



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 **01771-24 R.K.**

AGENCY DKT. NO. **S523851012 (MIDDLESEX COUNTY BD. 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 apartment is over the Fair Market Rent ("FMR") for Middlesex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 14, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that at the time of Petitioner's application for EA benefits, her monthly rent was \$1,808.10, plus monthly utilities of approximately \$30 to \$40, which puts Petitioner's total monthly rent over the FMR of \$1,807.00 in Middlesex County for a one-bedroom apartment, and as such she is ineligible for EA/TRA benefits. See Initial Decision at 2-3; see also Exhibits R-2, R-8; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). Moreover, the ALJ also found that Petitioner owed more than three months back rent, totaling \$12,023.70, and as such, the Agency did not have the authority to pay the entirety of Petitioner's past due rent, nor do I find any extraordinary circumstances such that more than three months of back rent should be authorized. See Initial Decision at 5; see also Exhibit R-9, and N.J.A.C. 10:90-6.3(a)(5). Further, the ALJ found that Petitioner failed to provide documentation to show that she has been evicted from her apartment and is actually homeless or imminently homeless, a requirement for EA benefits eligibility. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Based on the foregoing, the ALJ determined that Petitioner is ineligible for EA/TRA benefits. See Initial Decision at 6. Accordingly, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. *Ibid.*; see also Exhibit R-3. I agree.

Exceptions to the Initial Decision were filed by Petitioner on February 14, 2024.

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 apartment, or the securing of housing which is within the FMR for Middlesex County, she may reapply for EA benefits. See Initial Decision at 5. Petitioner is advised, however, that the Agency shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).



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. Moreover, it should be noted that it is the "total cost of housing," which therefore includes utility costs, which may not exceed the FMR, and not the rental amount alone. See N.J.A.C. 10:90-6.3(a)(7)(i)(1).

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

Officially approved final version. February 22, 2024

Natasha Johnson
Assistant Commissioner

