



## 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 16551-15 J.D.

AGENCY DKT. NO. GA601565 (FRANKLIN TOWNSHIP MWD)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits because his rent, plus utilities for his apartment was above the allowable Fair Market Rent ("FMR") for Somerset County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 27, 2015, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On October 28, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner's assistance unit ("AU") consists of Petitioner and his wife. See Initial Decision at 2; see also Exhibit R-1 at 4 and 5. The record also shows that Petitioner, his wife, and their 19-year-old special needs child currently live in a two bedroom apartment with a monthly payment of \$1,536 (\$1,436 rent plus \$100 for washer/dryer), not including utilities. See Initial Decision at 2 and 3; see also Exhibit R-1 at 10, 13, and 14. The ALJ found that the maximum shelter cost allowable for Petitioner's AU of two is a one bedroom apartment. See Initial Decision at 3. Nevertheless, the ALJ further found that Petitioner's total monthly rental cost was above the allowable FMR for Somerset County, whether for a one bedroom (\$1,214), or for a two bedroom apartment (\$1,495), inclusive of utilities. *Ibid.*; see also Division of Family Development ("DFD") Instruction No. 14-10-01. Accordingly, the ALJ concluded that the Agency properly denied Petitioner EA benefits because his monthly rental cost exceeded the allowable FMR for Somerset County. See Initial Decision at 4.

No Exceptions to the Initial Decision were filed.

As the Director of the DFD, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

**NOV 10 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director