



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*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 **03602-24 J.S.**

AGENCY DKT. NO. **C150804001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that he had the capacity to plan to avoid his emergent situation, but failed to do so by moving into housing with no realistic plan for affording the rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 25, 2024, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The parties submitted post-hearing briefs by September 6, 2024, and the record then closed.

On September 25, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-6. Specifically, based on the facts of this particular case, the ALJ found that, due to Petitioner's substance abuse history, at the time he had moved into his current sober living housing, he had only been sober for six-weeks, his only means of support was Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and he still required treatment, and as such, he lacked the realistic capacity to plan for securing permanent affordable housing. *Id.* at 4-6; see also Exhibits R-2, R-4 through R-7, and N.J.A.C. 10:90-6.1(c)(1)(iii). Moreover, the ALJ found that Petitioner is currently enrolled in HVAC vocational school, a year-long program, and attends classes online every day, which I find to be a positive move toward self-sufficiency, requiring stable housing. *Id.* at 4; see also Exhibit R-1 at 26-28, and N.J.A.C. 10:90-1.1(c). Of note, the record reflects that Petitioner's sober living housing rent is within the Fair Market Rent for Atlantic County. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a)(7)(i)(1), and Division of Family Development Informational Transmittal ("DFD IT") No. 24-19. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was improper and must be reversed. See Initial Decision at 6; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the particular circumstances of this case, I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, 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 Agency is directed to pay Petitioner's rental arrears in an amount to bring him current, and to provide him with prospective EA/TRA benefits, so long as he remains eligible for such benefits. See Exhibit R-6.



By way of further comment, as the record reflects that Petitioner has substance abuse issues, the Agency shall refer Petitioner to SAI/BHI for evaluation and treatment, if appropriate. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii)(7), and -18.1 et seq.

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

Officially approved final version. November 13, 2024

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Natasha Johnson  
Assistant Commissioner

