



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 06266-18 D.M.

AGENCY DKT. NO. C033197002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent, prospective rental assistance, and retroactive utility payments. The Agency denied Petitioner EA benefits contending that the household had sufficient income to pay rent and expenses. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 24, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit additional documentation. The Agency submitted additional documentation; no additional documentation was submitted on behalf of Petitioner, and the record then closed on May 30, 2018. On June 4, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by counsel of behalf of Petitioner on June 13, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determination.

Here, the record reflects that on February 12, 2018, Petitioner applied for EA benefits in the form of temporary rental assistance ("TRA"), in order to remain in the apartment she shares with her son and another roommate. See Initial Decision at 2, 3; see also Exhibits R-5 at 1-2, and R-8. The record further reflects that Petitioner's share of the monthly rent is \$566, not including utilities. See Initial Decision at 2; see also Exhibits R-8, R-10, R-11. Petitioner receives \$210 in Work First New Jersey/General Assistance ("WFNJ/GA") monthly benefits. See Initial Decision at 2; see also Exhibit R-2. On February 22, 2018, the Agency approved Petitioner's application for EA benefits in the form of TRA on the condition that Petitioner obtains a one-bedroom apartment with a monthly rent of \$700 including utilities. See Initial Decision at 3; see also Exhibit R-4. Petitioner declined the Agency's offer of EA/TRA. See Initial Decision at 3. On March 14, 2018, the Agency denied Petitioner's application for EA benefits, reasoning that there was sufficient household income to pay household expenses. *Ibid.*; see also Exhibits R-3, R-7, R-13, and N.J.A.C. 10:90-90-6.1(a)(1). Moreover, the Agency determined that it cannot approve Petitioner's application for EA/TRA when Petitioner's share of the rent exceeds her monthly income and while her roommates pay a much smaller portion of their income towards the rent. See Initial Decision at 3; see also Exhibits R-2, R-7, R-8, R-10, R-13. The ALJ found that Petitioner lives with her son and a long-term roommate, and that each roommate, including Petitioner, have monthly incomes of \$2,000, \$4,600, and \$210, respectively. See Initial Decision at 5; see also Exhibits R-7, and R-13. The ALJ further found that the total countable household income exceeds the \$1,700 monthly rent. See Initial Decision at 5; see also Exhibits R-2, R-7, R-13; and N.J.A.C. 10:9-6.1(c)(2). Finally, the ALJ found that Petitioner is not in a state of actual or imminent homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ concluded that Petitioner is ineligible



for EA benefits to remain in her current apartment, and that the Agency's decision to deny Petitioner's request for EA benefits was proper and must stand. See Initial Decision at 5, see also Exhibit R-3, and N.J.A.C. 10:90-6.1(a)(1), -6.1(c)(1).

While I agree with the ALJ's ultimate conclusion in this matter, I find that the appropriate basis, as dictated by regulatory authority, for Petitioner's ineligibility for EA benefits in this case is the fact that Petitioner is not homeless or imminently homeless, as there is no eviction action pending. See N.J.A.C. 10:90-6.1(c). The Initial Decision is modified to reflect this finding.

Additionally, I note from the record that it appears that Petitioner's household had outstanding utilities arrears, and that disconnect proceedings had begun. See Initial Decision at 2; see also Exhibit R-15. However, the utility statement in the record is now outdated. See Exhibit R-15. Therefore, I direct that an updated utility statement be obtained, and if a balance is still due and owing, the Agency is to pay one-third of the utilities arrears, contingent upon Petitioner's roommates first providing proof of having paid their portion of the arrears balance. See N.J.A.C. 10:90-6.3(a)(5). The Initial Decision is also modified to reflect this finding.

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.

By way of further comment, Petitioner may re-apply for EA benefits should her circumstances change and provided that she is otherwise eligible for same, in accordance with N.J.A.C. 10:90-6.1 et seq.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version.

**JUL - 9 2018**

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Natasha Johnson  
Director

