



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 15174-18 M.B.

AGENCY DKT. NO. C131226006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back real estate taxes. The Agency denied Petitioner EA benefits, contending that regulatory authority does not allow for the payment of past due taxes. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 12, 2018, but was adjourned by Petitioner due to a transportation issue. On January 2, 2019, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 23, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner owns a mortgage-free residential duplex and is seeking EA benefits for delinquent real estate taxes owed since February 2017, in the approximate amount of \$6,000. See Initial Decision at 2; see also Exhibits P-1, R-1 at 18, 29-42. The ALJ found that, although EA benefits may be authorized for the payment of real estate taxes that are subsumed within a monthly mortgage obligation, there is no regulatory authority for the payment of EA benefits for outstanding real estate taxes when an individual, such as Petitioner, owns their home mortgage free. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a). Regardless, had Petitioner's real estate taxes been subsumed within a mortgage obligation, his request for payments going back to 2017 would have exceeded the EA benefits three-month limit for retroactive mortgage payments. See Initial Decision at 2; see also N.J.A.C. 10:90-6.3(a)(5). Moreover, the ALJ found that Petitioner was not homeless or imminently homeless, a prerequisite for EA benefits eligibility. See Initial Decision at 5-7; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits and that the Agency's denial of same was proper and must stand. See Initial Decision at 5, 7; see also Exhibit R-1 at 2-4. 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 transmittal in this matter indicates an additional contested issue regarding a denial of Emergency Assistance ("EA") benefits in the form of back utilities. However, at the time of the hearing, Petitioner confirmed that he was no longer pursuing EA benefits for the payment of his past due utility bills. See Initial Decision at 2. Therefore, Petitioner's EA benefits issue regarding past due utility payments is now moot, and not addressed in this Final Decision.

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



Officially approved final version.

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Natasha Johnson  
Director

FEB 27 2019

