



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 11994-15 I.V.

AGENCY DKT. NO. C101840 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of retroactive rent and water utilities. The Agency denied Petitioner's application because the water bill was not in Petitioner's name and, therefore, could not be addressed by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2015, the Honorable Morgan Hurley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 19, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on August 26, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I REJECT the Initial Decision and AFFIRM the Agency's determination.

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit "is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). Payment of EA shall be authorized for up to three months of retroactive rent, and/or up to six months of retroactive utility payments, if such payment will prevent actual eviction and/or the loss of utilities or will make utilities operable. See N.J.A.C. 10:90-6.3(a)(5).

The record reflects that on July 15, 2013, Petitioner entered into an apartment lease under which she was obligated to pay \$875.00 per month in rent, plus all water charges. See Initial Decision at 2; see also Exhibit P-3. From the inception of Petitioner's occupancy, the water bill for her apartment was in the name of the previous tenant. See Initial Decision at 2. After repeated requests to Petitioner by the Agency to do so, Petitioner changed the water bill into her name on August 5, 2015. Ibid. During her entire tenancy, Petitioner made no payments toward the water bill, resulting in an outstanding balance as of January 6, 2015, of \$1,265.83. See Exhibit P-3. On January 21, 2015, Petitioner's landlord paid \$705.18 toward the water bill, and \$1,153.01 remains outstanding to date. See Initial Decision at 2; see also Exhibit P-3.

On July 14, 2015, Petitioner's landlord filed an eviction action against her for non-payment of rent, plus the \$705.18 that the landlord had paid for water charges. See Initial Decision at 3; see also Exhibit P-1. On July 31, 2015, Petitioner entered into a consent judgment with the landlord, under which Petitioner agreed to the immediate entry of a Judgment for Possession on behalf of the landlord. See Exhibit P-1. The consent judgment also indicates that, as of August 1, 2015, the total amount due the landlord was \$3,442.00. Ibid.

By adverse action notice dated August 3, 2015, the Agency denied Petitioner's EA application for retroactive rent for June and July 2015, as well as outstanding water charges, for the reason that, at the time of her application, Petitioner refused to transfer the water bill into her name so that the potential payment of same could be addressed by the Agency. See Initial Decision at 2-3; see also Exhibit R-1. Moreover, the record shows that Petitioner is a domestic violence victim who underwent a Family Violence Option ("FVO") Risk Assessment on April 20, 2015. See Exhibit P-2. The FVO Risk Assessment Report indicates that Petitioner's abuser frequently stalks her and, therefore, that she "would benefit from relocation" Ibid. Accordingly, the Agency specifically stated in its adverse action notice that Petitioner is approved for EA in the form of a security deposit and first month's rent for an apartment "at a new location that was previously discussed as a means for your safety." See Exhibit R-1 at 2.

Based on the foregoing, I disagree with the ALJ's conclusion that the Agency improperly denied Petitioner EA in the form of back rent and payment of water charges. See Initial Decision at 5. Rather, I find that the Agency's denial of EA in that form was appropriate, in light of the fact that such payments would not prevent Petitioner's eviction. See Exhibit P-1; see also N.J.A.C. 10:90-6.3(a)(5). Further, I must note that the Agency did grant EA to Petitioner in the form of a security deposit and first month's rent for an apartment located at a safe distance from her domestic violence abuser. See Exhibit R-1. For these reasons, I reject the ALJ's Initial Decision and find instead that the Agency's determination must stand.

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

Signed Copy on File
at DFD, BARA

AUG 31 2015

Natasha Johnson
Director