



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 736-21 S.S.

AGENCY DKT. NO. C446681007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she owed more than three months of back rent, and failed to provide the Agency with the required documentation from her landlord forgiving all but three months of past due rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2021, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 3, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that, at the time Petitioner applied for EA benefits, she owed six months of past due rent for the months of May 2020, through October 2020. Consequently, the Agency denied Petitioner EA benefits, on the basis that regulatory authority does not permit payment of more than three months back rent, and that she had failed to provide the requested documentation indicating her landlord's willingness to forgive three of the six months of that back rent. See Initial Decision at 2; see also Exhibit R-1 at 1-7, 12, 13, 26-32, and N.J.A.C. 10:90-6.3(a)(5). At the time of the hearing, Petitioner owed 11 months of past due rent, and still had not provided the Agency with a letter from her landlord indicating a willingness to forgive all but three months of that past due rent. See Initial Decision at 2. Based on the evidence provided, the ALJ concluded that the Agency could not provide Petitioner with almost one year of back rent, and as such, affirmed the Agency's denial of EA benefits to Petitioner. Id. at 2-3; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-6.3(a)(5). Further, the ALJ concluded that, if Petitioner provides the Agency with a letter from her landlord waiving all but three months of back rent, then the Agency shall provide EA benefits in the form of back rent for the months of January, February, and March, 2021. See Initial Decision at 3. While I agree with the ALJ's affirmation of the Agency's denial of EA benefits to Petitioner, I find, however, that Petitioner must provide the



Agency with a valid written waiver agreement from her landlord within 15 days from the date of the issuance of this Final Agency Decision, and that upon receipt of such written agreement, the Agency shall reevaluate Petitioner's eligibility for EA benefits, as appropriate, on an expedited basis. If Petitioner fails to provide a valid written waiver agreement within the 15-day timeframe, then the Agency's denial of EA benefits to Petitioner will stand. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

APR - 8 2021

Natasha Johnson
Assistant Commissioner

