



State of New Jersey

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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 **00202-23 R.F.**

AGENCY DKT. NO. **S637121012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

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 benefits, contending that the room he was renting in a family member's home was above the Fair Market Rent ("FMR") and that he failed to provide housing cost documentation needed to determine his EA/TRA benefit eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2023, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 13, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on January 17, 2023.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

EA benefits, in the form of Temporary Rental Assistance ("TRA"), may be provided "when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues." N.J.A.C. 10:90-6.3(a)(6).

N.J.A.C. 10:90-6.3(a)(7)(i)(1) states, in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent (FMR) for the county in which the recipient resides. Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD."

Pursuant to DFD Instruction ("DFDI") 08-5-4, "Family members renting rooms or apartments to EA recipients may be eligible to receive EA payments when there is a valid lease agreement between the



owner and the recipient; and, the owner agrees to provide the county or municipal agency with a valid tax identification number, which may be the social security number. When a family member is renting a room to an EA recipient, the county and municipal agency must verify the cost of the housing. For a room rental, the total cost of housing must be divided by the number of people living in the home.”

Here, the record reflects that Petitioner applied for EA/TRA benefits for the rental of a bedroom in his mother’s residence at the monthly rent of \$1,226, plus utilities. See Initial Decision at 2, 5-6; see also Exhibits R-7, R-8. In order for the Agency to determine if Petitioner was eligible for the EA/TRA he sought, the Agency advised client that it must first determine if the bedroom rental was within the FMR for “family member rentals.” See Initial Decision at 2-3, 5-6; see also DFDI 08-5-4. Specifically, the Agency required, and Petitioner was aware, that he was to provide the Agency with a valid lease agreement and tax identification number or social security number, and the total cost of housing. See Initial Decision at 6-7; see also Exhibit R-12 at 1, R-16. The record reflects that Petitioner provided the required lease agreement, his mother’s monthly mortgage statement, and his mother’s social security information. See Initial Decision at 3; see also Exhibits R-7, R-8, R-9. However, the ALJ found, and Petitioner admitted, that he refused to provide the Agency with housing costs. See Initial Decision at 3-4. Petitioner alleged that the request for such housing cost information was an act of discrimination against him. *Id.* at 4. The ALJ found that Petitioner’s allegations of Agency discrimination were unsupported, and did not establish a good cause exception for failing to provide the necessary documentation. See Initial Decision at 7; see also Exhibit R-24. Moreover, the ALJ found that Petitioner is not homeless or imminently homeless, a requirement for EA benefits eligibility. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.1(c). Further, the ALJ found that, without the requested documentation, the Agency is unable to determine if the rental room is within the allowable FMR for a family member room rental. See Initial Decision at 7. It should be noted that the appropriate amount of rent, for renting a room in a family member’s residence, is determined as outlined in DFDI 08-5-4, by calculating the total cost of housing, divided by the number of people living in the home, in other words a per capita amount, and the only housing cost documentation Petitioner provided was with respect to his mother’s monthly mortgage payment. See Exhibit R-9, and DFDI 08-4-5. Based on the testimony and record provided, the ALJ concluded that Petitioner is not currently homeless, that he failed to provide the Agency with required documentation, and that he had failed to demonstrate that he was otherwise eligible for EA/TRA benefits. See Initial Decision at 7. Accordingly, the ALJ concluded that, on those bases, the Agency’s denial of Petitioner’s application for EA/TRA benefits was proper and must stand. *Ibid.*; see also Exhibit R-13, and N.J.A.C. 10:90-6.1(c), -6.3(a)(6), -6.3(a)(7)(i)(1). I agree.

By way of comment, Petitioner is advised that he may reapply for EA benefits should he become homeless or imminently homeless, at which time he must provide the Agency with all required documentation needed to determine his EA benefits eligibility. See Initial Decision at 4, 6; see also N.J.A.C. 10:90-2.2(a)(5), -6.1 et seq.

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, as outlined above.

Officially approved final version. January 26, 2023

Natasha Johnson
Assistant Commissioner

