



State of New Jersey

PHILIP D. MURPHY
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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 **08664-22 T.B.**

AGENCY DKT. NO. **C787266007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 4, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

N.J.A.C. 10:90-6.3(a)(7) states, in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent (FMR)[.]" Amounts in excess of the current FMR will require prior approval and authorization by DFD. See N.J.A.C. 10:90-6.3(a)(7)(i)(1).

Here, the Agency contended that it had rescinded its denial of WFNJ/GA benefits to Petitioner. See Initial Decision at 3. However, the ALJ found that, at the time of the hearing, the Agency had not provided any documentation to substantiate that it had rescinded its denial of WFNJ/GA benefits, nor that it had approved Petitioner for said benefits. See Initial Decision at 4-5. Additionally, the ALJ found that the Agency had failed to provide any documentation, to either Petitioner or the ALJ, to substantiate the reasons for its denial of WFNJ/GA benefits to Petitioner, in violation of her due process rights. *Ibid.* Accordingly, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. *Id.* at 5-6.

Further, the record reflects that Petitioner lives in a three-bedroom apartment with a monthly rent of \$1,650, and as a WFNJ/GA benefits recipient assistance unit of one, I find that she is only eligible for a



one-bedroom apartment, and not a three-bedroom apartment, such as the one she currently resides in which is significantly over the FMR of \$1,017 for a one-bedroom apartment in Essex County. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(7), and DFD Informational Transmittal No. 21-20. On that basis, I find that Petitioner was ineligible for EA/TRA benefits for back rent, and therefore, the Agency had not made an initial error of denial of such benefits to Petitioner, thereby putting her more than three-months behind in her rent, as opined by the ALJ. See Initial Decision at 3. The Initial Decision is modified to reflect this finding. Nevertheless, I concur with the ALJ's reversal of the Agency's denial of EA/TRA benefits to Petitioner on the basis that the Agency violated Petitioner's due process rights by failing to provide any documentary evidence to substantiate the reasons for its denial of EA/TRA benefits to either Petitioner or to the ALJ. Id. at 4-6. And on that basis, I also concur with the ALJ's conclusion that the Agency's denial of EA/TRA benefits to Petitioner was improper, and consequently order that the Agency assist Petitioner with locating appropriate housing, and to provide her with temporary shelter housing should her pending eviction proceed. Id. at 5-6.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further 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 Essex County, she may reapply for EA benefits. 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 Initial Decision at 6; see also Exhibit P-1, and N.J.A.C. 10:90-6.3(a)(1), (7).

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

Officially approved final version.

October 13, 2022

Natasha Johnson

Assistant Commissioner

