



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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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 14389-24 K.A.

AGENCY DKT. NO. S605045012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of payment of back rent on a prior apartment that Petitioner ultimately abandoned. Petitioner is currently receiving Emergency Assistance ("EA") benefits in the form of motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Procedurally, Petitioner appealed the same underlying back rent denial at an emergent fair hearing on February 12, 2024, which resulted in an Initial Decision being rendered by the Honorable Dean J. Buono, Administrative Law Judge, which was affirmed in a Final Agency Decision issued by this office on February 22, 2024. Thereafter, on June 13, 2024, Petitioner sought another hearing regarding the back rent issue which was scheduled for a hearing on August 12, 2024. The matter was postponed until August 21, 2024, and then, on that date, Petitioner appeared and withdrew his hearing request on the record. On October 9, 2024, Petitioner again requested a hearing on the back rent issue and the matter was scheduled for November 13, 2024. On November 13, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 26, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination to deny the payment of Petitioner's back rent.

Here, Petitioner is currently an EA benefits recipient, and has been receiving EA benefits since March 2024, in the form of motel placement. See Initial Decision at 3. Petitioner had previously been residing in an apartment, during 2023, for which he owes back rent in excess of \$11,000 and his landlord had filed eviction proceedings in the Superior Court. Ibid. Petitioner entered into a Settlement Agreement with his landlord on January 3, 2024, which allowed him to remain in the apartment and agreed to pay the back rent by himself and/or with the assistance of the Agency. Ibid.; see also Exhibit R-1. On December 23, 2023, Petitioner filed for prospective EA benefits, as well as Temporary Rental Assistance ("TRA"), in form of back rent. Ibid. The Agency agreed to pay Petitioner's back rent so long as he remained in the apartment; however, Petitioner did not want to remain in the apartment, but rather, wanted the Agency to pay both the back rent, as well as for prospective EA benefits so that he could find new housing. See Initial Decision at 4. On February 1, 2024, the Agency emailed Petitioner to notify him that he qualified for receipt of EA benefits, and that the Agency could pay back rent if he stayed in his current apartment, or, the Agency could help with TRA for any new apartment he found if he wished to relocate, however, the agency could not provide for both back rent at the current apartment and TRA at another apartment. Ibid.; see also Exhibit R-6. Petitioner did not respond to the email from the Agency. Ibid. Petitioner remained in his apartment until he was evicted in March 2024, at which time he applied for EA benefits and the Agency placed him in motel housing. Ibid. Petitioner has not found a new apartment and continues to reside in the motel housing. Ibid. Petitioner provided no explanation for why he filed repeated fair hearing requests following the Final Agency Decision denying payment of his back rent. Ibid. The Agency has no adverse action that Petitioner is currently appealing as the Final Agency Decision of February 22, 2024, fully resolved the issue of back rent, and Petitioner is not currently homeless or imminently homeless. Ibid.



The ALJ found that the Agency was willing to pay Petitioner's back rent if he chose to remain in his apartment, in order to preserve his housing and in an effort to prevent his homelessness. See Initial Decision at 5. Petitioner remained in his apartment for several months until he was ultimately evicted and then, being homeless, Petitioner applied for, and began receiving, EA benefits, in the form of temporary motel placement. Ibid. The ALJ concluded that the Agency's denial of EA benefits on the basis was correct, as regulatory authority does not permit the payment of back rent at one apartment, as well as prospective TRA for a different apartment, concurrently, as had been requested by Petitioner. Ibid. The ALJ further concluded that Petitioner was required to request EA for either back rent or prospective TRA, but failed to do so, and, as such, Petitioner has been provided the appropriate EA benefits necessary to meet his emergent situation and prevent homelessness. Ibid. Therefore, the Agency properly denied the payment of back rent when Petitioner did not intend to remain in his prior apartment, and ultimately abandoned the prior apartment. Ibid.; see also N.J.A.C. 10:90-6.1. I agree.

No Exceptions to the Initial Decision were filed.

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's determination to deny payment of back rent to Petitioner has been fully heard and decided, and Petitioner is not entitled to any further fair hearing on the specific issue of back rent for Petitioner's former apartment. Petitioner is advised that any further fair hearing request on this specific issue will be denied.

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

Officially approved final version. December 20, 2024

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Natasha Johnson  
Assistant Commissioner

