



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 11375-22 D.A.

AGENCY DKT. NO. C757998007 (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"). The Agency denied Petitioner EA/TRA benefits, contending that she had failed to provide required documentation, and owed more than the allowable three months of back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 22, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 23, 2022, the ALJ issued an Initial Decision, modifying the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 REVERSE the Agency's determination, based on the discussion below.

Here, the Agency testified that its initial denial of EA benefits to Petitioner was done in error, and that her approval for EA/TRA benefits is now pending approval from DFD, as more than three months of back rent is due. See Initial Decision at 2, 4; see also Exhibits P-1, R-1, R-3. The ALJ found that it was due to a series of Agency missteps that Petitioner is now imminently homeless and more than three months behind in her rent. See Initial Decision at 2-3, 6-7; see also Exhibits P-2, P-3, P-5, R-6, R-7. Moreover, the ALJ found that the steps Petitioner took to ensure housing for herself and her four children was proper and in the best interest of all parties hereto. See Initial Decision at 4-6; see also Exhibits P-6, R-5. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, and providing a detailed and well thought out analysis. See Initial Decision at 3-6. Based upon an independent review of the record in this case, and the fact that Petitioner's apartment is below the fair market rent for Essex County, I concur with the ALJ's decision, and as such, hereby find Petitioner eligible for EA/TRA benefits, in the form of retroactive back rent in an amount necessary to bring her current, as well as prospective EA/TRA benefits, provided she continues to remain eligible for same. *Id.* at 2-6; see also Exhibit P-7 at 4-5, and N.J.A.C.10:90-6.3(a)(5)(i), (7)(i)(1). Finally, in light of Petitioner's possible imminent homelessness on January 13, 2023, the Agency is directed to



provide such EA/TRA benefits to Petitioner on an expedited basis. See Initial Decision at 5, 8. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. January 12, 2023

Natasha Johnson
Assistant Commissioner

