



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 **01813-23 A.J.**

AGENCY DKT. NO. **C091508015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits in the form of Temporary Rental Assistance ("TRA"), contending that her apartment is over the Fair Market Rent ("FMR") for Ocean County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 28, 2023, and was rescheduled several times thereafter, for May 5, 2023, May 26, 2023, and June 20, 2023, all of which were adjourned for different reasons. Finally, on July 19, 2023, the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents.

On July 25, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's assistance unit consists of herself and her four minor children and they reside in a three-bedroom apartment. See Initial Decision at 3; see also Exhibit R-7. The ALJ found, and the record substantiates that, at the time of the Agency's termination of Petitioner's EA/TRA benefits, her monthly rent was \$2,539, including utilities, and that at the time of the fair hearing her monthly rent was \$2,399.27, reflecting a reduction in her utility costs. See Initial Decision at 3-5; see also Exhibits R-4, R-7, R-8, R-9, R-10. The ALJ in this matter found that Petitioner's three-bedroom apartment is over the allowable FMR for Ocean County of \$2,193. See Initial Decision at 5; see also Exhibit R-11. The ALJ also found that the Agency had advised Petitioner on several occasions that her rent was above the FMR, that her EA/TRA benefits would consequently be terminated, and that she would need to find alternate affordable housing. See Initial Decision at 3-4; see also Exhibits R-2, R-3, R-5, R-11, and N.J.A.C. 10:90-6.3(a)(7). The ALJ further found that Petitioner had failed to produce any evidence establishing that her rent was below the FMR, or that she was not notified that her EA/TRA benefits would terminate on February 1, 2023. See Initial Decision at 4-5; see also Exhibit R-6. Based on the foregoing, and relevant regulatory authority, the ALJ determined that Petitioner is ineligible for EA/TRA benefits for her current apartment, and as such, concluded that the Agency's termination of Petitioner's EA/TRA benefits was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-6, and N.J.A.C. 10:90-6.3(a)(7). 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, should Petitioner's circumstances change, or she has secured alternate housing which is within the FMR for Ocean County, she may reapply for EA benefits. Petitioner is advised, however, that the Agency shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version. September 13, 2023

Natasha Johnson
Assistant Commissioner

