



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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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 **12872-25 B.S.**

AGENCY DKT. NO. **C473329016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she was not presently homeless or imminently homeless and therefore, no emergency presently exists. Additionally, the Agency contends that Petitioner failed to provide all required documentation needed to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for hearing. On July 25, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ,") conducted a telephonic plenary hearing, took testimony and admitted documents. On July 28, 2025, 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, 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. 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 letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid. The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure, or loss of prior permanent housing. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid.

Here, the record reveals that, at the time Petitioner completed the application for EA benefits, her landlord had not yet filed for an eviction, even though Petitioner was in arrears for four months of rental payments. See Initial Decision at 2-3; see also Exhibits P-1, R-1. Based on the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that, should Petitioner's landlord file for an eviction, Petitioner would be eligible to reapply for EA benefits. See Initial Decision at 3; see also Exhibits P-1, R-1. Accordingly, the ALJ found that Petitioner did not demonstrate an emergency beyond her control that caused her to face imminent eviction or homelessness, thus making her ineligible for EA benefits, and as such, the Agency's denial of EA benefits was proper. See Initial Decision at 3-4. I agree.



By way of comment, Petitioner is advised that she may reapply for EA benefits, and that she must provide the Agency with all documents requested/required to determine eligibility for said benefits, including proof of eviction/homelessness. See N.J.A.C. 10:90-6.3(a)(1)(ii).

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

Officially approved final version. July 31, 2025

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Natasha Johnson  
Assistant Commissioner

