



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 11125-14 Y.B.

AGENCY DKT. NO. C218556 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency rejected a proposed lease submitted by Petitioner as the Agency stated that the apartment was unaffordable, as it was above Fair Market Rent ("FMR"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 8, 2014, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 8, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination as to the denial of the particular lease only. See Initial Decision at 4. The ALJ noted that it was not refuted that Petitioner had previously been determined eligible for further EA benefits under the Housing Hardship Extension ("HHE") pilot program. See *id.* at 3. The ALJ ordered that the Agency assist Petitioner with guidance regarding the appropriate parameters for a permissible lease, and upon Petitioner's submission of an alternate lease, the Agency would expeditiously review same. See *id.* at 4.

Neither party filed Exceptions to the Initial Decision.

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

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Petitioner is advised that the Agency is bound by N.J.A.C. 10:90-6.3(a)(7), which states that, "[t]he Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current FMR" The Initial Decision indicates that Petitioner is not presently homeless, due to back rent having been paid by the Agency through May 2014, but will soon be facing imminent homelessness again. See Initial Decision at 3. It is Petitioner's responsibility to take appropriate measures to avert homelessness by locating new housing which meets the parameters of our regulations.

By way of comment, Petitioner is reminded that she must remain compliant with the HHE criteria and eligible for EA generally in order to continue to receive EA benefits under HHE.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action, as to the lease previously submitted, is hereby AFFIRMED.

SEP 16 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director