



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **04499-24 M.W.**

AGENCY DKT. NO. **C116274013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") housing benefits due to an alleged violation of placement rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for a hearing on April 9, 2024, however, Petitioner's counsel requested an adjournment. The matter was rescheduled for May 2, 2024. Petitioner's counsel withdrew from the matter on April 26, 2024. On May 2, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Thereafter, the record was held open for post-hearing submissions, after which the record then closed on May 7, 2024. On May 21, 2024, 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner was receiving EA housing benefits during March 2024, when she brought a dog to the motel where she had been placed by the Agency. See Initial Decision at 2. On March 28, 2024, the Agency was informed by the motel where Petitioner resided that she had brought a large dog to her room, which was a violation of the placement rules, as the motel only permitted pets weighing less than fifteen pounds. *Id.* at 3. On March 28, 2024, the Agency terminated Petitioner's EA benefits, alleging a violation of placement rules under N.J.A.C. 10:90-6.3. *Id.* at 2; see also Exhibit R-1.

When Petitioner contacted the Agency on March 21, 2024, the Agency became aware that Petitioner was in possession of a dog she claimed was a registered service animal. See Initial Decision at 3. At that time, the Agency representative questioned the service animal documentation provided by Petitioner and specifically requested "the name of the certified trainer, a prescription for the dog, and a registration." See Initial Decision at 3, see also Exhibit R-2. The Agency additionally provided samples of service animal documentation provided by other clients in the past. See Initial Decision at 3; see also Exhibit R-3. Petitioner again contacted the Agency on March 25, 2024, to inform them she was bringing her dog to the motel. See Initial Decision at 3.

Petitioner testified that she had informed the Agency she had a dog in November 2023, during her initial EA interview and, upon Agency review of the initial Agency write-up, it was confirmed that the intake worker did note that Petitioner had a service dog and presented an Americans with Disabilities Act ("ADA") certificate for the animal. *Id.* at 4. Petitioner further



testified that she has owned the dog since 2014 and that the dog has been trained to assist her with such tasks as timely taking her prescription medication and guiding her when approaching stairs or a curb. Ibid.

Petitioner, for the first time at the OAL hearing, presented a letter from April 20, 2024, from her therapist providing Petitioner with a mental/emotional diagnosis and professionally opining that Petitioner needed the dog to live with her as an emotional-support animal. Ibid.; see also Exhibit P-1. The ALJ noted that the letter presented was made available for the first time at the hearing and that the Agency did not have the benefit of receiving, nor reviewing, the letter when making their determination to terminate Petitioner's benefits. See Initial Decision at 4. Petitioner additionally testified that when she spoke to the motel manager and advised that the animal was a service dog that the motel did not have an issue with the dog residing in Petitioner's room. Ibid.

The ALJ in this matter thoroughly examined the ADA, 42 U.S.C. 12181-12182, which prohibits discrimination in public accommodations, such as motels, for individuals with disabilities. See Initial Decision at 6. Further, the ALJ relied upon 28 C.F.R. 36.101-03, 201 (2024) and 28 C.F.R. 36.302(c)(1) (2024) in asserting that the ADA requires public accommodations to permit the use of a service animal for an individual with a disability. The ALJ concluded that the dog at issue is, in fact, a service dog based upon the definition contained in 28 C.F.R. 36.104 (2024) and based upon the dog's training to perform tasks related to Petitioner's disability. See Initial Decision at 6.

Based on the foregoing, the ALJ concluded that the dog is a service animal trained to assist Petitioner with her mental and physical disabilities by performing specific tasks. Id. at 5. As such, the Agency's termination of Petitioner's EA benefits, based upon her bringing a pet that was more than fifteen pounds to her motel placement, was improper as no violation of N.J.A.C. 10:90-6.3 had occurred. Id. at 5, 6. Specifically, because the dog in this matter is a service animal, the motel placement's pet rule, where a pet must weigh less than fifteen pounds, is inapplicable and the placement rules therefore were not violated when Petitioner brought her service animal to the motel, a place of public accommodation, required to allow service animals under the ADA. Id. at 6. Based upon the specifics as detailed in the Initial Decision and record before me, I agree.

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

Officially approved final version. July 03, 2024

Natasha Johnson
Assistant Commissioner

