



State of New Jersey

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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 11863-24 D.H.

AGENCY DKT. NO. C257975004 (CAMDEN-CCBSS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit, and the denial of a furniture voucher. The Agency denied Petitioner EA benefits, contending that it could not provide a security deposit as Petitioner had moved into the property four months ago. The Agency denied Petitioner a furniture voucher, contending that all of her housing expenses first had to be satisfied. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 3, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 4, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, and MODIFY 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 a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his/her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient searching for and locating affordable housing. Ibid.

Based on an independent review of the record, I find that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient is seeking EA benefits in the form of an outstanding security deposit owed to her landlord. See Initial Decision at 1-3; see also Exhibits P-1 at 5-6, R-1 at 1. The record also reflects that if Petitioner fails to pay said security deposit, that her landlord would start eviction proceedings. See Initial Decision at 5, 7. The record specifically reflects that the Agency had denied Petitioner EA benefits in the form of a security deposit because she had not timely provided it with the required Certificate of Occupancy ("CO"), needed to determine that the property is a habitable and legally bona fide rental property. See Initial Decision at 2-4, 7; see also Exhibit P-1 at 28. However, the ALJ found Petitioner credible when she stated that she had provided the Agency with a valid "Certificate of Continued Occupancy" ("CCO") on March 6, 2024, that she had moved out of her Agency placed motel room on March 21, 2024, and moved into the subject property on or about March 21, 2024. See Initial Decision at 4-7; see also Exhibit P-1 at 22. Most importantly, I find that Petitioner has taken reasonable steps to resolve her emergent situation, as she found Section 8 housing for which her monthly rental obligation is \$0.00. See Initial Decision at 3-5; see also



Exhibit P-1 at 5, 24-25, and N.J.A.C. 10:90-6.1(a), 6-6(a). Petitioner having located and moved into affordable housing is clearly a move toward self-sufficiency, and to deny her a security deposit, which could lead to her eviction from Section 8 housing, where she is not obligated to pay any monthly rent, would certainly inhibit her continued move toward self-sufficiency. Additionally, the record reflects that the Agency denied Petitioner EA benefits in the form of a security deposit because she had already resided in the subject property for four months. See Initial Decision at 3, 9; see also Exhibit R-1 at 10. However, I find no regulatory authority to substantiate that basis for denial, and as such, have not addressed that issue in this Final Agency Decision. Of note, that issue was also not addressed in the Initial Decision. See Initial Decision at 2-10. Based on the foregoing, I conclude that Petitioner is eligible for EA benefits in the form of a security deposit, and concur with the ALJ's reversal of the Agency's determination on this issue, and also find that no remand is necessary. See Initial Decision at 10; see also Exhibit R-1 at 9-12, and N.J.A.C. 10:90-6.1(a), -6.3(a). The Initial Decision and the Agency's determination are both modified to reflect these findings.

Additionally, as the record reflects that Petitioner was denied a furniture voucher on the basis that she had an outstanding unpaid security deposit, and as I have found Petitioner eligible for EA benefits in the form of a security deposit, I further concur with the ALJ's reversal of the Agency's determination on this issue, and remand this matter to the Agency to reevaluate Petitioner's eligibility for a furniture voucher. See Initial Decision at 3, 9-10; see also Exhibit R-1 at 9-12. The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, the Agency is directed to expedite the payment of Petitioner's security deposit, as she may very soon be facing eviction. See Initial Decision at 7; see also Exhibit P-1 at 6.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is MODIFIED.

Officially approved final version. September 19, 2024

Natasha Johnson
Assistant Commissioner

