



## 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 11731-18 N.V.

AGENCY DKT. NO. C317568007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits contending that she failed to demonstrate that her rent would be affordable going forward. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 16, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner resides with her eight-year-old daughter in a two-bedroom apartment which she was able to afford for two years. See Initial Decision at 2. Petitioner's monthly rent is \$926. *Ibid.* In August of 2017, Petitioner was laid off from her job, and continued paying rent with Unemployment Insurance Benefits until February of 2018. *Ibid.* However, she then fell behind in the rent, and her landlord filed for eviction in July of 2018. *Ibid.* Petitioner secured \$2778 in back rent from Catholic Charities, leaving a balance of \$1305. *Ibid.* In July of 2018, Petitioner applied for EA benefits, and then on August 3, 2018, she entered into a settlement/consent judgment with her landlord, allowing her until August 24, 2018, to pay off the remaining back rent. See Initial Decision at 2; see also Exhibit P-3. The Agency denied Petitioner EA benefits, contending that the apartment was unaffordable, that Petitioner had not demonstrated that she could pay the rent moving forward, and that she had not searched for more affordable housing. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(6). However, the ALJ found, and the Agency substantiates, that Petitioner is currently in a job training program, has four months of potential EA benefits eligibility remaining prior to exhausting said benefits, and has been cooperative and fulfilled her WFNJ obligations. See Initial Decision at 2. Further, the ALJ found that Petitioner only needed rental assistance on a short-term basis, and that the apartment is affordable for the area. See Initial Decision at 3-4; see also Division of Family Development ("DFD") Instruction 17-09-05. Therefore, because Petitioner has the potential ability to maintain the current housing once the rental arrears have been paid, and once she has the opportunity to complete her job training program, the ALJ concluded that the Agency's denial of EA benefits to Petitioner in the



form of back rent was improper, and must be reversed. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c), -6.3(a)(6). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and following an independent review of the record, and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

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

Officially approved final version.

AUG 23 2018

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Natasha Johnson

Director

