



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **01476-25 T.D.**

AGENCY DKT. NO. **C291673009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits in the form of payment of back rent and Temporary Rental Assistance ("TRA"), contending that her apartment rent exceeds the Fair Market Rent ("FMR") for Hudson County, and that she owes more than three-months of back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2025, the Honorable Daniel J. Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 27, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects, that at the time of Petitioner's application for EA benefits, her lease, dated July 1, 2023, showed her monthly rent was \$3,600, which put Petitioner's monthly rent over the fair market rate ("FMR") of \$2,029 per month in Hudson County for a one-bedroom apartment, and as such, the Agency determined that she was ineligible for EA/TRA benefits. See Initial Decision at 3; see also Exhibits R-7, R-9. However, the lease included a page of proposed, and accepted, revisions to the lease dated July 6, 2023, which stated that the lease would continue to reflect the market rent of \$3,600, that Petitioner would be credited with \$2,742 a month by the landlord, and therefore, Petitioner's monthly rent would be \$858. See Initial Decision at 3; see also Exhibit R-8. Based on the testimony and record the ALJ concluded that Petitioner's actual monthly rental payment is \$858 per month, for her one-bedroom apartment, which is below the FMR for Hudson County. *Ibid.* The record also reflects that on November 26, 2024, Petitioner's landlord filed an eviction complaint, but in lieu of eviction was amenable to accepting the past due rent owed. See Initial Decision at 3; see also Exhibit R-4. Further, the ALJ found, and the record substantiates, that past due rental payments for the months of September, October, and November 2024, is \$1,984.09, and attorney's fees and costs in the amount of \$807 are owed, for a total of \$2,791.09. See Initial Decision at 6; see also Exhibit R-4 at 3.

Nevertheless, on January 14, 2025, the Agency denied Petitioner's EA/TRA and back rent payments based on its determination that Petitioner's rent exceeded the FMR and that Petitioner owed more than three months of back rent. See Initial Decision at 3; see also Exhibits R-1, R-9, and N.J.A.C. 10:90-6.3(a)(5), -6.3(a)(7)(i)(1). However, the ALJ found Petitioner credible when she testified that her actual monthly rental payment is \$858 per month, which amount is below the FMR for Hudson County. See Initial Decision at 3-5; see also Exhibit R-9. The ALJ concluded that Petitioner owed partial back rent for September, October, and November 2024, and notes that at the time of the hearing no testimony or documentation was provided regarding rent for December 2024 and/or January 2025 being unpaid. See Initial Decision at 6. The ALJ also found, and the record substantiates, that Petitioner is facing eviction from her apartment, and is therefore imminently homeless, a requirement for EA benefits eligibility. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Further, the ALJ found that Petitioner owes partial back rent for three months, totaling \$2,791, and as such,



the Agency has the authority to pay the entirety of Petitioner's past due rent. See Initial Decision at 5-6, see also Exhibit R-3, and N.J.A.C. 10:90-6.3(a)(5). Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(a)(5), -6.3(a)(7)(i)(1), and Exhibit R-1. I agree.

Accordingly, I direct the Agency to provide Petitioner with retroactive EA benefits in an amount required to bring her current. See N.J.A.C. 10:90-6.3(a)(5)(i). Further, I find that Petitioner is eligible for prospective EA benefits in the amount of \$858 per month, provided she continues to need said benefits, and remains otherwise eligible for same. See N.J.A.C. 10:90-6.1 et seq.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

January 29, 2025

Natasha Johnson

Assistant Commissioner

