



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 02320-21 R.M.

AGENCY DKT. NO. C081400018 (SOMERSET COUNTY BOARD 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 payment of back rent. The Agency denied Petitioner EA/TRA benefits, contending that he was seeking more than three-months back rent and that he had sufficient income to pay his rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 6, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 16, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA/TRA benefits in the form of six months of back rent. See Initial Decision at 2-3; see also Exhibit R-1 at 7-12, 39. Regulatory authority only allows for the payment of more than three-months back rent when extraordinary circumstances are proven. See N.J.A.C. 10:90-6.3(a)(5)(i). The record also reflects that Petitioner's monthly rent is \$1,800, and that his household income in the months of August 2020, through December 2020, was \$2,134.96, and thereafter, beginning January 2021, his household income is \$2,050. See Initial Decision at 2-3; see also Exhibit R-1 at 7-12, 17-26, and 27-31. Petitioner was, and is, also receiving Supplemental Nutrition Assistance Program ("SNAP") benefits at the maximum allowable benefit amount per month. See Initial Decision at 6; see also Exhibit R-1 at 32-33. The ALJ found that Petitioner had sufficient income to pay his rent during those six months, but failed to do so, and had failed to show that he had made any attempt to make a partial rent payment. See Initial Decision at 4-6; see also Exhibit R-1 at 17-26, 28-31, and N.J.A.C. 10:90-6.1(a)(1). The ALJ also found that Petitioner had failed to provide the Agency with documentation to show how he had spent his household funds during that time. *Id.* at 3-6; see also N.J.A.C. 10:90-6.1(b)(i)(ii). Further, the record also indicates that Petitioner's current income exceeds his housing costs, and on that basis, he is also ineligible for EA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 7-12, 27, and N.J.A.C. 10:90-6.1(a)(1). Based on the foregoing, I concur with the ALJ's conclusion that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-1 at 3.

No Exceptions to the Initial Decision were received.



F,18,N,C081400018X,0027,000013747302

BARA003

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, 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. JUN - 3 2021

Natasha Johnson
Assistant Commissioner

