



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **05114-24 A.S.**

AGENCY DKT. NO. **C746373007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, in the form of a security deposit. The Agency denied Petitioner EA benefits, contending that she failed to provide all required documentation needed to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2024, the Honorable Patrice E. Hobbs, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open as Petitioner requested two days to provide her proof of homelessness, but no proof was received, and the record was closed on August 9, 2024. On August 14, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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

Here, based on an independent review of the record, I find that Petitioner applied for EA benefits, in Essex County on March 14, 2024. See Initial Decision at 2; see also Exhibit R-1 at 2. It appears from the record that Petitioner was planning on moving to another county and had requested a security deposit to facilitate that move. See Initial Decision at 2-3; see also Exhibit R-1 at 8. At the time of her EA application, Petitioner was advised by the Agency to provide proof of homelessness/eviction from her Essex County residence within thirty days, as well as a rent ledger showing her rental payments for the prior twenty-four months, both of which were necessary to determine her eligibility for EA benefits in the form of a security deposit. See Initial Decision at 2; see also Exhibit R-1 at 3-5, and N.J.A.C.10:90-6.3(a)(1)(ii). When the requested information was not returned by the due date of April 13, 2024, the Agency denied Petitioner's EA benefits application. See Initial Decision at 2; see Exhibit R-1 at 9.

At the time of the hearing, Petitioner testified that as of April 2024, she moved to, and currently resides in, Passaic County, ten days after she had filed the EA benefits application in Essex County. See Initial Decision at 2-3. Having paid a \$3,300 security deposit to the landlord with money borrowed from a friend, Petitioner now seeks reimbursement of that security deposit. Ibid. Of note, as Petitioner is no longer a resident of Essex County, she is not eligible for EA/Temporary Rental Assistance ("TRA") from Essex County, rather, she must apply for such benefits in Passaic County where she currently resides. See N.J.A.C. 10:90-2.12(a), (b). Moreover, there is no applicable regulatory authority which would allow the Agency to reimburse Petitioner for monies either loaned or gifted to her by third parties for housing payments. Finally, the ALJ found that Petitioner is not homeless, and on that basis, she would be ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, I concur with the ALJ's ultimate conclusion that



Petitioner is ineligible for EA benefits in the form of a security deposit, as well as prospective EA/TRA benefits from Essex County, and therefore concur with the ALJ's conclusion that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that should her circumstances change, she is without prejudice to reapply for EA benefits, in the county in which she resides, provided she continues to need EA benefits and is otherwise eligible for same in accordance with N.J.A.C. 10:90-6.1 et. seq.

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

Officially approved final version. October 08, 2024

Natasha Johnson
Assistant Commissioner

