



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09484-21 S.E.

AGENCY DKT. NO. C199179020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of hotel placement. The Agency denied Petitioner such EA benefits, contending that the per diem cost of the hotel room was above the allowable regulatory per diem payment for hotel placements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 18, 2021, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 18, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on November 18, 2021. Petitioner filed Exceptions to the Initial Decision on November 22, 2021.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

Pursuant to N.J.A.C. 10:90-6.7(a), payment for motel/hotel placements for one person/one room is capped at \$50.00 per day.

Here, the ALJ in this matter ordered the Agency to pay for Petitioner's extended hotel stay, at the cost of \$103 per day, until such time as the Agency locates other accommodations for Petitioner. See Initial Decision at 3. I disagree with the ALJ's decision. Pursuant to applicable regulatory authority, hotel accommodations are capped at \$50 per day, and as such, the Agency may not authorize payment for Petitioner's hotel room. See N.J.A.C. 10:90-6.7(a). Additionally, the record reflects that Petitioner was offered housing by the Agency and that Petitioner had refused that housing. See Initial Decision at 2. Of note, it is the Agency who determines the most appropriate form of EA housing benefits



required to address Petitioner's housing needs, and here, the record is devoid of any evidence indicating that Petitioner requires special housing accommodations. See Initial Decision at 2; see also N.J.A.C. 10:90-6.3(a)(1). Further, the regulatory authority relied upon by the ALJ in this matter is misplaced, specifically, because Petitioner is not residing in affordable permanent housing, and maintaining her hotel accommodations is not the least costly alternative. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.3(a)(6). Based on the foregoing, I affirm the Agency's denial of EA benefits in the form of hotel placement.

By way of comment, Petitioner may reapply for EA benefits and is advised that it is the Agency who shall determine the form of EA benefits, and that failure to accept Agency offered placement may result in another denial of EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.1(c)(3). Also, the Agency is directed to take into consideration Petitioner's particular circumstances when determining her housing placement.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

NOV 23 2021

Natasha Johnson
Assistant Commissioner

