



State of New Jersey

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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 **08151-26 M.D.**

AGENCY DKT. NO. **C767767002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's determination of the amount of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") which could be paid on Petitioner's case. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2026, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Although the record was closed on July 2, 2026, the ALJ reopened the record on July 15, 2026, following submission of a letter from Petitioner's son, and the record was again closed on that date. On July 31, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from the Petitioner's son on August 6, 2026, with a supplemental submission received on August 7, 2026.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to his/her assistance unit. See N.J.A.C. 10:90-6.1(a)(1). As part of the determination of EA benefits eligibility, the Agency must evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance. See N.J.A.C. 10:90-6.1(c)(2). Further, those individuals who reside with, but are not members of, the assistance unit, are responsible for paying their per capita/pro rata share of the housing costs. See DFD Instruction ("DFDI") No. 08-5-4 at 10-11 (emphasis added).

Pursuant to N.J.A.C. 10:90-6.2(a), only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits.

"Recipients of emergency assistance ["EA"], including those receiving [Supplemental Security Income ("SSI")], shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements, including utilities[.]" See N.J.A.C. 10:90-6.5(a).

Here, the record reveals that Petitioner receives monthly SSI benefits, as well as monthly Retirement, Survivors, and Disability Insurance ("RSDI") benefits. See Initial Decision at 2. By virtue of Petitioner's receipt of SSI benefits, she herself is eligible for receipt of EA benefits. Petitioner and her adult son reside in a two-bedroom apartment, and he earns income



through the Managed Long-Term Services and Supports Personal Preference Program, by providing care for his mother. Ibid. Due to earned income, Petitioner's son is not eligible for WFNJ benefits, and he does not receive SSI benefits. Ibid.

On February 5, 2026, an application for EA benefits was completed for Petitioner by her son, acting on her behalf as her Authorized Representative. See Initial Decision at 2. On April 24, 2026, the Agency approved EA/TRA benefits for a two-bedroom apartment, whereby the EA/TRA benefits would be allocated to half of the apartment cost, and Petitioner's son would be responsible for payment of the other half of the apartment cost. Ibid.; see also DFDI No. 08-5-4. The total monthly cost for the apartment is \$2,300. Ibid. Petitioner would be responsible for the required contribution of 30% of her one half of the rent, based upon the regulatory language at N.J.A.C. 10:90-6.5(a).

At the time of the hearing, Petitioner's son testified that the amount of EA/TRA benefits is insufficient, that the Agency should not limit the payment to half of the total shelter expense, and that the Agency improperly determined that Petitioner's son would be responsible for the remaining half of the total shelter expense. See Initial Decision at 2-3.

Following the presentation of testimonial and documentary evidence in this matter, the ALJ found that the Agency properly determined that Petitioner herself was eligible for receipt of EA benefits pursuant to N.J.A.C. 10:90-6.2(a), as she receives SSI benefits. See Initial Decision at 3. Further, as to Petitioner's son, the ALJ found that he is ineligible for receipt of EA benefits, based upon his being neither a WFNJ, nor SSI, benefits recipient. Ibid.; see also N.J.A.C. 10:90-6.1(b)(2) (stating that the Agency must consider "all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of [TRA]...."). Having made such conclusions, the ALJ found that the Agency properly calculated the amount of EA/TRA to Petitioner for the current housing unit, and that, based upon such calculation, Petitioner should only contribute 30 percent of the amount of EA/TRA from her own available resources. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.5(b). Accordingly, the ALJ concluded that Petitioner's son benefits from the living arrangement and must be expected, pursuant to regulatory authority, to contribute to the housing cost. See Initial Decision at 4. I agree.

By way of comment, pursuant to N.J.A.C. 10:90-6.5(a)(1)(i), for SSI recipients, the Agency may consider, with documented out-of-pocket medical expenses or other disability related expenses, which cannot be met through another source, if the EA/TRA recipient may be eligible for a reduction in their contribution amount. The record is devoid of any such documentation, however, if any exists, Petitioner is encouraged to submit same to the Agency for consideration as to whether her 30% contribution may be reduced.

By way of further comment, I have reviewed the Exceptions and the supplemental submission submitted by Petitioner's son and find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. September 03, 2026

Natasha Johnson
Assistant Commissioner

