



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 00065-20 A.S.

AGENCY DKT. NO. C746373007 (ESSEX COUNTY DIVISION OF WELFARE)

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 in the form of TRA, including security deposit, for an apartment above the allowable Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 6, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner and the Agency entered into a Settlement Agreement in connection with a prior fair hearing, wherein Petitioner agreed to find an apartment, including utilities, within the FMR of \$1,218 for a one-bedroom apartment in Essex County, and the Agency agreed to provide Petitioner with EA benefits for such apartment. See Initial Decision at 2; see also "Withdrawal of Appeal and Fair Hearing Request/Settlement" dated November 7, 2019, and N.J.A.C. 10:90-6.3(a)(7)(i)(1), and Division of Family Development Informational Transmittal ("DFDIT") No. 19-28. The Agency also agreed to assist Petitioner with securing more affordable out-of-state housing. *Ibid.* However, Petitioner failed to find housing within the FMR for Essex County, claiming that there was no housing available at that FMR, refused to move out of state, claiming that she was not ready to do so, and requested that the Agency pay for an apartment up to the FMR, offering to personally pay the difference out of her own funds. See Initial Decision at 2-3. Referencing applicable regulatory authority, the ALJ concluded that Petitioner may re-apply for EA benefits, with approval for TRA contingent upon Petitioner securing an apartment within the FMR of \$1,218 for a one-bedroom in Essex County, and that Petitioner must also provide proof that she can no longer reside with her friend. See Initial Decision at 3; see also DFDIT No. 19-28. Based on the foregoing, the ALJ affirmed the Agency's denial of EA benefits to Petitioner in the form of TRA. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). 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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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

Officially approved final version.

JAN - 9 2011

Natasha Johnson
Assistant Commissioner

