



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
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 **04920-20 A.E.**

AGENCY DKT. NO. **C114043002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioners, "A.E" and "M.E.," appeal from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioners EA benefits because neither A.E. nor M.E. were on the apartment lease as occupants. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 26, 2020, 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, 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, based on the discussion below.

Only Work First New Jersey and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided."

Here, the record reflects that Petitioners applied for EA benefits, and were approved for EA benefits in the form of Temporary Rental Assistance ("TRA") contingent upon them providing the Agency with a copy of their apartment lease. See Initial Decision at 2-3; see also Exhibit R-7. Petitioners provided the Agency with a lease for the apartment where they were residing, however, that lease was not in either Petitioners' names, but rather was in the name of A.E.'s sister's husband, and he was designated as the sole occupant of that apartment. See Initial Decision at 3; see also Exhibit R-10. M.E. testified that the landlord was unwilling to change the lease to reflect that Petitioners were the occupants/lessees of the apartment. See Initial Decision at 3; see also Exhibit R-9. Consequently, the Agency denied Petitioners EA/TRA benefits. See Initial Decision at 3; see also Exhibits R-2, R-4 and N.J.A.C.



10:90-6.2(a). Based on the foregoing, the ALJ concluded that Petitioners are not eligible for EA/TRA benefits for the apartment that they presently occupy, and that they had not provided the Agency with an apartment lease in their name within the time required. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioners was proper and must stand. See Initial Decision at 4; see also Exhibits R-2, R-4, and N.J.A.C. 10:90-6.2(a), -6.3(a)(1).

By way of comment, Petitioners are advised that if they locate an apartment within the Fair Market Rent for Bergen County, and are the named parties to the lease, they may reapply for EA/TRA benefits. See N.J.A.C. 10:90-6.3(a)(7)(i)(1). Furthermore, should Petitioners become homeless, they may also reapply for EA benefits, but are advised that it is the Agency who shall then determine the appropriate form of EA placement. See N.J.A.C. 10:90-6.1(c), -6.3(a)(1).

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

Officially approved final version.

AUG 18 2020

Natasha Johnson

Assistant Commissioner

