



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 17127-15 J.G.

AGENCY DKT. NO. GA304341 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits because she owed over the amount of months in back rent that the Agency is authorized to pay, and failed to provide the Agency with required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 29, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 29, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on November 4, 2015.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that payment shall be authorized up to any three calendar months of retroactive rental payments if it will prevent actual eviction or foreclosure. Payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances subject to authorization by DFD. Ibid.

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c).

The record shows that Petitioner receives \$140 per month in WFNJ/GA benefits, and her rent is \$885.83 per month. See Initial Decision at 2. The record further shows that at the time Petitioner applied for EA benefits, on October 8, 2015, she was 15 months behind in her rent. *Ibid.*; see also Exhibit R-8. Although the record indicates that Petitioner initially applied for EA benefits in October 2014, all of the documentation needed by the Agency to determine her EA eligibility, at that time, was not provided, and to date, still has not been provided. See Initial Decision at 2-3. Regardless, Petitioner now owes more than 15 months of past due rent, and has provided no extraordinary circumstances warranting payment beyond the three months authorized pursuant to N.J.A.C. 10:90-6.3(a)(5). See Initial Decision at 5. Moreover, EA benefits are limited to 12 months, so to pay Petitioner's past due rent, on an apartment that is not affordable, and not likely to become affordable, would exhaust her 12-month lifetime limit of EA benefits, and would not resolve her housing emergency. See N.J.A.C. 10:90-6.3(a)(6); see also N.J.A.C. 10:90-6.4(a). Based on the foregoing, I find that the Agency properly denied Petitioner EA benefits.

By way of comment, Petitioner may reapply for EA benefits, but is advised that the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." See N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. *Ibid.*

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

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

Signed Copy on File

at DFD, BARA

NOV 10 2015

Natasha Johnson
Director