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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 01296-18 L.B.

AGENCY DKT. NO. C055996017 (SALEM COUNTY BOARD OF SOC. SVCS.)

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 benefits contending that she had the capacity to plan to avoid her emergent situation, and that her housing was over the fair market rent ("FMR") for Salem County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 25, 2018, but was adjourned due to transportation issues that prevented Petitioner from attending the hearing. On February 5, 2018, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 6, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that due to Petitioner's medical condition, she was unable to engage in advance planning to avoid her emergent situation. See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.1(c). Petitioner is currently active in a treatment program for her condition. See Initial Decision at 3-4; see also Exhibit P-2. The record also reflects that if provided with the back rent that is owed, Petitioner's landlord will stop the eviction, and allow Petitioner to move from her two-bedroom apartment, to a one-bedroom apartment, which will bring her rent within the FMR for Salem County. See Initial Decision at 4-5; see also Exhibits P-1, R-1 at 7, 15-24, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). The ALJ opined that the Agency has the authority to determine the most appropriate form of housing. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(a)(1). However, the ALJ also found that the Agency may provide EA/TRA for an eviction from current housing, when that is the least costly alternative, while the recipient searches for more affordable housing. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(a)(6). Based on the foregoing, the ALJ concluded that Petitioner is eligible for EA/TRA, and that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 6; see also Exhibit R-1 at 1-5. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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, the Agency is advised to expedite and assist Petitioner in negotiations with her landlord to avoid eviction, and facilitate her move to the proffered one-bedroom apartment. See Initial Decision at 4-5.



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

Officially approved final version.

Natasha Johnson
Director

FEB 13 2018

