



State of New Jersey

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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 **00186-25 T.H.**

AGENCY DKT. NO. **C197757007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that she was not a Work First New Jersey ("WFNJ"), nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2025, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 7, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, based on the discussion below.

EA benefits are limited to 12 months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the record indicates that Petitioner applied for WFNJ/GA benefits in September of 2024, and began receiving WFNJ/GA benefits in December 2024. See Initial Decision at 2. The ALJ found that, at the time Petitioner had applied for EA benefits in October 2024, Petitioner was only two months behind in her rent. Ibid.; see also Exhibit R-1 at 2, 6, 7-14. The Agency denied Petitioner EA benefits because she was not a WFNJ or SSI benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). The Agency also testified that "normally, EA/TRA benefits cannot be approved for more than three-months of back rent." See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(5). The ALJ found, however, that it was due to the Agency's delay in processing Petitioner's WFNJ/GA application, approval of which is required for EA benefits approval, which resulted in Petitioner currently owing six-months of past due rent. See Initial Decision at 2-4; see also Exhibit R-1 at 2, 6, and N.J.A.C. 10:90-1.5(a). The record also reflects that Petitioner's rent of \$1,500, including utilities, is below the Fair Market Rent ("FMR") for Essex County. See Initial Decision at 3; see also Exhibit R-1 at 3-5, and DFD Informational Transmittal ("IT") 24-19. The record further reflects that Petitioner has never received EA benefits, is seeking such benefits now due to health issues resulting in a permanent disability, and her inability to work, and has an SSI application pending. See Initial Decision at 2-4. Based on foregoing, and the particular



circumstances of this case, specifically, the Agency's delay in processing Petitioner's WFNJ/GA application, the ALJ concluded that Petitioner should not be detrimentally affected by the Agency's delay, concluded that the Agency's denial of EA/TRA benefits must therefore be reversed, and ordered the Agency to provide Petitioner with retroactive EA/TRA benefits in an amount sufficient to prevent eviction. See Initial Decision at 3-4; see also Exhibit R-2. I agree. Moreover, I find that, in accordance with regulatory authority, DFD may authorize EA/TRA payments of more than three months in circumstances such as this, where payment of said back rents will prevent eviction. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.3(5)(a)(i). Of note, Petitioner's landlord has agreed to hold off on the eviction, pending the outcome of this fair hearing. See Initial Decision at 3.

However, the ALJ opined that Petitioner is eligible for up to 27 months of EA benefits. See Initial Decision at 2, 4. Rather, I find that in accordance with regulatory authority set forth at N.J.A.C. 10:90-6.4(a), (b), (c), Petitioner is eligible for up to 18 months of EA benefits, with a possible extension thereafter, in accordance with the Emergency Assistance for Specific Groups ("EASG") program (including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and SSI benefits recipients). See N.J.S.A. 44:10-51(a)(3); see also DFD Instruction ("DFDI") No. 19-02-01. The Initial Decision is modified to reflect this finding.

By way of comment, in light of Petitioner's pending eviction, the Agency is directed to expeditiously provide Petitioner with retroactive EA/TRA benefits in an amount required to bring her rent current. See Initial Decision at 3. Petitioner is also eligible for prospective EA/TRA benefits, provided that she continues to remain eligible for same. See N.J.A.C. 10:90-6.1 et seq.

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

Officially approved final version. January 15, 2025

Natasha Johnson
Assistant Commissioner

