



State of New Jersey

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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 17518-17 R.A.

AGENCY DKT. NO. C339791007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner requested a hearing seeking approval from the Respondent Agency to transfer her Emergency Assistance ("EA") benefits, in the form of Temporary Rental Assistance ("TRA"), from a third-floor, two-bedroom apartment to a first-floor, three-bedroom apartment, in the same building. The matter was transmitted to the Office of Administrative Law for a hearing. On December 21, 2017, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 29, 2017, the ALJ issued an Initial Decision, denying Petitioner's request to transfer her EA/TRA to a three-bedroom apartment. See Initial Decision at 3. Here, the record reflects that Petitioner lives with her two children in a two-bedroom, third-floor apartment. See Initial Decision at 2. The rent for Petitioner's apartment is \$1,050 per month. See Initial Decision at 3. Petitioner seeks to transfer to a three-bedroom, first-floor apartment, located in the same building, where the rent is \$1,200 per month. Ibid. Petitioner claimed that this move was necessary because she is pregnant, will require a C-section and that she would not have been able to climb stairs for four to six weeks. See Initial Decision at 2. In addition, Petitioner claimed she must carry her four-year-old son to the third floor with braces on his legs. Ibid. However, the ALJ found that Petitioner failed to provide any medical documentation to support either claim, and that Petitioner's request to transfer her EA/TRA benefits to a first-floor, three-bedroom apartment in the same building conflicts with the requirements of Petitioner's EA Service Plan ("SP"), wherein she is required to search for affordable housing. See Initial Decision at 3; see also N.J.A.C. 10:90-6.6(a)(iii)(1). Based on the foregoing, the ALJ concluded that Petitioner is obligated by the terms of her SP to search for more affordable housing and, therefore, her request to transfer her EA/TRA benefits to a three-bedroom apartment with higher monthly rent is denied. Ibid. 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.



Accordingly, the Initial Decision is hereby ADOPTED.

Officially approved final version.

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Natasha Johnson  
Director

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