



State of New Jersey

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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 18820-17 G.A.

AGENCY DKT. NO. C431284004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent and eviction related costs. The Agency denied Petitioner EA benefits contending that her apartment was over the Fair Market Rent ("FMR") for Camden County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 3, 2018, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 5, 2018, a day late due to the State of New Jersey authorized closing of all state offices on January 4, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 5, 2018.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the Agency determined that Petitioner's total monthly rental cost was \$1,066.46, which included utilities and a monthly pet fee of \$35. See Initial Decision at 2; see also Exhibit R-1 at 1-4, 6, 27, and 36. As such, the Agency determined that Petitioner's total monthly rent exceeded the FMR of \$1,047 for Camden County, and consequently denied Petitioner EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 39-42, N.J.A.C. 10:90-6.3(a)(7) and DFD Instruction ("DFDI") 17-09-05. However, the ALJ found that the pet fee was not part of Petitioner's monthly rent, but was a separate fee, and therefore, Petitioner's monthly rent is \$1,031.46, below the FMR for Camden County. See Initial Decision at 3-4; see also Exhibit R-1 at 12, 36, and DFDI 17-09-05. I agree that Petitioner's pet fee is not part of her monthly rent, specifically, finding that the Pet Addendum attached to Petitioner's lease clearly states that "The Monthly Fee is due on the first day of the month along with the monthly rent." See Exhibit R-1 at 36. Nevertheless, I find that the Agency is not responsible for paying Petitioner's monthly pet fee of \$35; rather, that monthly cost is Petitioner's responsibility. See Initial Decision at 2. Therefore, I find Petitioner eligible for EA benefits in the form of back rent, in an amount required to bring her current, plus costs of eviction, minus any monthly pet fees due and owing. See N.J.A.C. 10:90-6.3(a)(7). Further, I find that Petitioner is eligible for prospective EA benefits, minus any pet fee, provided she continues to need such benefits, and is otherwise eligible for same. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.



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Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

Natasha Johnson

Director

JAN 10 2018

