



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 01781-20 N.L.

AGENCY DKT NO C448354007 (ESSEX COUNTY DIVISION OF WELFARE)

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/TRA benefits, contending that her apartment was over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2020, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on February 10, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on February 11, 2020.

As the Director of the Division of Family Development, 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, based on the discussion below.

Here, the record reflects that the Agency denied Petitioner EA/TRA benefits because her monthly rent of \$1,225, not including gas and electric, was over the FMR of \$1,218 for a one-bedroom apartment in Essex County. See Initial Decision at 2; see also Exhibits R-3(a), R-4, and N.J.A.C. 10:90-6.3(a)(7)(i) (1). The record also reflects that Petitioner has resided in her current apartment for five years, has never received EA benefits, is seven months pregnant, has a long work history but is currently unemployed, and is two months behind in her rent and facing eviction. See Initial Decision at 2-3; see also Exhibits R-1, R-2, and "DOVE Detail Report." Based on Petitioner's particular circumstances, including those discussed above, the ALJ found that Petitioner should be allowed to remain in her apartment while she looks for a less expensive apartment. See Initial Decision at 2-3. Accordingly, the ALJ reversed the Agency's denial of EA/TRA benefits to Petitioner and ordered the Agency to provide Petitioner with back rent for the months of January and February 2020, as well as prospective rent for March 2020, while she searches for an apartment within the FMR. *Id.* at 3-4; see also Exhibit R-3(a), and N.J.A.C. 10:90-6.1(c), -6.3(a)(6). I agree. However, taking Petitioner's advanced pregnancy into consideration, I find that Petitioner is eligible for prospective EA benefits for the months of March, April, and May 2020,



provided she continues to remain eligible for same, in accordance with N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

By way of comment, as the record indicates that Petitioner may have trouble paying her utilities, the Agency is to refer Petitioner to the appropriate agencies and programs necessary to meet Petitioner's needs, such as the Home Energy Assistance Program ("HEAP"), the Low Income Home Energy Assistance Program ("LIHEAP"), and the Universal Service Fund ("USF").

By way of further comment, Petitioner is advised that if she fails to locate housing within the FMR for Essex County within the three-month time frame, her EA benefits may be terminated. The Agency is directed to incorporate this requirement into Petitioner's EA Service Plan.

Also, 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.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

FEB 10 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

