



State of New Jersey

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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 **00369-25 H.C.**

AGENCY DKT. NO. **C277957009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she did not have a current documented emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 10, 2025, the ALJ issued an Initial Decision, reversing the Agency's denial of EA benefits to Petitioner.

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.

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.

Based on an independent review of the record, I find that upon Petitioner's partner's ("L.C.") release from prison, she, L.C., and their two young children, ages one-and-a-half and ten-days old, resided in his mother and stepfather's ("in-laws") home. See Initial Decision at 2. The record also reflects that L.C. was released on probation. Ibid. Further, I find, and the record substantiates, that as a condition for continued residency in that home, Petitioner's in-laws required her and L.C. to contribute monies toward the rent, or they would have to move out by November 29, 2024. See Initial Decision at 2-3; see also Exhibit R-1 at 14. Neither Petitioner, nor L.C., were employed, and the record reflects that L.C. had been searching for employment, but had been unsuccessful due to his criminal record. See Initial Decision at 2-3. Petitioner and L.C. could not contribute to the rent, and in order to avoid conflict which may jeopardize L.C.'s parole status, they voluntarily moved out of the home, applied for EA benefits, and were placed in immediate need shelter. Ibid.; see also Exhibit R-1 at 7-13. Thereafter, the Agency denied Petitioner's application for EA benefits, contending that Petitioner moved out of her in-laws' residence without first being formally evicted, thereby determining that she had no documented emergency. See Initial Decision at 2; see also Exhibit R-1 at 1-6, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). However, I find that pursuant to regulatory authority Petitioner's father-in-law's letter was sufficient documentation of her emergent



situation. See Exhibit R-1 at 14; see also N.J.A.C. 10:90-6.3(a)(1)(ii). Further, the Agency stated that Petitioner should have exercised her “squatters rights” which would have allowed her to stay in the residence for an additional sixty-days. See Initial Decision at 2-3. Rather, I find that Petitioner and L.C. had good cause for such move, as said move was made to avoid any conflict which may have jeopardized L.C.’s parole. Id. at 2-4. Moreover, although Petitioner voluntarily vacated her in-laws’ residence, she had no legal right or obligation to remain in that residence, knowing that she could not pay the rent, and further, I find that she should not be penalized for choosing not to squat, and to thereby require her in-laws to forcibly evict her and her family, which could possibly have resulted in parole issues for L.C. Ibid. Based on the foregoing, I find that Petitioner had provided the Agency with documentation of her emergency, and also had good cause for voluntarily leaving her in-laws’ residence. See Exhibit R-1 at 14. Accordingly, I concur with the ALJ’s conclusion that the Agency’s denial of EA benefits to Petitioner was improper and must be reversed. Id. at 4-5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). The Initial Decision is modified to reflect these findings.

Additionally, although a termination of Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF”) benefits was not a transmitted issue, I take official notice that the records of this office indicate that Petitioner’s WFNJ/TANF benefits have not been terminated, and that to date, she continues to receive said benefits. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Therefore, I find that the ALJ’s discussion, conclusion, and order, in regard to this issue, is moot, and need not be addressed in this Final Agency Decision. See Initial Decision at 1, 4-5. The Initial Decision is also modified to reflect this finding.

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

Officially approved final version. January 15, 2025

Natasha Johnson
Assistant Commissioner

