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 11520-15 M.M.

AGENCY DKT. NO. C059448 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner EA benefits because she had the opportunity to plan for affordable housing, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 4, 2015, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 5, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on August 13, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and I hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's determination.

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." 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).

Here, the record establishes that Petitioner was evicted from her apartment on February 15, 2015, where her monthly rent was $2,200 per month. See Initial Decision at 2; see also Exhibit R-1. Thereafter, on April 2, 2015, Petitioner and her four children relocated to a motel room at a rate of $89.00 per night. See Initial Decision at 2; see also Exhibit R-3. On July 2, 2015, Petitioner applied for EA benefits, declined a shelter placement offered by the Agency, and instead remained at the $89 a night motel through July 17, 2015. See Initial Decision at 2. The ALJ found that Petitioner could not account for how she was able to pay for her previous apartment or her motel room. Id. at 3.

On July 14, 2015, the Agency denied Petitioner EA benefits, and imposed a six-month period of ineligibility for EA, on the basis that she previously resided in an unaffordable apartment, then moved to an unaffordable motel room without sufficient income or ability to pay, and refused shelter placement, thereby causing her own homelessness. Id. at 3, 4; see also Exhibit P-2. Based upon the facts presented, the ALJ found that Petitioner failed to plan to avoid her emergent situation, and affirmed the Agency's determination. Id. at 4; see also N.J.A.C. 10:90-6.1(c). I concur.

By way of comment, I note that Petitioner raises facts and includes documents with her Exceptions which were either not presented to the ALJ, or which were excluded by the ALJ, at the August 4, 2015, plenary hearing, which is not permitted. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions."). Nevertheless, I have reviewed the Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Based upon the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

AUG 20 2015

Natasha Johnson
Director