



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17759-18 D.Q.

AGENCY DKT. NO. S562436009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his apartment is too large for him, and that his adult daughter is named in the landlord/tenant eviction complaint. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2019, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 31, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner resides in a two-bedroom apartment with a monthly rent of \$1,100, including utilities, and that his minor daughter, who resides in another state, comes to stay with him when she is not in school. See Initial Decision at 2; see also Exhibit R-4. Of note, Petitioner's monthly rent is below the Fair Market Rent ("FMR") for a 0-bedroom apartment in Hudson County. See Division of Family Development ("DFD") Instruction No. 18-09-04. Nevertheless, the Agency denied Petitioner EA benefits on the basis that his two-bedroom apartment was too large for his needs. See Initial Decision at 2. The record also reflects that at the time Petitioner applied for EA benefits, he was three months behind in his rent and facing eviction, and that the Agency also denied him EA benefits, contending that his adult daughter lives with him, as she was named in the eviction complaint. *Ibid.*; see also Exhibits R-2, R-3, R-5. Petitioner is currently six months behind in his rent, soon to be seven months. See Initial Decision at 2. The ALJ found that Petitioner's rent is well below the FMR for a two-bedroom apartment and that his adult daughter, although on the eviction complaint, no longer resides with Petitioner, thereby making Petitioner the legally responsible tenant. *Id.* at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and ordered the Agency to provide Petitioner with EA benefits in the form of back rent, as well as prospective EA benefits. *Id.* at 3-4; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). I agree.

No Exceptions to the Initial Decision were received.

As the Director of DFD, 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.

By way of comment, I direct the Agency to pay Petitioner's back rent provided such payment will stop the eviction of Petitioner, as it is unclear from the record whether or not he still resides in the apartment; otherwise, Petitioner is advised that the Agency shall determine the most appropriate form of housing required to address his needs. See N.J.A.C. 10:90-6.3(a)(1). Further, I find that Petitioner is eligible for prospective EA benefits provided he continues to remain eligible for same. See N.J.A.C. 10:90-6.1, et seq.



F,09,N,S562436009X,0027,000008708567

BARA003

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

Officially approved final version.

Natasha Johnson
Director

MAR 01 2019

