



State of New Jersey

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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 **02473-20 N.S.**

AGENCY DKT. NO. **C316870007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent and Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's EA benefits, contending that he was more than three months behind in his rent, that his housing was unaffordable, and that he had the capacity to secure alternative affordable housing, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2020, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 25, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's only source of income is \$834 per month in combined Supplemental Security Income ("SSI") and Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit R-4. Petitioner's monthly rent was \$946, and expected to increase in March 2020. See Initial Decision at 2; see also Exhibit P-1. Petitioner had not paid his rent since June 2019, and as a result, was facing eviction in February 2020. See Initial Decision at 2; see also Exhibit P-1, and "Corsa Management - Charge and Payment History." On January 23, 2020, Petitioner applied for EA benefits in the form of eight months back rent and TRA. See Initial Decision at 2-3; see also Exhibit R-3. Petitioner currently owes ten months back rent. See Initial Decision at 4; see also "Corsa Management - Charge and Payment History." The ALJ found that, in accordance with N.J.A.C. 10:90-6.3(a)(5), the Agency had properly denied Petitioner EA benefits because he owed more than three months back rent. See Initial Decision at 3-4. Moreover, the ALJ found that Petitioner had the capacity to plan for substitute, affordable housing as he had known since June 2019, that his apartment was unaffordable, yet he had made no meaningful effort to locate more affordable housing other than to apply for Section 8 housing. *Id.* at 4; see also N.J.A.C. 10:90-6.1(c)(1). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits in the form of back rent and TRA to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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, Petitioner is advised that should he be evicted from his current apartment, he may reapply for EA benefits. See Initial Decision at 4.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

MAR - 3 2020

