



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 7463-15 B.S.

AGENCY DKT. NO. S524292 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because payment of her past due rent was not the appropriate form of EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 28, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

EA benefits are limited to 12 months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51.

The Agency shall determine the most appropriate form of EA benefits that are "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." N.J.A.C. 10:90-6.3(a)(1).

While I agree with the Agency that payment of Petitioner's back rent was not the appropriate form of EA to address Petitioner's need, based on the facts of the case, I concur with the ALJ's decision to reverse the Agency's denial of EA benefits. See Exhibit Important Notice Concerning Your Emergency Assistance. Specifically, the record shows that Petitioner is not seeking payment of her back rent, rather, she has found a new apartment, within the fair market rent for Middlesex County, and is seeking EA benefits in the form of temporary rental assistance ("TRA") to assist her with her new housing costs. See Initial Decision at 2-3. Accordingly, I find that TRA for Petitioner's new housing is appropriate in this instance, and is of greater benefit to her, because it may afford her with additional months of EA benefits that would not have been available if her back rent were paid. See N.J.A.C. 10:90-6.4(b).

By way of comment, Petitioner is reminded that she needs to provide the Agency with estimates from three bona fide moving companies in order to receive a moving voucher from the Agency.

By way of comment, upon receipt of Petitioner's three estimates, the Agency is directed to expedite the execution of her moving voucher, as her lockout date is scheduled for June 5, 2015.

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

Signed Copy on File
at DFD, BARA

JUN 03 2015

Natasha Johnson
Director