



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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*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 11152-24 D.E.

AGENCY DKT. NO. **C827767007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") benefits. The Agency denied Petitioner EA/TRA benefits, contending that she failed to take reasonable steps to resolve her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 16, 2024, and continued on August 19, 2024, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 20, 2024, the ALJ issued an Initial Decision, reversing 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a).

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that "payment shall be authorized up to any three calendar months of retroactive rental payments if it will prevent actual eviction .... Payment for more than three calendar months of retroactive rental payments ... shall be made only under extraordinary circumstances ... subject to authorization by DFD."

EA benefits, in the form of TRA, may be provided "when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues." N.J.A.C. 10:90-6.3(a)(6).

Here, the ALJ found, and the record substantiates, that Petitioner had diligently worked, and continues to work, to resolve her emergent situation, but due to her pending eviction and other extenuating circumstances, any such resolutions have been impeded. See Initial Decision at 3-5; see also Exhibits P-1, P-2, R-5, R-7, R-8, R-9 at 1. The ALJ also found that with the assistance of EA/TRA benefits in paying her past due rent, Petitioner will soon be employed and able to pay her monthly rent going forward. See Initial Decision at 5. Based on the totality of Petitioner's circumstances, and actions, I find



that EA/TRA benefits will help Petitioner on her path to self-sufficiency, and as such, I concur with the ALJ's conclusion that the Agency's denial of EA/TRA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(a), -6.3(a)(5), (6). Therefore, in order to preserve Petitioner's housing which appears will be affordable going forward, the Agency is directed to provide Petitioner with back rent in an amount required to bring her current. See N.J.A.C. 10:90-6.3(a)(5).

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

Officially approved final version. August 27, 2024

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Natasha Johnson  
Assistant Commissioner

