



State of New Jersey

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*Governor*

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

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 17547-19 M.N.

AGENCY DKT. NO. C202430007 (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 his 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 9, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. During the January 9, 2020, hearing, Petitioner stated that he was seeking retroactive EA benefits, as well as prospective EA benefits. Testimony was given and documents were received regarding the EA issue. On the next hearing dates of January 21, 2020, and March 5, 2020, additional documents and further testimony was taken regarding the EA issue. During the March 5, 2020, hearing, the ALJ advised that the matter cannot proceed further until the Landlord-Tenant judge ruled on the propriety of the rental increase, or until the parties reached an agreement settling the rent issue. Thereafter, the hearing was rescheduled to May 14, 2020. Petitioner then requested an earlier hearing date, which was granted. The hearing date was then rescheduled to March 30, 2020, and then to April 13, 2020, after Petitioner requested to change hearing date again. The April 13, 2020, hearing did not take place due to the COVID-19 pandemic, and was rescheduled to May 14, 2020. The hearing did not take place on the rescheduled date of May 14, 2020, due to Petitioner's religious observance. On July 31, 2020, the ALJ contact the parties, reiterating the position that the matter cannot proceed until the rent issue was resolved by the Landlord-Tenant Court's decision, or by the parties' agreement. On May 3, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 25, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.



N.J.A.C. 10:90-6.3(a)(7) states, in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR") [.] Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD[.]"

Here, the record reflects that the Agency denied Petitioner EA/TRA benefits because his monthly rent of \$1,350, not including gas and electric, was over the FMR of \$1,218 for a one-bedroom apartment in Essex County. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). In October, 2019, Petitioner's apartment building was sold to new owners, and his rent increased from \$900 per month, to \$1,350 per month. See Exhibits P-4, R-3. Petitioner argues that the increase in rent violated Newark's Rent Control Ordinance, and therefore, should not have been imposed by the landlord. See Initial Decision at 2; see also Exhibit P-13. On or around November 15, 2019, Petitioner's landlord filed an action in the Superior Court of New Jersey, Essex County, Special Civil Part, Landlord-Tenant Section, to have Petitioner evicted for non-payment of rent. See Initial Decision at 3; see also Exhibit P-3.

On August 4, 2020, Petitioner stated that the matter filed in Landlord-Tenant Court had been settled, and that the parties agreed to a monthly rent of \$900. Ibid. On August 6, 2020, and again, on August 12, 2020, Petitioner was asked to provide a copy of the Settlement Agreement, and on both occasions, Petitioner failed to provide a copy of the purported Settlement Agreement. Ibid.

The ALJ found that, without the Settlement Agreement, the accuracy of Petitioner's statement, that he and the landlord reached an agreement on the amount of monthly rent being \$900, cannot be verified. See Initial Decision at 5. The ALJ further found that, by refusing to submit the Settlement Agreement purportedly reached between Petitioner and the landlord, Petitioner has not offered sufficient proof that the rent in question is \$900. Ibid.

Based on the foregoing, the ALJ concluded that the Agency correctly ascertained, from the information available to it, that Petitioner's monthly rent was \$1,350, and that this amount exceeded the FMR of \$1,218, for a one-bedroom apartment in Essex County. Id. at 6; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). The ALJ further concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. Id. at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). I agree.

By way of 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 determination is AFFIRMED.

Officially approved final version.

AUG 26 2021

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Natasha Johnson  
Assistant Commissioner

