



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
Assistant Commissioner

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 09322-21 L.R.

AGENCY DKT. NO. C696154007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of retroactive rental payments and Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that she failed to provide documentation required to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2021, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions. See Initial Decision at 2; see also Exhibit R-2 at 16-20, and N.J.A.C. 10:90-6.4(a), (b). Consequently, Petitioner applied for an extension of EA benefits pursuant to the State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG"), which extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients. See Initial Decision at 3; see also Exhibit R-1 at 17-24, and DFD Instruction ("DFDI") No. 19-02-01. However, Petitioner failed to provide proof of a disability, such as a MED-1 form or proof of receipt of SSI benefits, one of which is required for EASG eligibility and an extension of her EA benefits. See Initial Decision at 3-4. Moreover, the ALJ found that Petitioner currently owes 27 months of back rent, totaling \$29,852.62, which is more than the three calendar months of back rental payments allowable pursuant to regulatory authority. Id. at 3, 6; see also Exhibit R-2 at 1-5, and N.J.A.C. 10:90-6.3(a)(5). Further, the ALJ found that Petitioner had not demonstrated any extraordinary circumstances which would allow for more than the three month allowable regulatory amount. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(a)(5)(i). Petitioner claimed that she was so far behind in her rent because she was unaware that her previous 2019, application for EA benefits had been denied, that her rent had not been paid by the Agency for two years, and that it was not until such time as she received a February or March 2021, letter from her landlord that she became aware of such non-payment. See Initial Decision at 3-4. However, the ALJ found Petitioner's claim unpersuasive because she had been served with a landlord-tenant summons and complaint in March



of 2020, and it was clear at that time that her 30 percent rental contribution had ceased being deducted from her monthly Work First New Jersey/General Assistance benefit. Id. at 6-7; see also Exhibit R-2 at 16-20. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits, and that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 7; see also Exhibit R-1 at 1-5. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

By way of comment, the Provisional Housing-Awaiting Supplemental Security Income/Social Security/ Disability Insurance Eligibility ("PHASE") Pilot Program promulgated December 18, 2017, was a three (3) year pilot program which has since expired. Therefore, Petitioner may not avail herself of this program as it no longer exists. See Initial Decision at 4, 7; see also N.J.A.C. 10:90-6.9(a).

By way of further comment, Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

