



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09063-18 E.F.

AGENCY DKT. NO. 613222 (HALEDON BOROUGH MWD)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA/TRA benefits, and subsequently denied Petitioner's application for EA/TRA benefits, contending that she moved into more expensive housing without prior approval. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 26, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 29, 2018, and July 2, 2018.

As the Director of the Division of Family Development ("DFD"), 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 REVERSE the Agency's determination.

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR")[.]"

Here, the ALJ affirmed the Agency's denial of EA/TRA benefits to Petitioner for her current housing on the basis that she was not homeless or imminently homeless. See Initial Decision at 2-4; see also Exhibit R-1 at 7, and N.J.A.C. 10:90-6.1(c). Based on the fact that Petitioner had not provided evidence at the hearing of an actual or imminent eviction, I agree with the ALJ's conclusion. See Initial Decision at 4. However, in Petitioner's Exceptions she included a "Tenancy Summons," filed by her landlord on June 21, 2018, as proof of imminent homelessness. See "Exceptions" dated June 29, 2018, at 4-7. Of note, the eviction was filed prior to this fair hearing. Ibid. Therefore, on that basis, I now find Petitioner eligible for EA benefits. See N.J.A.C. 10:90-6.1(c). The Initial Decision is modified to reflect this finding.

Further, the record reflects that the Agency terminated Petitioner's EA/TRA benefits on the basis that she moved into more expensive housing without prior approval from the Agency. See Initial Decision at



2-3; see also Exhibit R-1 at 1. However, the ALJ did not address the merits of the Agency's termination of Petitioner's EA benefits. See Initial Decision at 3-4. Nevertheless, based on an independent review of the record, I find the following. Here, the record reflects that Petitioner was receiving EA benefits for the payment of her prior rent in the amount of \$500 per month. See Initial Decision at 2. Petitioner then moved to her current apartment, with a monthly rent of \$650, without first getting approval from the Agency. Ibid.; see also Exhibit R-1 at 5. Consequently, the Agency terminated Petitioner's EA benefits because she had moved into more expensive housing without prior approval. See Initial Decision at 2; see also Exhibit R-1 at 1. While I agree that Petitioner was required to inform the Agency prior to her move, I find that the current \$650 per month rent is far below the fair market rent of \$1,246 for an efficiency apartment in Passaic County, and as such, I find that the difference between the prior and current monthly rental amounts is diminimus, and that it is in the best interest of all parties concerned that Petitioner be granted EA/TRA benefits for her current affordable apartment, rather than have her be evicted and placed in a motel/shelter. See DFD Instruction 17-09-05. Therefore, I find that the Agency's termination of Petitioner's EA benefits must be reversed, and that Petitioner be provided with EA/TRA benefits in the form of back rent, as well as, prospective EA/TRA benefits, provided she continues to need said benefits and remains otherwise eligible for same. See Exhibit R-1 at 1-4; see also N.J.A.C. 10:90-6.3(a)(7). The Initial Decision is also modified to reflect this finding.

By way of comment, Petitioner is advised that failure to inform the Agency of any change in circumstances may result in the termination of her EA benefits, as well as her Work First New Jersey/ General Assistance benefits. See Exhibit R-2; see also N.J.A.C. 10:90-1.13, -3.11(e).

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

Officially approved final version.

JUL - 5 2018

Natasha Johnson

Director

