



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **04868-25 S.R.**

AGENCY DKT. NO. **C158294001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") and back rent. The Agency denied Petitioner EA/TRA benefits, contending that she was seeking more than three-months back rent for a residence that exceeds the Fair Market Rent ("FMR") for a household of one. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 20, 2025, and two separate telephone conferences were held on that date. The matter was adjourned to allow the Agency to confer with the Division of Family Development ("DFD") regarding the retroactive rent payments exceeding three months. On March 26, 2025, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open until March 28, 2025, to allow for the submission of additional documentation, and then closed. On March 28, 2025, the ALJ issued an Initial Decision, remanding the matter to the Agency to confer with the DFD regarding the retroactive rental payments and to further analyze the EA/TRA going forward.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and Remand to the Agency, based on the discussion below.

Here, Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") recipient who resides in a three-bedroom apartment with a rent of \$1,450 per month, an average monthly electricity cost of \$128 per month, and an average gas cost of \$118 per month. See Initial Decision at 2; see also Exhibit R-1 at 17, 33. On December 17, 2024, Petitioner's landlord filed for eviction due to non-payment of rent. See Initial Decision at 2; see also Exhibit R-1 at 9-16. The landlord/tenant complaint detailed that Petitioner owed \$1,100 for April 2024 rent; \$11,600 for May 2024 through December 2024 rent; \$652.50 in late fees for April 2024 through December 2024; \$700 for attorneys' fees; and \$57 for filing fees. See Initial Decision at 3; see also Exhibit R-1 at 9-16. On February 18, 2025, Petitioner applied for EA benefits in the form of retroactive rent and future rental assistance. See Initial Decision at 3; see also Exhibit R-1 at 20-26. On March 13, 2025, the Agency denied Petitioner's application, as she was requesting more than three calendar months retroactive rent and because the rent for the property exceeded the FMR for Atlantic County, which is \$1,414 per month inclusive of utilities. See Initial Decision at 3; see also Exhibit R-1 at 1-6.

On March 17, 2025, Petitioner and her landlord entered into a Stipulation of Settlement Judgement to Enter, which permitted a reduction in the amount of back rent owed, if Petitioner is granted EA benefits, and which would allow her to remain in her residence. See Initial Decision at 3. Petitioner's landlord provided correspondence indicating that for



EA purposes, Petitioner owes \$15,869 consisting of \$315 for rent for April 2024, and \$1,414 per month for rent for May 2024 through March 2025. Ibid.; see also Exhibit P-1. The monthly rental amount does not include utilities. Ibid. On March 18, 2025, a Warrant of Removal was issued, but as of the date of the hearing it had not been acted upon, and Petitioner remained in the residence. See Initial Decision at 3. Petitioner testified that she had applied for Social Security benefits, due to her undergoing treatment for cancer and her inability to work, however, she had initially been denied benefits and sought an appeal, which was held on March 26, 2025, the same morning of the hearing, and Petitioner testified that she was verbally informed that she would be granted benefits. Ibid.

The ALJ found that Petitioner owes more than three months of past due rent, and regulatory authority only allows for the payment of more than three-months back rent when extraordinary circumstances are proven. See Initial Decision at 6; see also Exhibits P-1 and R-1 at 13, and N.J.A.C. 10:90-6.3(a)(5)(i). Petitioner's landlord indicated they will accept \$1,414 per month in order to meet the FMR for Atlantic County, and entered into a Stipulation of Settlement Judgement to Enter which memorialized such agreement. See Initial Decision at 6. The Agency denied Petitioner EA benefits due to her owing more than three calendar months of retroactive rent, and any payment beyond three months must be authorized by DFD. See N.J.A.C. 10:90-6.3(a)(5)(i). The ALJ found that, while not an exhaustive list, none of the extraordinary circumstances outlined in N.J.A.C. 10:90-6.4(b)(1) apply to Petitioner's situation and, as such, the Agency must confer with the Division. See Initial Decision at 6. Accordingly, the ALJ concluded that the Agency must confer with the Division regarding the reduced retroactive rental payment amount, the information that Petitioner receives utility assistance, and Petitioner's particular circumstances, thus remanding the matter to the Agency. See Initial Decision at 6-8; see also Exhibit P-1. I agree.

By way of comment, the Agency shall confer with Petitioner's counsel to further explain that even with the rent reduced to \$1,414, this amount is not inclusive of utilities, making the Petitioner's residence over the FMR for Atlantic County. Petitioner testified that she does receive a utility allowance, however, the exact amount, and whether this amount is sufficient to cover the entirety of her utilities, is unclear.

By way of further comment, it is unclear if the reduced rental amount would be accepted by the landlord going forward. If the rental amount is not so reduced, and perhaps even further reduced to account for the cost of utilities, Petitioner may remain ineligible for EA benefits. In addition, if Petitioner has any further information regarding the award of any Social Security benefits, such information shall be provided to the Agency.

Accordingly, the Initial Decision is hereby ADOPTED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. April 10, 2025

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Natasha Johnson  
Assistant Commissioner

