



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 11833-24 J.M.

AGENCY DKT. NO. C077771012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he was not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 30, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 3, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, 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 AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii). Such documentation may be in the form of a tenancy complaint filed by a landlord in landlord/tenant court, or a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid.

Here, the ALJ found that, at the time of the hearing Petitioner was residing with his brother, and that he had not provided sufficient documentation or proof regarding imminent homelessness or a pending eviction, and as such, concluded that Petitioner is not presently homeless or in imminent threat of homelessness. See Initial Decision at 2-3; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(a)(1)(ii). Accordingly, the ALJ also concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-6. I agree. Moreover, the record reflects that the Agency offered Petitioner appropriate shelter placement, which he refused when offered, and again refused at the time of the fair hearing. See Initial Decision at 2-4; see also Exhibits R-3, R-4, and N.J.A.C. 10:90-6.3(a)(1). Further, the ALJ found that any homelessness that might later result, would be due to Petitioner's refusal of the Agency's shelter placement offer. See Initial Decision at 4-5. I also agree.

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



Officially approved final version. September 19, 2024

Natasha Johnson
Assistant Commissioner

