



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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Lt. Governor

NATASHA JOHNSON
Director

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 14618-18 S.R.

AGENCY DKT. NO. C721210007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for October 11, 2018, however, before going on the record, the hearing was rescheduled for October 12, 2018. On that date, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until October 15, 2018, at which time the record closed. On October 16, 2018, the ALJ issue 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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

The Agency shall determine the most appropriate form of EA benefits, which may include shelter placement, that are "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1).

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. See N.J.A.C. 10:90-6.3(a)(6).

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR")[.] Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD[.]"



Here, the record reflects that Petitioner renewed her lease for a three-bedroom apartment that is unaffordable, that the apartment was, and is, above the FMR for a two-bedroom apartment in Essex County, and that said apartment was not approved by the Agency, as it would only have approved Petitioner for a two-bedroom apartment based on the size and makeup of her household. See Initial Decision at 3-4; see also Exhibits P-3, R-4, and DFD Instruction 17-09-05. Further, I take official notice of the fact that, in a prior Final Agency Decision, OAL Docket Number HPW 03213-18, issued May 22, 2018, this office affirmed the Agency's prior denial of EA benefits to Petitioner on the basis that the same apartment that is at issue here, was over the FMR for Essex County. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Moreover, the record reflects, and Petitioner acknowledged, that she has not taken any steps to obtain a more affordable apartment. See Initial Decision at 3. Petitioner contended that she would soon be employed with a salary of \$867 per month, however, the ALJ found that Petitioner had provided no proof indicating the likelihood that she would successfully complete the course required for such employment, and that her current apartment will not be affordable on that projected monthly income. See Initial Decision at 4-5; see also Exhibit P-8. Based on the foregoing, I concur with the ALJ's conclusion that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a), (1), (6), (7).

By way comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

OCT 26 2018

Natasha Johnson
Director

