



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 16655-15 S.B.

AGENCY DKT. NO. C403178 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for an extreme hardship extension of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because it contended that she had the capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 9, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 10, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

In his Initial Decision, the ALJ noted that Petitioner and her three children leased an apartment, for which EA/TRA was being paid by the Agency, until February 2014, at which time they had to vacate due to a fire. See Initial Decision at 2. Thereafter, the family lived on a month-to-month basis in a different apartment owned by the landlord, with the utilities remaining in the landlord's name. *Ibid.* However, in November 2014, Petitioner discovered that the landlord owed over \$1,000.00 in utility bills on that apartment, and, as a result, the utilities were shut off, forcing the family to leave. *Ibid.* Since July 2014, the family has stayed with various family members, including Petitioner's grandmother, who asked them to leave in July 2015, because she lives in a senior center which does not allow children. *Ibid.*; see also Exhibit R-1. Since October 2015, the family has lived with Petitioner's aunt, who has not complained that the house is too small to accommodate Petitioner and her children, nor has she served a letter upon Petitioner asking her to leave. See Initial

Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of an extreme hardship extension of EA/TRA to Petitioner was proper, because 22 months have elapsed since the fire in Petitioner's apartment, during which time she had the realistic capacity to plan to find substitute housing. See Initial Decision at 4. Moreover, the ALJ concluded that no housing emergency exists, as an eviction of Petitioner from her aunt's apartment is not imminent. Ibid.

No Exceptions to the Initial Decision were filed.

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 concur with the Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

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

JAN 12 2016

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director