



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 11193-24 L.Z.

AGENCY DKT. NO. S590298012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent, 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 he was not homeless or imminently homeless due to circumstances beyond his control, that he had the capacity to plan to avoid her emergency, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 19, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 20, 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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

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. (Emphasis added). 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 Petitioner had not provided any 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 3, 5, 6; see also N.J.A.C. 10:90-6.3(a)(1)(ii). I agree. Moreover, the ALJ found Petitioner's statement and application to be lacking credibility and appearing to be purposely misleading. See Initial Decision at 5. Further, the ALJ found that any homelessness that might later result, would be due to Petitioner's own failure to reapply for Work First New Jersey in a timely and to accept paid employment in 2024. See Initial Decision at 6. I also agree. However, I find that, as Petitioner has not provided appropriate proof that he is actually homeless or imminently homeless, the imposition of a six-month EA ineligibility penalty is not applicable at the present time. See Initial Decision at 6; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(3). The Initial Decision, and the Agency's determination, are modified to reflect this finding.



By way of comment, Petitioner may reapply for EA benefits, but must provide the Agency with all documents requested/required to determine his eligibility for said benefits, including proof of actual eviction/homelessness. See N.J.A.C. 10:90-6.3(a)(1)(ii). Petitioner is advised that if, at the time of reapplication he provides actual proof of an eviction or imminent homeless, the Agency may then impose a six-month EA ineligibility penalty, on the basis that he had the capacity to plan to avoid his emergency, but failed to do so. See N.J.A.C. 10:90-6.1(c)(3).

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

Officially approved final version. August 29, 2024

Natasha Johnson
Assistant Commissioner

