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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 **06394-26 J.C.**

AGENCY DKT. NO. **C677429007 (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's EA/TRA benefits contending that her apartment was over the Fair Market Rent ("FMR") for Essex County and that she owed more than three months back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 28, 2026, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 29, 2026, 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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

EA benefits, in the form of TRA, may be provided when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable. N.J.A.C. 10:90-6.3(a)(6).

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR") [.]. Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD[.]"

Here, the record reflects that on July 9, 2025, Petitioner applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, as she was advised that she would have to be determined eligible for such benefits prior to applying for EA benefits. See Initial Decision at 3. Petitioner's spouse had stopped financially supporting her, purportedly after an incident of domestic violence. Ibid. At that time, Petitioner was a full-time student and testified at the time of the hearing that she was unable to find employment. Ibid. Thereafter, Petitioner contacted the Agency in December, 2025, and was advised her WFNJ/TANF application had not yet been processed. Ibid. On February 26, 2026, Petitioner went, in person, to the Agency to apply for EA benefits, as her rent had not been paid since July, 2025, when her spouse had ceased supporting her financially. Ibid. At that time, Petitioner owed \$17,700 in rental arrears to her landlord. Ibid. On February 26, 2026, the Agency issued a denial notice to Petitioner which indicated that she was not a WFNJ/TANF, nor Supplemental Security Income ("SSI"), benefits recipient, which was a prerequisite to the receipt



of EA benefits. Ibid. Additionally, the February, 2026 denial indicated that Petitioner was requesting in excess of three months back rent, and that the cost of her apartment exceeded the FMR for her county. Ibid. On March 2, 2026, Petitioner again applied for EA benefits, and was again denied by the Agency. Ibid. On March 24, 2026, the Agency provided Petitioner with landlord/tenant forms in order for her to locate a new apartment within the FMR, however, Petitioner provided the forms to her current landlord. Ibid. On March 26, 2026, the Agency approved Petitioner for WFNJ/TANF benefits, retroactive to the date of her application in July, 2025, and was provided \$6,268 in cash assistance benefits. Ibid. At the time of the hearing, Petitioner testified that she had attempted to pay her landlord the full sum of the retroactive WFNJ/TANF benefits, however, he refused and indicated that he would only accept payment in full of the rental arrears, which at that time totaled \$26,850. Ibid. Subsequently, on April 15, 2026, Petitioner again applied for EA benefits, but was denied by the Agency indicating that her rental arrears exceeded three months of unpaid rent, and further, the Agency noted that Petitioner had not taken any reasonable steps to resolve her emergency, as she has not applied for any affordable housing or sought full time employment. Ibid. Petitioner contends that she had sought affordable housing and employment. Ibid. Additionally, in her documents submitted into evidence at this matter, Petitioner represents that she is now employed and can cover her rent prospectively, but needs assistance in paying the rental arrears and short-term stabilization. See Exhibit P-3. Notably, no substantiation exists in the record to support Petitioner's assertion in this regard.

Based on the evidence presented at the hearing, the ALJ found that Petitioner had not caused her own homelessness, but rather sought assistance from the Agency once she knew she would be unable to pay her rent by applying for cash assistance in July, 2025, and that, through no fault of her own, the Petitioner's WFNJ/TANF application was not processed by the Agency until March, 2026. See Initial Decision at 3. Thus, the ALJ found that the Agency's denial of EA benefits was unreasonable, as her rental arrears would not have exceeded three months if her application had been timely processed by the Agency. Ibid. Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1. I respectfully disagree. Rather, I find that Petitioner's 3-bedroom apartment at \$2,950 per month for rent, plus the cost of utilities for which Petitioner is also responsible, is nonetheless above the FMR of \$2,761, inclusive of utilities, for a 3-bedroom apartment in Essex County. See Initial Decision at 3; see also Exhibit R-1, N.J.A.C. 10:90-6.3(a)(7), and DFD Information Transmittal ("IT") 25-18. Therefore, because the cost of Petitioner's apartment is above the FMR for Essex County, I find that Petitioner is ineligible for EA/TRA benefits. See N.J.A.C. 10:90-6.3(a)(7)(i)(1). Accordingly, I conclude that the Agency properly denied Petitioner's application for EA/TRA benefits. See Exhibit R-1.

However, given Petitioner's imminent homelessness, Petitioner is without prejudice to reapply for EA benefits, in a form to be determined by the Agency, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1). Given the FVO concerns referenced in the Initial Decision and the record, the Agency shall take those issues into appropriate consideration in placing Petitioner and her children. Further, I find that no six-month EA ineligibility penalty shall be imposed, should Petitioner decide to reapply for EA benefits.

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

Officially approved final version. June 04, 2026

Natasha Johnson
Assistant Commissioner

