State of New Jersey
TMENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
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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 2460-17 M.S.

AGENCY DKT. NO. C603681 (ESSEX DIV OF FAMILY ASST. & BENEFITS)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he was more than three months behind in his rent, and his household had exhausted its lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 23, 2017, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 23, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that payment shall be authorized up to any three calendar months of retroactive rental payments if it will prevent actual eviction or foreclosure. Payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances subject to authorization by DFD. Ibid.

EA benefits, in the form of Temporary Rental Assistance ("TRA"), may be provided "when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable ...." N.J.A.C. 10:90-6.3(a)(6).

Here, the record reflects that Petitioner's household consists of himself and his mother. See Initial Decision at 2. Petitioner receives $455.25 in monthly Supplemental Security Income ("SSI") benefits, and, currently, his mother has no source of income. Ibid.; see also Exhibit P-3. As of September 1, 2016, Petitioner's mother was no longer a Work First New Jersey/General Assistance benefits recipient, and had exhausted her lifetime limit of EA benefits, plus all available extensions, having received 22 months of EA benefits as of that same date. See Initial Decision at 2, 4; see also "Payment History," and N.J.A.C. 10:90-6.4(a), (b), (c). Petitioner's monthly rent is $975, he is currently five months behind in his rent, and he is facing eviction. See Initial Decision at 2; see also Exhibits P-1 and P-2. Petitioner applied for EA benefits, but was denied by the Agency because payment of his back rent would not prevent actual eviction, as it was not anticipated that he could afford his rent going forward. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a)(5), -6.3(a)(6). Specifically, payment of Petitioner's back rent is not likely to prevent eviction because his mother, who is ineligible for EA benefits, is required to pay half of the household's past due rent, as well as the rent going forward, and she has no source of income. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a) (stating that only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits) and N.J.A.C. 10:90-6.4(a), (b), (c). Based on the foregoing, the ALJ concluded that the Agency properly denied Petitioner EA benefits. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a)(5), -6.3(a)(6). I agree.

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

MAR 0 1 2017

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director