



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 18759-15 Q.W.

AGENCY DKT. NO. GA287014 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of his Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the denial of his application for EA in the form of retroactive utilities, because it contends that he has exhausted his lifetime limit of EA, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 1, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 2, 2015, the ALJ issued her Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision have been filed.

This office has been advised that the Agency is rescinding its termination of Petitioner's EA. Therefore, as the Director of the Division of Family Development, Department of Human Services, I hereby ORDER and DIRECT the Agency to provide Petitioner with EA benefits.

However, EA/TRA for Petitioner's present apartment is not the appropriate form of EA in this instance, because Petitioner's application includes a request for the payment of 12 months of retroactive utilities, payment of which is not authorized by the Work First New Jersey ("WFNJ") regulations. See N.J.A.C. 10:90-6.3(a)(5)(stating that EA shall be authorized for up to six calendar months of retroactive utility payments only if it will prevent the loss of utilities or make utilities operable).

Therefore, Petitioner is eligible for EA in a form to be determined by the Agency. See N.J.A.C. 10:90-6.3(a)(1). The Agency is reminded that EA/TRA "is the preferred form of emergency housing assistance in all situations, as appropriate." See N.J.A.C. 10:90-6.3(a)(6). If another affordable apartment is located, the Agency should consider voluntary restricted payments to assist Petitioner in remaining current in his rent and utility payments. See N.J.A.C. 10:90-3.23(a)(1).

Based on the foregoing, I find that Petitioner's appeal of the termination of EA has now been rendered moot, and I therefore DISMISS Petitioner's appeal in that regard.

Accordingly, Petitioner's appeal now being deemed moot, the matter is hereby DISMISSED.

JAN - 4 2016

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director