



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
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 **03924-23 B.B.**

AGENCY DKT. NO. **C819316007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals the Respondent Agency's delay in processing her Emergency Assistance ("EA"), Temporary Rental Assistance ("TRA") benefits application, and the denial of an extreme hardship extension of EA/TRA benefits in the form of back rent. The Agency denied Petitioner an extreme hardship extension of EA/TRA benefits, contending that she did not meet the criteria for such extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 10, 2023, but was adjourned by agreement of the parties to allow Petitioner to apply for an extreme hardship extension of EA/TRA benefits. Petitioner applied for said extreme hardship extension and the matter was rescheduled for May 17, 2023. However, the Agency denied Petitioner's application for an extreme hardship extension and the hearing was rescheduled for June 2, 2023. On that date, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 5, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-8. Specifically, regardless of the Agency's delay in processing Petitioner's application for EA/TRA benefits, the ALJ concluded that Petitioner currently owes 14 months of back rent, which far exceeds the allowable three months payment of back rent, that payment of 14 months of back rent would exhaust the 12-month lifetime limit of EA benefits, that no extraordinary circumstances exist such that she would qualify for a hardship extension of EA benefits warranting a payment of more than \$17,500 in back rent, particularly since her rent will continue to be unaffordable going forward. *Id.* at 3, 7; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(5), -6.3(a)(6), -6.4(a), (b)(1) Further, although Petitioner claimed that she could prove projected income, such that she would be able to pay her rent going forward, the ALJ concluded that Petitioner had failed to provide such proof of income, and without such a showing the Agency cannot pay her arrears. See Initial Decision at 4, 8. Finally, the ALJ concluded that Petitioner had not done anything to mitigate her emergent situation since the inception of said emergency, such as apply for subsidized housing or contact other agencies for assistance. *Id.* at 4, 7; see also N.J.A.C. 10:90-6.4(b). Based on the foregoing, the ALJ concluded that Petitioner was ineligible



for EA/TRA benefits in the form of back rent, and that the Agency's denial of an extreme hardship extension of EA/TRA benefits was proper and must stand. See Initial Decision at 8. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 8, 2023.

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.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, 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. June 15, 2023

Natasha Johnson
Assistant Commissioner

