



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 18147-18 D.S.

AGENCY DKT. NO. C344965007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he failed to provide proof of payment of his 30 percent share of Temporary Rental Assistance ("TRA") benefits as required. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning December 26, 2018 and continuing on January 3, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the 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 AFFIRM the Agency's determination.

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 or foreclosure. Payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances subject to authorization by DFD. Ibid.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/ General Assistance ("WFNJ/GA") benefits recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b) (1). See N.J.A.C. 10:90-6.4(c). Likewise, a Supplemental Security Income ("SSI") benefits recipient may qualify for one six-month EA benefits extension if the Agency determines that a case of extreme hardship exists, pursuant to N.J.A.C. 10:90-6.4(b)(1).

Here, the record reflects that Petitioner, an SSI benefits recipient, had received 28 months of EA benefits as of 2017, and that, at the time of the hearing, Petitioner owed almost 18 months of past due rent,



totaling \$14,262. See Initial Decision at 4; see also Exhibit R-5, and "148 Chancellor Realty LLC" invoice, dated November 23, 2018. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner in the form of back rent was proper and must stand. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a)(5), -6.4(a), (b), (c). I agree. However, the ALJ also concluded that based on Petitioner's SSI benefits recipient status, he may be eligible for prospective EA benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866. See Initial Decision at 4-5; see also State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018. I also agree.

By way of comment, Petitioner is advised to reapply for EA benefits, and the Agency is directed to evaluate Petitioner's eligibility for EA benefits, on an expedited basis, in accordance with State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018, which extends EA benefits eligibility for certain categories of individuals. Further, Petitioner is advised that the Agency shall determine the appropriate form of housing needed to address Petitioner's emergency situation, which may include motel/shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

Officially approved final version.

FEB - 1 2019

Natasha Johnson
Director

