



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 02426-19 R.M.

AGENCY DKT. NO. C081400018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit. The Agency denied Petitioner EA benefits due to his prior receipt of EA benefits in the form of back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 19, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 28, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on April 2, 2019.

As the Director of the Division of Family Development, 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.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that the Agency had paid three months of back rent for Petitioner's current apartment in September 2018, and that the landlord had used Petitioner's security deposit to pay for the additional back rent that was owed. See Initial Decision at 2-3; see also Exhibit R-1 at 17. Thereafter, Petitioner's lease was renewed for the period of November 1, 2018, to October 31, 2019. See Initial Decision at 2; see also Exhibit R-1 at 1-16, 45-56. At that time, Petitioner sought EA benefits in the form of a security deposit as a replacement for the security deposit that had been used by his landlord to pay back rent in September 2018. See Initial Decision at 2. The Agency denied Petitioner such EA benefits, due to his prior receipt of back rent, the pending termination of his EA/Temporary Rental Assistance ("TRA") benefits, and his failure to secure low income housing. *Ibid.*; see also Exhibit R-1 at 18-21. The ALJ found that the Agency's payment of a security deposit was discretionary, and as such,



the denial of EA benefits in the form of a security deposit to Petitioner was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 18-21, and N.J.A.C. 10:90-6.3(b). I agree. Moreover, I find that no emergency exists in this matter, as Petitioner is not facing actual or imminent eviction for nonpayment of a security deposit, and on that basis, he is also ineligible for such EA benefits. See N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii).

By way of comment, should Petitioner secure affordable housing, he may apply for a security deposit at that time.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson
Director

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