



State of New Jersey

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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 17643-24 S.G.

AGENCY DKT. NO. C816953007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits in the form of Temporary Rental Assistance ("TRA"), contending that he failed to plan for alternate housing, and that his apartment is over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 23, 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.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." Immediate need, in relevant part, "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). "In situations where immediate need exists and other appropriate services are not immediately available to meet the needs of the assistance unit, or if the applicant expresses a need for [EA], the [Agency] shall ensure that the application is processed that day" N.J.A.C. 10:90-1.3(a)(2). Of note, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable.

Here, the ALJ found that, at the time of Petitioner's application for EA benefits, his monthly rent was in excess of the maximum monthly fair market rent ("FMR") of \$1,768 in Essex County for a one-bedroom apartment, and as such, on that basis, found Petitioner ineligible for EA/TRA benefits. See Initial Decision at 2-3; see also Exhibit R-5 at 3, N.J.A.C. 10:90-6.3(a)(7)(i)(1), and DFD Informational Transmittal No. 24-19. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-2. I agree. Further, due to the onset of cold weather, the ALJ instructed the Agency to provide Petitioner with EA benefits for the month of January 2025, in the form of immediate need housing. See Initial Decision at 4. I respectfully disagree. Rather, I find that regulatory authority does not allow for immediate need benefits in this instance due to the denial of EA benefits under appeal. See N.J.A.C. 10:90-1.3(a)(2). However, Petitioner is advised that he may reapply for EA benefits, and upon reapplication, the Agency is directed to provide Petitioner with immediate need housing. Ibid. The



Agency is also directed to assist Petitioner with the expedition of his EA benefits application. Petitioner is further advised, that it is the Agency who shall determine the most appropriate form of EA needed to address Petitioner's circumstances, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect these findings.

Of note, although the record indicates that the Agency also denied Petitioner EA/TRA benefits on the basis that he failed to plan for alternate housing once he had received his eviction notice, that issue was not addressed in the Agency's adverse action notice put into the record in this matter, nor was it addressed in the Initial Decision. See Initial Decision at 1. Therefore, that issue was not addressed in this Final Agency Decision.

By way of comment, the record reflects a brief mention of the fact that there is no MED-1 form on file with the Agency indicating a 12-month disability. See Initial Decision at 2. However, I find that this fact is irrelevant in this matter, as based on the record presented, it appears that Petitioner has never received EA benefits, and a MED-1 form would only be necessary if Petitioner had exhausted his 12-month lifetime limit of EA benefits, plus any extreme hardship extensions, and was seeking an extension of said benefits in accordance with the Emergency Assistance for Specific Groups ("EASG") program. See Exhibit R-3; see also N.J.S.A. 44:10-51(a)(3), and DFD Instruction No. 19-02-01.

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

Officially approved final version. December 26, 2024

Natasha Johnson
Assistant Commissioner

