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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

FINAL DECISION

OAL DKT. NO. HPW **14722-24 M.B.**

AGENCY DKT. NO. **C021575015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioners, M.B. and P.W. (docketed separately under Office of Administrative Law ("OAL") Docket Nos. HPW 14722-24 (M.B.), and OAL Docket No. HPW 14723-34 (P.W.), respectively), appeal from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioners' applications for EA benefits, contending that they are not presently homeless or imminently homeless and therefore, no emergency presently exists. Additionally, the Agency contends that Petitioners failed to provide all required documentation needed to determine EA benefits eligibility. Because Petitioners appealed, the matters were transmitted to the Office of Administrative Law for hearing. On January 7, 2025, at the commencement of the hearing, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ," consolidated Respondents' separate matters. See N.J.A.C. 1:1-17.3(a). Respondents M.B. and P.W. both appeared on their own behalf. Following the January 7, 2025, telephonic plenary hearing, where the ALJ took testimony and admitted documents into evidence, the record was held open for submission of additional documentation from Petitioners and then closed on January 14, 2025. On February 4, 2025, the ALJ issued an Initial Decision, affirming 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, 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.

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-11. Here, the record reflects that Petitioners initially applied for EA benefits on July 12, 2024, and were thereafter informed by the Agency to submit documentation necessary to determine eligibility within thirty days. See Initial Decision



at 2-3; see also Exhibit R-3. Petitioners again applied for EA benefits on August 27, 2024, and were informed by the Agency to submit documentation, specifically, a current lease that included the number of bedrooms within the rental property as well as information as to payment responsibility for utilities. See Initial Decision at 3; see also Exhibits R-2, R-3. Petitioners provided two different leases to the Agency, the first for January 1, 2024 through December 31, 2025, was received on August 8, 2024, listing P.W. as the sole tenant, a monthly rent of \$2,000, and stating P.W. was responsible for all utilities except for garbage removal. See Initial Decision at 3-4; see also Exhibit R-6. The second lease was received by the Agency on August 28, 2024, dated for August 20, 2024 through August 31, 2025, listed P.W. and M.B. as tenants, a monthly rent of \$1,800, and stating P.W. and M.B. are responsible for all utilities except for garbage removal. See Initial Decision at 4; see also Exhibit R-7. As to the Petitioners failure to provide information, the Agency requested information as to where both Petitioners' Supplemental Security Income ("SSI") benefits were deposited, which was necessary to verify if the household was facing an emergent situation beyond its control. See Initial Decision at 4-5; see also Exhibit R-4 and N.J.A.C. 10:90-1.6(f). On September 26, 2024, the Agency denied the EA applications, as Petitioners failed to document an emergency beyond their control and failed to provide all requested information/verifications. See Initial Decision at 4-5; see also Exhibit R-1.

The Agency contended that Petitioners were responsible for replying to both requests for information, the first having been issued in response to the July 2024 EA application, and the second having been issued in response to the August 2024 EA application. See Initial Decision at 4; see also Exhibit R-3. The Agency representative testified that, based upon the information provided, Petitioners' monthly housing expense was \$1,850 and that the Agency determined that Petitioners had sufficient funds, based upon the household's monthly gross income, for their housing expenses, making Petitioners ineligible for EA benefits. See Initial Decision at 5. Additionally, Petitioners never provided the Agency with a ledger of outstanding rental payments. *Ibid.* Further, Petitioners never provided documentation of medical expenses or other specific expenses which may impact EA eligibility by being utilized as allowable deductions. *Id.* at 6. P.W. testified that he was informed by an Agency representative that, after the submission of the second EA application, the only document that needed to be provided was a new lease. *Ibid.* P.W. testified that the rent was three months behind, however, he did not produce any ledger from the landlord, only his own "Tenant Ledger," nor any proof of an impending eviction proceeding or imminent homelessness. *Ibid.*; see also Exhibit P-1. Additionally, the ALJ found no proof that rent was not paid in full during the five months preceding the EA application (from April 2024 through August 2024), nor that rent has not been paid in full for the remainder of 2024 preceding the hearing. See Initial Decision at 10. Accordingly, the ALJ found that Petitioners did not demonstrate an emergency beyond their control that caused them to face imminent eviction or homelessness, thus making them ineligible for EA benefits, and as such, the Agency's denial of EA benefits was proper. See Initial Decision at 10, 11. I agree.

By way of comment, Petitioners are advised that they may reapply for EA benefits, and that they 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).

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

Officially approved final version. March 14, 2025

Natasha Johnson
Assistant Commissioner

