, caused Petitioner's rent to exceed the FMV limit. See Initial Decision at 3; see also Exhibit R-1 at 30-31.

In light of the foregoing, effective May 1, 2015, the Agency terminated Petitioner's EA/TRA because the utility service, which was now in Petitioner's name, plus his \$761.00 rent, exceeded the FMV monthly rental amount, rendering him ineligible for EA/TRA. See Initial Decision at 1-2; see also Exhibit C-1. Thereafter, on August 14, 2015, Petitioner's landlord filed an eviction action against him for non-payment of rent. See Initial Decision at 3; see also Exhibit R-1 at 33. Petitioner again applied for EA/TRA on September 10, 2015, which was denied by the Agency on September 28, 2015, because Petitioner caused his own homelessness, and was therefore subject to a six-month EA ineligibility period, which would expire on March 26, 2016. See Initial Decision at 3; see also Exhibit R-1 at 7-10.

In his Initial Decision, the ALJ concluded, and I concur, that although the Agency properly denied Petitioner EA/TRA, his six-month period of EA ineligibility commenced on May 1, 2015, the effective date of the Agency's first EA denial. See Initial Decision at 5; see also Exhibit C-1 and DFD Instruction 08-5-4 at 11. Thus, Petitioner's penalty period ends on November 2, 2015, and he may reapply for EA on that date. On the other hand, I reject the ALJ's conclusion that Petitioner is facing a new emergency and, therefore, is presently eligible for EA/TRA. Nothing in the record indicates a potential break up of Petitioner's family or the necessity of intervention by the Division of Child Protection and Permanency ("DCP&P"), *f/k/a* the Division of Youth and Family Services ("DYFS"). See Initial Decision at 7. Therefore, I hereby modify the ALJ's Initial Decision in that regard, and find that the Agency's denial of EA/TRA to Petitioner on September 28, 2015, was proper and must stand.

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

**OCT 27 2015**

*Signed Copy on File*

at DFD, BARA

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Natasha Johnson  
Director