



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 00246-20 L.J.

AGENCY DKT. NO. C118316007 (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/TRA benefits, contending that her apartment was over the 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 23, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 24, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 28, 2020.

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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that the Agency denied Petitioner EA benefits because she was residing in a two-bedroom apartment which was over the FMR of \$1,218 for a one-bedroom apartment in Essex County, allowable for an assistance unit of one. See Initial Decision at 2; see also Exhibit R-1 at 1-7, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). The record also reflects that Petitioner has resided in her current apartment for 14 years, has never received EA benefits, has a long work history, but is now currently unemployable due to a back injury, and that she is currently behind in her rent and facing eviction. See Initial Decision at 2; see also Exhibit R-1 at 8, 16, 18-23, 47-50. Petitioner also testified that she is making inquiries into locating a roommate to share housing costs. See Initial Decision at 3. The ALJ found that Petitioner has applied for Retirement, Survivors and Disability Insurance, is likely to be eligible for said benefits, and as such, her apartment may again become affordable. *Ibid.*; see also N.J.A.C. 10:90-6.3(a)(6). Based on Petitioner's particular circumstances, including those discussed above, the ALJ found that Petitioner should be allowed to remain in her long-tenured residence while she looks for either a roommate or smaller affordable housing. See Initial Decision at 4. Accordingly, the ALJ reversed the Agency's denial of EA/TRA benefits to Petitioner and ordered the Agency to provide Petitioner with three months of back rent, as well as three months prospective EA benefits, while



she searches "in good faith" for a roommate or a more affordable apartment. Ibid.; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(6). I agree. However, it appears from the record that Petitioner is currently four months behind in her rent, and therefore, I direct the Agency to provide Petitioner with such back rent as is required to bring her current. See Initial Decision at 2; see also Exhibit R-1 at 16, and N.J.A.C. 10:90-6.3(a)(5). Further, I find that Petitioner is eligible for three months prospective EA benefits, provided she continues to remain eligible for same in accordance with N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that if she is unable to find a roommate, or fails to locate housing within the FMR for a one-bedroom apartment, within the three-month time frame, her EA benefits may be terminated. The Agency is directed to incorporate these requirements into Petitioner's EA Service Plan.

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

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

FEB 21 2020

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Natasha Johnson  
Assistant Commissioner

