



State of New Jersey

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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 **14427-25 J.M.**

AGENCY DKT. NO. **C265105016 (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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for hearing. On August 22, 2025, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ,") conducted a telephonic plenary hearing, took testimony and admitted documents. On August 25, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's counsel on August 26, 2025.

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 filed for an eviction. See Initial Decision at 2. On July 7, 2025, Petitioner received a notice to vacate from her landlord, explaining that the tenancy would end on August 31, 2025, due to a partial rent payment being received during June 2025 and no rent payment being received during July 2025. See Initial Decision at 3; see also Exhibit P-3. The landlord informed Petitioner that if the apartment was vacated by August 31, 2025 that the rental payments for June 2025 (partial rent), July 2025 (full rent) and August 2025 (full rent), would be forgiven. Ibid.; see also Exhibit P-5. The notice did not indicate that Petitioner had violated any lease terms or identify any other reason to end the tenancy, beyond the late and non-payment of rent. Ibid. At the time of the hearing, Petitioner introduced no evidence that she attempted to find any alternative housing following receipt of the notice on July 7, 2025. See Initial Decision at 3. Based on the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that the July 7, 2025 letter did not state



that any eviction proceedings would be initiated, and that Petitioner is not currently homeless, thus there is no sufficient emergency under N.J.A.C. 10:90-6.19(c) which would warrant the granting of EA benefits. See Initial Decision at 4. The ALJ notes that, should Petitioner's landlord file for an eviction, or Petitioner becomes homeless, Petitioner would be eligible to reapply for EA benefits. See Initial Decision at 4. 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 4-5. 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).

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

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

Officially approved final version. August 27, 2025

Natasha Johnson
Assistant Commissioner

