



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 14172-15 T.R.

AGENCY DKT. NO. C274577 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she voluntarily left Section 8 housing in order to make herself eligible for EA benefits, and had the capacity to plan for alternate housing, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 5, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 9, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The record indicates that Petitioner was listed as a tenant on her mother's previous Section 8 housing voucher until July 15, 2015, at which time her mother's landlord was taking over occupancy of the apartment, and their lease would not be renewed. See Initial Decision at 2. Thereafter, Petitioner's mother chose to move to a smaller, cheaper apartment, and took Petitioner off her Section 8 housing voucher. *Id.* at 4-5. Further, Petitioner's mother testified that Petitioner is a 26 year old mother of two who must take care of her own responsibilities, and she could no longer afford to take care of her daughter's housing. *Ibid.* Of note, Petitioner has lived with her mother all of her 26 years. *Id.* at 6. Additionally, it appears that Petitioner only became aware of the fact that her mother would be removing her from her Section 8 housing voucher in May 2015. *Id.* at 2. Subsequently, Petitioner applied for EA benefits in June 2015, but was denied by the Agency, alleging that she voluntarily left Section 8 housing, and failed to plan for alternative housing. *Id.* at 3.

However, based on the aforementioned facts, the ALJ found that Petitioner did not voluntarily leave her Section 8 housing, did not have the authority to prevent the removal from her mother's Section 8 housing, and did not have the capacity to plan in advance for alternative housing. *Id.* at 12. Accordingly, the ALJ found that the Agency improperly denied Petitioner EA benefits. *Ibid.*

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, Petitioner is advised that the "[A]gency shall determine the most appropriate form of emergency housing which is 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." Such emergency housing includes placement in a shelter. See N.J.A.C. 10:90-6.3(a)(1).

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

NOV 18 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director