



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 01334-20 C.H.

AGENCY DKT. NO. C512766007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that Petitioner lives in a three-bedroom apartment and, as an assistance unit of one, is only eligible for a one-bedroom apartment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2020, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 31, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient. See Initial Decision at 2. Petitioner lives in a three-bedroom apartment with a monthly rent of \$1,000, including utilities, which is below the FMR for a one-bedroom in Essex County, and she has resided there for five years. *Ibid.*; see also Exhibits P-1, R-1 at 14-15, 25. The record also reflects that Petitioner had been employed until she was unable to work due to an injury to her hand. See Initial Decision at 2. Petitioner was able to pay her rent until November 2019, when her Unemployment Insurance Benefits ended. *Ibid.*; see also Exhibit R-1 at 6. Petitioner is currently three months behind in her rent and is now facing eviction. See Initial Decision at 2; see also Exhibit R-1 at 13, 16-20. The record also indicates that Petitioner expects to recover from her recent surgery over the next few weeks, at which time she intends to return to work. See Initial Decision at 2. Nevertheless, the Agency denied Petitioner an extension of EA benefits, contending that as a WFNJ/GA benefits recipient assistance unit of one, she was only eligible for a one-bedroom apartment, regardless of the FMR. *Id.* at 3; see also Exhibit R-1 at 1-4, 25.

Based on Petitioner's particular circumstances discussed above, particularly the fact that Petitioner's three-bedroom apartment is below the FMR for a one-bedroom apartment in Essex County, the ALJ found Petitioner eligible for EA/TRA benefits. See Initial Decision at 4; see also Exhibit R-1 at 25. Moreover, the ALJ found that there was no regulatory authority to support the Agency's contention that Petitioner is required to reside in a one-bedroom apartment when her housing costs are currently below that of a one-bedroom apartment. See Initial Decision at 3-4. Further, I find that providing



Petitioner with EA/TRA benefits is more cost effective than if she were to be placed in a shelter, and moreover, the record indicates a move toward self-sufficiency for Petitioner in the near future. Id. at 2; see also N.J.A.C. 10:90-1.1. Accordingly, I concur with the ALJ's conclusion that Petitioner is eligible for EA/TRA benefits, and that the Agency's denial of said benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1 at 1-4, N.J.A.C. 10:90-6.3(a)(5), (7)(i)(1), -6.4(a), (b), (c).

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

FEB - 6 2020

Natasha Johnson

Assistant Commissioner

