



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 9477-15 V.P.

AGENCY DKT. NO. C142015 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") because she caused her own homelessness and had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 6, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

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 record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

The record reveals that Petitioner's family unit consists of herself and her 16-year old grandson. See Initial Decision at 2. Petitioner applied for, and has received, EA/TRA from March 2011, through May 2015. *Ibid.* Petitioner's total monthly rent was \$1,285.00, of which she was responsible to pay \$185.00 per month. See Initial Decision at 2; see also Exhibit P-1. Because Petitioner failed to pay her portion of the rent since May 2014, plus late fees, and failed to comply with other terms of her lease, Petitioner's landlord filed an eviction action against her in March 2015. See Initial Decision at 3; see also Exhibits P-2, P-5, and R-2.

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On March 25, 2015, the Agency terminated Petitioner's EA/TRA effective April 30, 2015, because she failed to pay her portion of the rent resulting in her eviction, and therefore, she caused her own homelessness without good cause. See Initial Decision at 4; see also Exhibit R-3 and N.J.A.C. 10:90-6.5(a) and -6.1(c).

On March 18, 2015, Petitioner entered into a settlement agreement with her landlord to vacate the premises by April 15, 2015. See Exhibit P-5. However, Petitioner did not vacate her apartment on April 15, 2015, and on May 7, 2015, she applied to the Agency for, and received, continued EA/TRA in the form of payment of the May 2015 rent to the landlord. See Initial Decision at 3; see also Exhibit P-8. Petitioner then vacated the apartment on May 15, 2015, and, since that time, she and her grandson have been living with various friends. See Initial Decision at 3. At the hearing, Petitioner presented no evidence to the ALJ that she and her grandson cannot continue staying where they currently reside. Ibid.

Based on the foregoing, the ALJ concluded, and I concur, that Petitioner has not presented any credible evidence that she is homeless or imminently homeless, and accordingly, she is not eligible for EA. See Initial Decision at 4. Further, I agree with the ALJ that, by Petitioner's failure to pay rent and to comply with the terms of her lease, thereby causing her eviction, she is subject to a six-month EA ineligibility penalty. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3). The six-month penalty shall run from April 30, 2015, through October 30, 2015.

By way of comment, although a reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits appears as a transmitted issue, Petitioner testified at the hearing that there is no longer a dispute concerning her SNAP benefits. See Initial Decision at 2. Therefore, that issue is now moot and is not address in this decision.

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

Signed Copy on File
at DFD, BARA

JUL 15 2015

Natasha Johnson
Director