



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 16244-14 J.V.

AGENCY DKT. NO. GA543352 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") in the form of late charges, attorney fees, and court costs payable pursuant to a written lease agreement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2015, the Honorable Barry E. Moscowitz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On February 20, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and REVERSE the Agency determination.

EA benefits are designed to address the emergent needs of public assistance recipients and to facilitate uninterrupted participation in Work First New Jersey ("WFNJ") work activities with the goal of economic self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are available when the assistance unit is in a state of actual or imminent homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing. N.J.A.C. 10:90-6.1(c). EA benefits are available in many forms, including but not limited to, security deposits, rent and other payments for emergency and transitional housing, rent and mortgage payments for permanent housing, moving and storage expenses, and "eviction-related costs that are authorized by DFD" N.J.A.C. 10:90-6.3(a).

The municipal or county welfare agency shares responsibility with the eligible assistance unit to resolve the emergent situation and to assist the unit to secure and maintain suitable, affordable permanent housing. N.J.A.C. 10:90-6.6(a); -6.3(a)(6).

Based upon my independent review of the record, I agree with the ALJ that the attorney fees and costs in the present matter were imposed as the result of the Agency's delay in paying Petitioner's rent. See Initial Decision at 5. I further agree that these fees and costs come within any reasonable definition of eviction related costs payable under N.J.A.C. 10:90-6.3(a). Ibid. Accordingly, I direct the Agency to pay the costs and fees in this matter.

By way of comment, the Agency is reminded that it should contact DFD on a case by case basis for authorization in such matters, and is further reminded of its responsibilities to ensure timely payment of EA benefits of clients so that such occurrences may be avoided altogether.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is REVERSED.

APR 17 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director