



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **02974-24 L.R.**

AGENCY DKT. NO. **C137079001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that she had, and has, sufficient funds to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 11, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner may be in imminent danger of being evicted from subsidized housing due to the non-payment of rent. See Initial Decision at 2-4, 6; see also Exhibit R-1 at 16-19. The record reflects that Petitioner's monthly income is \$1,090.83, her portion of the monthly subsidized housing rent is \$472, and she does not pay utilities. See Initial Decision at 2-4; see also Exhibit R-1 at 6, 22-35, 50-52. The record also reflects that Petitioner receives monthly Supplemental Nutrition Assistance Program ("SNAP") benefits for herself and her son. See Initial Decision at 3, 5. Accordingly, the ALJ found that Petitioner had sufficient funds, and the capacity to pay her past due rent, and has sufficient funds to pay her rent going forward. See Initial Decision at 4-6; see also Exhibit R-1 at 6, 22-35, 50-52, and N.J.A.C. 10:90-6.1(c)(3)(v). The ALJ also found that Petitioner had failed to provide any good cause reasons for her failure to make her monthly rental payments. See Initial Decision at 3, 5; see also N.J.A.C. 10:90-6.1(c)(3). Of note, the record is devoid of any documentation provided by Petitioner to demonstrate that her available funds were exhausted on items deemed appropriate and necessary for decent living, a requirement to determine the lack of capacity to plan. See N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also R-1 at 1-4, and N.J.A.C. 10:90-6.1(c)(3)(v). I agree.

As Assistant Commissioner, 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.

By way of comment, Petitioner is advised that she may reapply for EA benefits should a new emergency arise. See Initial Decision at 6; see also Exhibit R-1 at 2.

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



Officially approved final version. March 19, 2024

Natasha Johnson
Assistant Commissioner

