



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 17332-18 E.S.

AGENCY DKT. NO. C746362007 (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 contending that she had the capacity to avoid homelessness, and that her 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, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner to provide additional documents. Petitioner submitted additional documents on December 27, 2018, and the record then closed. On December 28, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the 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 REVERSE the Agency's determination, as discussed below.

Here, the Agency denied Petitioner EA benefits because she resigned from her nurse's aide job to care for her mother and let her State nursing certification lapse, resulting in her inability to pay her rent, and thereby causing her own emergent situation. See Initial Decision at 3; see also Exhibit R-1 at 1-7, 31, 33-36, and N.J.A.C. 10:90-6.1(c)(3). The Agency also denied Petitioner EA benefits because her rent, at \$1,400 per month plus utilities, was above the FMR for Essex County for a two-bedroom apartment. See Initial Decision at 3; see also Exhibit R-1 at 1-5, 18, 27, 65-69, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). However, the ALJ found, and the record reflects, that Petitioner has a work history, that her State nursing certification is now current, that she is able to care for her mother while working at night, that she is working with a health services recruiter, that she has filed for child support, and that the father of her child will be assisting her with her monthly rent payments beginning in January 2019. See Initial Decision at 3-4; see also Exhibits P-2, P-3, and R-1 at 42, 73-75, 92-94. Based on the foregoing, the ALJ found that Petitioner's housing will again become affordable, and that she will be able to return to self-sufficiency, and ordered the Agency to issue three months of back rent in the amount of \$1,400 each, and one month of prospective EA benefits for January 2019, in the amount of \$1,300, without prejudice to any future applications. See Initial Decision at 3-5; see also Exhibit P-1, and N.J.A.C. 10:90-6.3(a)(6).

I agree that the Agency should provide Petitioner with back rent in order to preserve housing which appears will be affordable going forward. However, due to the passage of time, I direct the Agency to pay Petitioner's back rent in an amount required to bring her current, as well as the February 2019, rent. See Exhibit P-1; see also N.J.A.C. 10:90-6.3(a)(5). Further, even though Petitioner's landlord has reduced her rent to \$1,300 per month starting January 2019, it appears from the record that Petitioner's total housing costs may still be over the FMR for Essex County as she is also



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responsible for paying her own utilities. See Initial Decision at 2; see also Exhibits P-1, R-1 at 18, 69. Therefore, I find that Petitioner's eligibility for prospective EA benefits beyond February 2019 is contingent upon her total housing costs being at, or below, the FMR for Essex County. See N.J.A.C. 10:90-6.3(a)(7)(i)(1). Petitioner is advised that she must also meet all other EA benefits eligibility criteria in order to be granted prospective EA benefits. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

JAN 30 2019

Natasha Johnson

Director

