



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **08302-25 L.R.**

AGENCY DKT. NO. **C078558016 (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 caused her own homelessness by refusing to accept an appropriate shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 14, 2025, a pre-hearing conference was conducted and the matter was adjourned for one day to allow for the parties to provide additional documentation. On May 15, 2025, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 16, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination, based on the discussed below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

The record in this matter reveals that Petitioner applied for EA on February 18, 2025, at which time she was facing eviction from her apartment due to non-payment of rent, following the loss of her employment during 2024. See Initial Decision at 2-3. Petitioner met with an Agency representative on the date of her application, when she indicated that she owed five months of back rent for October 2024 through February 2025. See Initial Decision at 3. Following her application, Petitioner did not return to the Agency until March 11, 2025, at which time she had been evicted. Ibid. Petitioner met with the same Agency representative, and was offered a shelter placement, which she refused. Ibid. The Agency representative issued a denial of EA benefits, indicating that Petitioner had refused shelter placement. Ibid. On March 19, 2025, Petitioner obtained counsel, who contacted the Agency, and for the first time, indicated that Petitioner had mental health issues, and provided documentation of same, which needed to be considered by the Agency in making a placement determination. Ibid. The Agency informed Petitioner's counsel that Petitioner had never disclosed any concerns regarding her mental health at the time of her application or thereafter when refusing shelter placement. Ibid. Since her EA application in February 2025, Petitioner's personal circumstances have changed, she has applied for Supplemental Security Income ("SSI") benefits, and she received a MED-1 on April 17, 2025, indicating her mental health diagnoses. See Initial Decision at 3-4. Additionally, Petitioner re-applied for EA benefits on May 6, 2025. See Initial



Decision at 2. Based on the foregoing, the ALJ in this matter concluded that the Agency's offer of EA placement was the appropriate form of EA benefits to meet Petitioner's emergent need based on the original facts presented, and as such, when Petitioner refused said placement, the Agency's denial of EA benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90- 6.1(c)(3), -6.3(a)(1). I agree.

By way of comment, Petitioner's May 6, 2025 EA application shall be expeditiously reviewed by the Agency, and consideration of Petitioner's MED-1, as well as any medical documentation, shall be taken into consideration by the Agency when determining an appropriate EA placement, if EA benefits are granted. Additionally, as the record indicates that Petitioner has a mental health issue, see Initial Decision at 2-4, if Petitioner is found eligible for EA benefits, the Agency shall refer Petitioner for a Behavioral Health Initiative ("BHI") evaluation, if it has not already done so. See N.J.A.C. 10:90-6.1(c)(1)(iii). As a result of that evaluation, if Petitioner is required to engage in mental health treatment, said requirements shall be incorporated into her EA Service Plan ("SP"). Ibid.

By way of further comment, while Petitioner's EA benefits application is being processed and an eligibility determination is being made, the Agency shall place Petitioner on an immediate need basis.

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

Officially approved final version. May 29, 2025

Natasha Johnson
Assistant Commissioner

