



State of New Jersey

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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 07745-19 A.J.

AGENCY DKT. NO. C431133007 (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") for a particular apartment that she had chosen. The Agency denied Petitioner EA/TRA benefits for that particular apartment, contending that it does not inspect, and will not approve, EA/TRA benefits for that specific housing complex. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 11, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on June 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the Agency denied Petitioner EA/TRA benefits for a specific housing complex chosen by Petitioner because it is on a list of unhealthy, unsafe, and thus, uninhabitable properties that will not be inspected, or approved, for EA/TRA benefits. See Initial Decision at 1-2; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.3(a)(1). However, the record reflects that the Agency has approved Petitioner for EA benefits, has placed her in a temporary shelter, and will provide her with EA/TRA benefits once she has located suitable and safe housing, and upon inspection and approval of such housing. See Initial Decision at 2-3; see also Exhibit R-1. Nevertheless, Petitioner appealed the Agency's decision not to place her in the apartment she had chosen, contending that it is a safe and healthy housing unit approved for Section 8 housing. See Initial Decision at 3. In accordance with regulatory authority, the ALJ found that it is the Agency who determines the most appropriate form of housing required to address Petitioner's needs, and having carefully considered the evidence presented by the parties, also found that the Agency was reasonable in its refusal to inspect and approve the apartment at issue, regardless of Section 8 approval. *Id.* at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). Further, the ALJ found that Petitioner had not shown that she is facing imminent homelessness, as the Agency has provided her with shelter placement until appropriate housing is obtained. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits for the particular housing at issue was proper and must stand. See Initial Decision at 5; see also Exhibit R-2. 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 considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

**JUN 19 2019**

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Natasha Johnson

Director

