



State of New Jersey

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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

AMENDED DECISION

OAL DKT. NO. HPW **10981-25 D.B.**

AGENCY DKT. NO. **C612336007 (ESSEX COUNTY DIVISION OF WELFARE)**

A Final Agency Decision ("FAD") was issued in this matter on July 8, 2025. This Amended FAD is being issued to recognize receipt of Exceptions filed by the Agency, but due to an apparent administrative error, not reviewed by this office prior to the issuance of the FAD in this case.

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 her affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 26, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the record reflects that Petitioner, without making any advance housing arrangements, voluntarily abandoned her Section 8 affordable housing, after residing there for five years, due to a property ownership change during 2024, without an eviction notice or landlord-tenant court summons. See Initial Decision at 2. Although it is unclear from the record exactly when the Petitioner vacated the unit, by mid-February 2025 she was residing with a friend. See Exhibit P-1. On June 12, 2025, Petitioner submitted an EA application to the Agency. See Initial Decision at 2; see also Exhibit R-1. On the same date, the Agency determined that Petitioner had caused her own homelessness when she abandoned her housing without first being evicted, and consequently, denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty. See Initial Decision at 2-3; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3)(vii). However, the ALJ found that, although Petitioner voluntarily vacated her affordable housing, she had no legal right or obligation to remain in an apartment knowing that she could not pay the rent, and further, that she believed her voluntarily leaving would not be detrimental to her ability to find new housing. See Initial Decision at 3-4. Based on the facts of this case, the ALJ concluded that Petitioner had not caused her own homelessness, but rather, her homelessness had been caused by her voluntarily vacating housing from which she knew she would be evicted. *Id.* at 3-4; see also Exhibit R-1. 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. *Id.* at 4-5; see also Exhibit R-1 and N.J.A.C. 10:90-6.13(a). I agree.

Exceptions to the Initial Decision forwarded via electronic mail to this office from the Agency on June 30, 2025.

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.



By way of comment, the underlying issues regarding the Morris County Housing Authority should be addressed directly through the appropriate appeals process for that organization. Based upon the first page of a March 24, 2025 letter from an attorney at Legal Services of Northwest Jersey, Petitioner appears to be represented in the matter regarding the Housing Authority and her Housing Choice Voucher benefits. See Exhibit P-1. Based upon the first page of such letter from Legal Services of Northwest Jersey, dated March 24, 2025, addressed to the Housing Authority of the County of Morris, the new landlord raised the rent from \$1,650 to \$2,500 per month, which increase was not approved for payment by the Housing Authority. See Exhibit P-1. Although not submitted in its entirety, the letter also states that Petitioner had made arrangements to move out of county using her Housing Choice Voucher, but that the landlord within the other county terminated the rental contract before it began. Ibid. To add further contradictory information, the record contains an unsigned letter, purportedly from Petitioner's landlord, stating that her last rental payment was made during August 2024 and states "we have amicably agreed to opt out of the lease before the expiration date of the lease which is February 2024[sic]." See Exhibit P-1. Taking all of this into consideration, Petitioner was homeless at the time of her EA application, and, from the record presented, there is no clear indication that she caused her own homelessness.

By way of further comment, I have reviewed the Agency's submitted Exceptions, and I find that the arguments therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version. July 31, 2025

Natasha Johnson
Assistant Commissioner

