



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 00694-21 J.M.

AGENCY DKT. NO. C122959008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") for back rent. The Agency denied Petitioner EA/TRA benefits, contending that he had failed to provide adequate documentation, that his rent was over the allowable Fair Market Rent, and that he is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 12, 2021, but was adjourned with the consent of both parties. On February 19, 2021, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 4, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, for purposes of this appeal, the ALJ found that Petitioner had applied for EA/TRA benefits, and that the Agency had verbally denied said EA benefits to Petitioner on December 7, 2020. See Initial Decision at 2, 4, 11-12. Although Petitioner had appealed the Agency's denial on numerous issues, the ALJ concluded that it was only necessary to address the threshold requirement for EA benefits eligibility, which is that an applicant for EA benefits must be homeless or imminently homeless. See Initial Decision at 12-14; see also N.J.A.C. 10:90-6.1(c). On that basis alone, the ALJ found that, although Petitioner's landlord had initiated eviction proceedings on October 9, 2020, for non-payment of rent, due to the COVID-19 moratorium on evictions, Petitioner continues to reside in his apartment, and therefore, no emergency exists. See Initial Decision at 12-13; see also Exhibit R-1 at 3-7. Further, Petitioner has a legal right to remain in his apartment pursuant to the moratorium on evictions imposed by Executive Order No. 106. See Initial Decision at 12-13. Of note, at the time of the hearing, it appears that no official lockout notice had been issued. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. *Id.* at 14; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). I agree.

Exceptions to the Initial Decision were filed on behalf of Petitioner by Legal Services on March 16, 2021.



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 he may reapply for EA benefits should his circumstances change. Petitioner is also advised that he should continue his search for more affordable housing. See Initial Decision at 2-3.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, 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 determination is AFFIRMED.

Officially approved final version.

APR 22 2021

Natasha Johnson
Assistant Commissioner

