



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 12845-24 T.S.

AGENCY DKT. NO. C054235019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits, in the form of Temporary Rental Assistance ("TRA") for housing, and challenging the correctness of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefit amount. The Agency denied Petitioner EA benefits because she failed to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 19, 2024, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Exceptions were received from the Agency on September 20, 2024, which reflect that, in regards to the WFNJ/TANF correctness issue, Petitioner withdrew her appeal on this issue, stating that, upon review of the Agency's submissions for the hearing, she understood the correctness of the benefit amount. Further, the Exceptions state that Petitioner never received benefits in Bergen County and that, while Petitioner and her family were originally placed in Sussex County, they were moved to Morris County after an altercation at the motel. Additionally, the Exceptions maintain that Petitioner failed to complete the required intakes with local shelters, even though transportation options were offered by a non-profit and by the New Jersey Division of Child Protection and Permanency ("DCP&P").

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.

Pursuant to N.J.A.C. 10:90-2.11(a)(1), "an applicant for or recipient of WFNJ/TANF assistance shall reside in New Jersey."

"Wherever a family is living [not for the purpose of a temporary visit] shall be considered that family's county or municipal residence." See N.J.A.C. 10:90-2.12(b).

"A permanent residence is not an eligibility requirement. If an applicant expresses an intent to reside in the county or municipality, by providing verification of residence or by affirmatively stating his or her intent to reside in the jurisdiction, for purposes of WFNJ eligibility, the applicant shall be deemed to be a resident of such county and/or municipality." See N.J.A.C. 10:90-2.12(c).

The record reflects that Petitioner, her husband, and their five minor children traveled from Georgia to reside in New Jersey after a friend offered an apartment during May 2024. See Initial Decision at 3. On July 20, 2024, a verbal and



physical altercation involving law enforcement occurred between the friend/owner of the apartment and Petitioner, which led to Petitioner and her family being forced to vacate the dwelling. Ibid. The ALJ in this matter makes reference to a tenancy action and court order regarding the housing eviction, however, no such documents are included as part of the record. See Initial Decision at 5. On July 22, 2024, Petitioner contacted 211 for assistance with emergency housing and informed the 211 operator she had been homeless since May 2024 and wanted to be placed in Morris County. See Exhibit R-2. Petitioner was placed at a motel for the night and went in person to the Agency the following day, July 23, 2024. Ibid. Petitioner informed the Agency she had resided in Georgia for ten years prior and that she would be able to return if provided with transportation assistance. Ibid. Petitioner completed her application with the Agency for WFNJ/TANF on July 25, 2024. Ibid. On or about July 26, 2024, Petitioner self-referred to the New Jersey Division of Child Protection and Permanency (DCP&P), who provided payment for Petitioner and her family to stay at a motel until July 29, 2024. Ibid. On July 29, 2024, Petitioner went in person to the Agency to complete an EA Application, at which time a previous WFNJ/TANF/SNAP application made in Bergen County, New Jersey on May 15, 2024 was discovered. Ibid. This prior application was denied by Bergen County on June 16, 2024. Ibid. On July 29, 2024, Petitioner and her family were placed, under Immediate Need, at a motel through August 4, 2024. Ibid.

By August 5, 2024, Petitioner and her family were placed in a new motel located in Whippany, New Jersey, within Morris County, as all of the Sussex County motels were at capacity. Ibid.; see also Exhibit R-2. On August 19, 2024, Petitioner's stay was extended at the motel and she was advised she would have to check-out of the motel on August 26, 2024, as her Immediate Need would have been exhausted. See Exhibit R-2. On August 26, 2024, Petitioner's EA application was denied by the Agency for failure to plan, as well as for failing to complete required intake appointments with shelters. Ibid.

Based upon the testimony from the hearing, Petitioner self-referred to DCP&P, who is currently paying for the motel where Petitioner and her family are residing. See Initial Decision at 3. During the hearing, Petitioner testified that she will remain residing within Morris County, where she and her family are currently housed by DCP&P, due to her children being recently enrolled within local schools. See Initial Decision at 4. The ALJ here concludes that Petitioner's EA and WFNJ/TANF should remain in effect and allow the Petitioner and her family to reside in the motel placement (in Morris County) until at least November 1, 2024. See Initial Decision at 6. However, as stated above, it is DCP&P who is currently paying for the motel placement, and not the Agency.

As the record reflects that Petitioner has indicated, via her testimony on the record, an intent to remain in Morris County, specifically due to the enrollment of her children in school, I find that Petitioner is now residing in Morris County, and as such, the Agency's EA denial is affirmed on this basis. See N.J.A.C. 10:90-2.12(c). The Initial Decision and the Agency's determination, are both modified to reflect this finding. Of note, Petitioner submitted, on August 29, 2024, a SNAP Change Reporting Form to Sussex County Social Services Agency indicating that her address changed, effective August 5, 2024, to the motel address in Whippany, New Jersey. See Exhibit R-2.

Finally, Petitioner will need to apply for EA benefits in Morris County, provided she continues to need EA benefits and is otherwise eligible in accordance with N.J.A.C. 10:90-6.1. Petitioner is reminded that she must provide the Agency with all requested, and verifiable, documents needed to determine her EA benefits eligibility. See N.J.A.C. 10:90-6.1(c). Additionally, Petitioner is advised to contact the County Social Service Agency in Morris County, with respect to the expedition and transfer of her WFNJ/TANF benefits from Sussex County. See N.J.A.C. 10:90-7.3. Petitioner will also be required to file a new application for Supplemental Nutrition Assistance Program ("SNAP") benefits in her county of residence, Morris County, and is advised to do so as expeditiously as possible to allow Morris County to determine eligibility for such benefits and to avoid any lapse in benefits. The Initial Decision is further modified to reflect these findings.

By way of comment, with respect to the WFNJ/TANF issue, Petitioner sought to affirm the correctness of the benefit amount. The Agency notes that the letter to Petitioner of August 26, 2024, contained the incorrect benefit amount, which was corrected via letter of September 14, 2024, after the hearing before the ALJ was scheduled. See Exhibit R-1. As stated above, as Petitioner withdrew her appeal of the WFNJ/TANF benefits correctness, that issue is not addressed in any further detail in this Final Agency Decision.

Accordingly, the Initial Decision is MODIFIED and the Agency's action is MODIFIED, as outlined above.

Officially approved final version. September 26, 2024

Natasha Johnson
Assistant Commissioner

