



State of New Jersey

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Governor

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DIVISION OF FAMILY DEVELOPMENT  
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Acting Commissioner

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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 01554-21 T.G.

AGENCY DKT. NO. C675431007 (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") for payment of back rent. The Agency denied Petitioner EA/TRA benefits, contending that she was seeking more than three-months back rent, and that the payment of three months back rent would not prevent eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, at the time Petitioner applied for EA/TRA benefits in the form of back rent, she was already seven months behind in her rent, and regulatory authority only allows for the payment of more than three months back rent when extraordinary circumstances are proven. See Initial Decision at 2-3; see also Exhibit R-1 at 7, 22 and N.J.A.C. 10:90-6.3(a)(5)(i), -6.4(b)(1). Of note, at the time of the Agency's denial of EA/TRA benefits, Petitioner was eight months behind in her rent, and currently is ten months behind in her rent. See Initial Decision at 2; see also Exhibit R-1 at 13-16. Moreover, the Agency determined that the payment of three months back rent would not prevent Petitioner's eviction. See Initial Decision at 3-4; see also Exhibit R-1 at 13-16, and N.J.A.C. 10:90-6.3(a)(5). The ALJ found that Petitioner had failed to provide credible evidence showing that extraordinary circumstances existed such that the three month EA/TRA limit on the payment of back rent should be expanded, and that the Agency had properly determined that the payment of three months back rent would not prevent Petitioner's eviction. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits in the form of back rent to Petitioner was proper and must stand. *Id.* at 4; see also Exhibit R-1 at 13-16. 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version. **MAR 04 2021**

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Natasha Johnson  
Assistant Commissioner

