



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 2081-15 J.L.

AGENCY DKT. NO. C649804 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits because she needs more than three months of rental assistance, and her apartment is above the United States Department of Housing and Urban Development ("HUD") Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 18 and 23, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On February 24, 2015, the CALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions were filed by Petitioner on February 26, 2015.

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

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from

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prior housing, and 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."

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 Payment for more than three calendar months of retroactive rental payments ... shall be made only under extraordinary circumstances ... subject to authorization by the Division of Family Development." Ibid.

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize [Temporary Rental Assistance] when the total cost of housing inclusive of basic utilities is equal to or below the current []FMR, as established by [HUD] for the county of residence."

Here, the record clearly indicates that Petitioner is four months behind on her rent and is in imminent danger of homelessness. See Initial Decision at 2. Further, the record indicates that Petitioner lives in a two bedroom apartment with a monthly rental amount of \$1,450, plus utilities. Ibid. The allowable FMR, for a two-bedroom apartment in Essex County is \$1,269. See Division of Family Development Instruction No. 14-10-01. Additionally, Petitioner applied for, and was denied, assistance from the Universal Service Fund for payment of her utility bills. Id. at 3. Accordingly, the CALJ found, and I concur, that although Petitioner may be otherwise eligible for EA benefits, the cost of Petitioner's apartment is above the FMR for Essex County, thereby making her ineligible for EA assistance. Id. at 5.

By way of 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

MAR 02 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director