



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04646-23 K.D.**

AGENCY DKT. NO. **C196205011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits in the form of Temporary Rental Assistance ("TRA"), contending that her rental property is over the Fair Market Rent ("FMR") for Mercer County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 2, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

Also on June 5, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that the Agency denied Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, EA/TRA benefits because she was residing in a three-bedroom house at \$1,550 per month which was over the FMR of \$1,321 for a one-bedroom apartment in Mercer County, allowable for an assistance unit of one, such as Petitioner. See Initial Decision at 2; see also Exhibit R-1 at 1-7, and N.J.A.C. 10:90-6.3(a)(7)(i)(1), and Division of Family Development Informational Transmittal ("DFD IT") No. 22-13. Of note, the FMR for a one-bedroom in Mercer County was stated in the Initial Decision at \$1,226, which is the 2022 FMR rate, however, the relevant 2023 FMR rate for a one-bedroom is \$1,321. See Initial Decision at 3, 4; see also Exhibit R-4, and DFD IT No. 21-20, and No. 22-13. Nevertheless, Petitioner's three-bedroom apartment is still over the allowable FMR for a one-bedroom rental property, and therefore, I concur with the ALJ's conclusion that Petitioner is ineligible for EA/TRA benefits, and accordingly, that the Agency's denial of E/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-2.

Exceptions to the Initial Decision were filed by Petitioner on June 7, 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 other agencies or resources which may assist her with her housing needs, including the Social Services for the Homeless program.



By way of further comment, I have reviewed Petitioner's Exceptions, 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 12, 2023

Natasha Johnson
Assistant Commissioner

