



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

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 12726-14 S.S.

AGENCY DKT. NO. C328800 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of retroactive rent. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 7, 2014, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On the same date, the ALJ issued an Initial Decision, which affirmed the Agency's determination. The ALJ found Petitioner was ineligible for retroactive rent because no extraordinary circumstances existed to warrant payment of over nine months of rent for an unaffordable apartment. Also, the ALJ noted that Petitioner testified that she is no longer seeking retroactive rent. Thus, the ALJ concluded that Petitioner should re-apply for EA in another form, including Temporary Rental Assistance ("TRA") for her current apartment.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record, and I AFFIRM the ALJ's Initial Decision. I agree with the ALJ and the Agency that Petitioner is ineligible for EA in the form of retroactive rent. As the ALJ stated, Petitioner may re-apply for EA in another form.

By way of comment, EA in the form of TRA would be inappropriate if Petitioner's apartment has been deemed uninhabitable by the City of East Orange as indicated in the Initial Decision. Therefore, if Petitioner's new application for EA is approved by the Agency, the Agency shall determine the most appropriate form of EA to meet Petitioner's needs, including a shelter placement. See N.J.A.C. 10:90-6.3(a)1(authorizing Agency to determine the most appropriate form of

emergency housing which is required to address the need . . . , taking into consideration individual/family circumstances and services provided)."

According, the Agency action is AFFIRMED.

OCT 22 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director