



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 **09796-23 T.C.**

AGENCY DKT. NO. **C126427008 (GLOUCESTER COUNTY DIV. 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") and back utilities, contending that her rental property is over the Fair Market Rent ("FMR") for Gloucester County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 28, 2023, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 29, 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 two-bedroom residence at \$1,440 per month, not including utilities, which at the time she applied for EA benefits, was over the FMR of \$1,218 for a one-bedroom residence in Gloucester County, allowable for an assistance unit of one, such as Petitioner. See Initial Decision at 2-5; see also Exhibit R-1 at 2-7, 13-15, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). Although the ALJ found it admirable that Petitioner had rented a two-bedroom residence in order to accommodate her son when he came for visitation, nonetheless, the ALJ found that applicable regulatory authority did not allow the Agency to exceed the Federal Department of Housing and Urban Development guidelines when determining Petitioner's eligibility for EA/TRA benefits. See Initial Decision at 4-7; see also Exhibit R-1 at 14, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). Further, the ALJ found that Petitioner has made a deposit, and entered into a repayment agreement with the utility company, and as such, there is no current utility shut-off scheduled. See Initial Decision at 4-5; see also Exhibit R-1 at 17-23. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits, and back utility payments was proper and must stand. See Initial Decision at 5-7; see also Exhibit R-1 at 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, such as an eviction from her current residence, or the securing of housing which is within the FMR for Gloucester County, she may reapply for EA benefits.

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

Officially approved final version. October 12, 2023

Natasha Johnson
Assistant Commissioner

