



State of New Jersey

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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 01708-18 L.M.

AGENCY DKT. NO. C130764007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits contending that she is only eligible for two months of EA benefits, that her rent is not affordable going forward, and that her rent is over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 1, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 2, 2018, the ALJ issued an Initial Decision, reversing the Agency's 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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT 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, that "[t]he Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current FMR. ... Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD."

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that Petitioner resides in a two-bedroom apartment with her two minor daughters. See Initial Decision at 2. Petitioner's monthly rent is \$1,095, plus utilities. Id. at 3; see also Exhibit P-3. The ALJ found that Petitioner's monthly rent, plus her average monthly utilities, brings her, on average, within the \$1,314 FMR for Essex County. See Initial Decision at 3-4; see also Exhibits J-1 through J-5, and DFD Instruction 17-09-05. It appears from the record that Petitioner is currently three months behind in her rent. See Exhibit P-1. Further, the ALJ found, the Agency admitted, and the record substantiates, that Petitioner has only received 19 months of EA benefits, not 22 months, as the Agency had contended. See Initial Decision at 2; see also Exhibit R-4. Based on the foregoing, the ALJ concluded that Petitioner is eligible for five months of EA/TRA benefits, and that the Agency shall provide Petitioner with EA/TRA benefits required to bring her rent current, plus prospective EA/TRA benefits. See Initial Decision at 6; see also N.J.A.C.



10:90-6.3(a)(7), -6.4(a), (b), (d). Accordingly, the ALJ reversed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 6; see also Exhibit R-2. I agree.

By way of comment, Petitioner is strongly advised to locate affordable housing prior to the exhaustion of her EA benefits.

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

Officially approved final version.

**FEB - 9 2018**

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Natasha Johnson

Director

