



## State of New Jersey

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*Governor*

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 **05026-25 D.T.**

AGENCY DKT. NO. **C804263007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 had the capacity to plan to avoid her emergency, but failed to do so, and that she had failed to provide proof of eviction notice/proof of emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 24, 2025 the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 24, 2025, the ALJ issued an Initial Decision, reversing 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 REVERSE the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-2.7(a)(1)(iii) provides, in pertinent part, "A needy parent of an SSI recipient child may be eligible to receive TANF assistance for himself or herself."

In order to be EA eligible, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). 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).

Here, Petitioner applied for EA on March 18, 2025, on behalf of herself and her daughter. See Initial Decision at 2; see also Exhibit R-5. Petitioner and her daughter were residing with her uncle and his son in an apartment, for which Petitioner was contributing \$300 per month in rent. *Id.* at 2. On March 1, 2025, Petitioner's uncle informed her that he would be moving on April 1, 2025 and that she and her daughter would need to find alternative housing. *Id.* at 2. The Agency contends that, at the time of her application, Petitioner did not present proof of an emergency nor proof of imminent homelessness. *Id.* at 3. At the time of the hearing, Petitioner testified that her daughter has a medical diagnosis which requires special therapy and early intervention programs, that Petitioner is her sole caregiver as the child's father is deceased, and that her daughter receives monthly Supplemental Security Income ("SSI") benefits. *Ibid.* The Agency was previously unaware of this information and had based its EA denial upon the determination that Petitioner had sufficient time to find housing. The ALJ found that Petitioner did not have the capacity to plan to avoid her emergency, nor did she have sufficient time to secure new housing, due to her obligations as her child's sole caregiver. *Ibid.*; see



also N.J.A.C. 10:90-6.1(c)(1)(i). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner must be reversed. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(1)(i). Based on Petitioner's particular circumstances, I agree. Additionally, there is no indication in the record that Petitioner is currently a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient. Petitioner is directed to apply for said benefits, if she has not already done so, and the Agency shall expedite said application. While EA benefits may be provided to the assistance unit through Petitioner's child as an SSI child only case, Petitioner herself may also be qualified for EA benefits as a WFNJ/TANF benefits recipient dependent upon the outcome of her application for WFNJ benefits. See N.J.A.C. 10:90-2.7(a)(1)(iii); see also N.J.A.C. 10:90-6.1(e) and DFD Instruction ("DFDI") 08-05-04 at 13 (stating that, "While it is recognized that a non-needy parent-person will benefit from the EA provided by the agency on behalf of the eligible child, it is the child who is eligible for the WFNJ benefits and, as such, EA shall be made available on behalf of the child when there is a need in accordance with N.J.A.C. 10:90-6.1."). The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that the Agency shall determine the most appropriate form of housing necessary to meet Petitioner's housing needs. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version. March 27, 2025

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Natasha Johnson  
Assistant Commissioner

