



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 13456-15 T.D.

AGENCY DKT. NO. GA588443 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because she owed more than three months of retroactive rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 9, 2015, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 9, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

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 hereby MODIFY the Initial Decision and REVERSE the Agency determination.

EA is a supportive service designed 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 a path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). Payment of EA shall be authorized for up to three calendar months of retroactive rent if it will prevent actual eviction, and for more than three calendar months of retroactive rent only under extraordinary circumstances, subject to authorization by DFD. See N.J.A.C. 10:90-6.3(a)(5) and -6.3(a)(5)(i).

The record reflects that Petitioner began receiving Work First New Jersey/General Assistance ("WFNJ/GA") benefits on June 18, 2015, and that her rent is \$700.00 per month. See Initial Decision at 2; see also Exhibit R-1. Until January 2015, Petitioner's income consisted of workers' compensation benefits and Unemployment Insurance Benefits. Ibid. Petitioner has never applied for, nor has she received, public assistance benefits in the past. See Initial Decision at 2. To date, Petitioner owes seven months of retroactive rent, from March 2015 through September 2015. See Initial Decision at 2-3.

On July 20, 2015, Petitioner applied to the Agency for EA/TRA in the form of retroactive rent, at which time the Agency requested that Petitioner provide additional documents within ten days, so that her eligibility could be determined. See Exhibit R-1. Specifically, the Agency asked Petitioner to provide her current lease and an itemized bill for the months of unpaid rent. Ibid. On August 27, 2015, the Agency denied Petitioner EA/TRA because she owed more than three months of back rent. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(5) and Exhibit R-1.

In her Initial Decision, the ALJ found that the Agency's denial of EA/TRA was improper because Petitioner has a housing emergency and she has never before received EA. See Initial Decision at 4. Further, the ALJ found that the Agency's action caused Petitioner to incur three additional months of rental arrears. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's denial was improper, and that Petitioner should be granted EA/TRA in the form of retroactive rent from March 2015 through September 2015, and three months prospective EA/TRA. Ibid.

I agree with the ALJ's conclusion stated above, and find that the Agency's action should be reversed and that Petitioner is entitled to EA/TRA in the form of retroactive rent through September 2015. See Initial Decision at 4. However, I disagree with the ALJ's additional conclusion that the Agency should pay prospective EA/TRA on Petitioner's behalf in the form of rent on Petitioner's current apartment from October 2015 through December 2015. Ibid. Petitioner shall be evaluated for prospective EA/TRA provided Petitioner is still in need of EA, and subject to applicable eligibility criteria. I modify the ALJ's decision on this basis.

By way of comment, I note that payment of the retroactive rent alone will nearly exhaust Petitioner's lifetime limit of EA. See N.J.A.C. 10:90-6.4. Therefore, Petitioner may wish to consider alternate forms of EA.

Accordingly, the Initial Decision is hereby MODIFIED and the Agency's action is hereby REVERSED.

Signed Copy on File

at DFD, BARA

SEP 23 2018

Natasha Johnson

Director