

DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

Kim Guadagno Lt. Governor Division of Family Development P.O. Box 716 TRENTON, NEW JERSEY 08625

Elizabeth Connolly Acting Commissioner

Natasha Johnson Director Tel. (609) 588-2400

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 17201-15 J.J.

AGENCY DKT. NO. V521282 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that Petitioner's housing was above the Fair Market Rent ("FMR") for Bergen County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 6, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 9, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. Here the Agency terminated Petitioner's EA benefits contending that her rent of \$835 per month exceeds the FMR for a single room in Bergen County. See Initial Decision; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). The ALJ found that Petitioner does not live in a single room, but rather, she lives in a boarding house where she shares a two bedroom unit with another couple, which also consists of a living room, a bathroom, and a kitchen with two refrigerators. Id. at 3. Based on the aforementioned make-up of Petitioner's housing unit, the ALJ designated it as more closely resembling an efficiency unit, rather than a single unit. Id. at 4. As such, the ALJ found that the FMR for an efficiency apartment in Bergen County is \$1,070 per month, Petitioner's monthly rental amount is less than that amount, and reversed the Agency termination of Petitioner's EA benefits. Id. at 3, 4; see also Division of Family Development ("DFD") Instruction 14-10-01.

No Exceptions to the Initial Decision were received.

Page 2

As the Director of the DFD, 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 in this matter.

By way of comment, the record indicates that, as of April 7, 2015, Petitioner did not have a current EA service plan ("SP"). See Exhibit R-3. Therefore, if it has not already done so, the Agency is directed to meet with Petitioner to prepare an SP, which is to include mandated directives for Petitioner to apply for subsidized housing. Further, the Agency is to assist Petitioner in her efforts to find more affordable housing.

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

Signed Copy on File at DFD, BARA

NOV 17 2015

Natasha Johnson Director