



## 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 15283-24 A.S.

AGENCY DKT. NO. C290502009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she abandoned permanent affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 1, 2024, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 4, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the record reflects that Petitioner had residing in an apartment with her partner and two small children for four years, and that her partner was the sole person paying the rent. See Initial Decision at 2; see also Exhibits P-1 at 1, R-1 at 8-17. The record also reflects that Petitioner and her partner were having problems, and around April 2024, said partner informed the landlord that he would be moving out by the end of the month. See Initial Decision at 2. Thereafter, the landlord informed Petitioner that her partner was moving out and asked if she intended to continue to rent the apartment. Ibid. Petitioner advised the landlord that she was not working and did not have the money to pay the rent, and as a result, the landlord told her that she had until May 15, 2024, to vacate the property. Ibid. Being unable to pay the rent, Petitioner voluntarily vacated the apartment without an official eviction having taken place. Ibid. Consequently, the Agency determined that Petitioner had cause her own homelessness, denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty. Id. at 3; see also Exhibit R-1 at 1-6, and N.J.A.C. 10:90-6.1(c)(3)(vii). However, the ALJ found that, although Petitioner voluntarily vacated the apartment, she had no legal right or obligation to remain in an apartment knowing that she could not pay the rent, and further found that she should not be penalized for choosing not to squat, and to thereby require her landlord to forcibly evict her. See Initial Decision at 4. Further, the ALJ found that Petitioner and her two children have been in a state of homelessness since mid-May 2024. Id. at 2-3; see also Exhibit P-1 at 2. Based on the facts of this case, the ALJ concluded that Petitioner had not caused her homelessness, but rather her homelessness had been caused by her partner abruptly leaving the apartment, and not paying rent on an apartment for which he was also on the lease. Id. at 3-4; see also Exhibit R-1 at 8. Accordingly, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty were improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1 at 1-6. I agree.

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 action is REVERSED.

Officially approved final version. November 12, 2024

---

Natasha Johnson  
Assistant Commissioner

