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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **10527-25 N.T.**

AGENCY DKT. NO. **C150256015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that her current housing is not the most appropriate form of housing, and recommended that Petitioner relocate out of county. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 23, 2025, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 24, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 26, 2025. A reply to the Exceptions was filed by Petitioner on June 26, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.

EA benefits are limited to 12 months, plus limited extensions for "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. Ibid. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

Consistent with the Work First New Jersey ("WFNJ") regulations, the goal of the Family Violence Option Initiative ("FVO") is to transition WFNJ recipients, who are victims of domestic violence, "from dependency on WFNJ [...] cash assistance benefits to employment and self-sufficiency." N.J.A.C. 10:90-20.1(a). The FVO allows an individual to request the waiver of WFNJ program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), and -20.4(a)(7). The FVO does not authorize the provision of WFNJ benefits indefinitely based on an individual's history of domestic violence. See DFD Instruction ("DFDI") 12-12-05 (expressing that FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.6, -20.8 and DFDI 12-12-05. An individual is re-evaluated for their continued need for a waiver at least every six months or sooner depending on an individual's circumstances. See N.J.A.C. 10:90-20.8(c).



Here, the record reveals that Petitioner applied for EA benefits on March 26, 2025. See Initial Decision at 2. By way of background, Petitioner had previously exhausted her lifetime limit of EA, having received 12 months of EA benefits from January 2020 through January 2021, as well as two consecutive hardship extensions from February 2021 through January 2022. See Exhibit R-1; see also N.J.A.C. 10:90-6.4. In addition, Petitioner had previously been granted two consecutive FVO hardships from February 2022 through January 2023. Ibid. In total, Petitioner has received 36 months of EA benefits. See Exhibit R-1.

In cases where past or present domestic violence ("DV") exists, pursuant to the WFNJ FVO Initiative, the Agency is required to refer EA applicants for a FVO risk assessment, which "includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual," as determined by the individual and by the Agency's risk assessor. See N.J.A.C. 10:90-20.1(b)(1)(i). Further, a service plan prepared for applicants seeking EA because of DV, or the risk thereof, must be coordinated with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(ii). Therefore, upon receipt of Petitioner's EA application on March 26, 2025, Petitioner was sent for a risk assessment to determine whether she may qualify for a FVO hardship extension of EA benefits. See Initial Decision at 2. On April 24, 2025, Petitioner completed an EA Hardship Extension form, wherein she indicated "I or my child(ren) are in imminent danger of physical harm or at risk of abuse or neglect." See Exhibit R-3. The FVO assessment was performed, and the assessor concluded that Petitioner qualified for a FVO hardship extension as she was found to be at "moderate risk of safety issues due to current domestic violence," however, Petitioner was denied EA benefits as the Agency determined that her current rental unit was not the most appropriate form of housing to address her needs due to the recommendation contained within the FVO assessment that Petitioner be relocated out of county. See Exhibit R-5. Upon review of the FVO assessment, it should be noted that "Client also reported filing stalking charges in October 2024 due to learning the alleged abuser had filed multiple lawsuits and subpoenas in various states in an attempt to obtain her address and he was arrested...." Ibid. At the time of the assessment, Petitioner did indicate that she was exploring relocation. Ibid.

A review of the FVO assessment indicates that the abuser is Petitioner's ex-boyfriend and father of her younger child. See Initial Decision at 2; see also Exhibit R-5. At the time of the assessment, Petitioner indicated that her last contact with her abuser was in November 2024, when she received thirty-four verbally abusive and harassing text messages through a court mandated application intended to allow for communication regarding the parties shared minor child. See Initial Decision at 2. Petitioner also stated she received, and did not answer, fifty Skype calls from her abuser during this same time period. Ibid. Petitioner further stated during the assessment that she filed stalking charges during 2024 against her abuser, which led to his arrest. Ibid. The conclusion of the FVO assessment stated that Petitioner should be relocated out of county. See Initial Decision at 3. Upon reviewing the FVO assessment, on June 2, 2025, the Agency denied Petitioner's application for EA benefits, and determined that Petitioner should leave her current housing and move to a domestic violence ("DV") shelter, which was believed by the Agency to be the most appropriate form of emergency housing to address Petitioner's needs. See Initial Decision at 3-4.

At the hearing, Petitioner testified that she resides with her two children, aged ten and seventeen, and that she shares joint legal custody of her younger child with her abuser. See Initial Decision at 3. Petitioner and her children have resided in their current rental unit for the past seven years, including during all prior receipt of EA benefits, and for two years prior. Ibid. Petitioner testified that her children attend school based upon where they currently reside and that her younger child receives medical services near to their residence. Ibid. In addition, Petitioner testified that she does not have reliable transportation, which could present a hardship if she was moved out-of-county in order to receive EA benefits. Ibid. Petitioner testified that she does not believe a shelter or immediately vacating her current housing unit after seven years is in the best interest of herself or her children, as a DV shelter or out of county relocation would not address her needs. Ibid. In addition, the record includes Petitioner's FVO assessment from August 18, 2022, within which the risk assessor found Petitioner to be at "high risk of safety issues due to current domestic violence." See Exhibit R-4. Of note, within the assessment, it states that "the alleged abuser is aware of her current whereabouts and [Petitioner] expressed ambivalence when asked if she would benefit from relocation. County is recommended to explore relocation options with the client." Ibid. Such language is important, in light of the more recent recommendation for relocation out-of-county, as it is clear that Petitioner's abuser is aware of her current location and has been for at least three years.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), "The county/municipal 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 shall include placement in shelters; hotel/motel placement; transitional housing; or shelters for victims of domestic violence." (emphasis added). Having considered the testimonial and documentary evidence presented in this matter, the ALJ concluded that Petitioner should receive an FVO hardship extension of EA benefits. See Initial Decision at 4. In addition, the ALJ found that placement in an out-of-county shelter would not be the most appropriate form of emergency housing to address this particular Petitioner, and her children's, needs. Ibid. Based on the totality of the



particular circumstances in this matter, the ALJ found that the most appropriate form of emergency housing is the current housing unit of Petitioner, while pointedly including language that Petitioner needs to seek secure, stable, new housing as recommended by the FVO assessment. See Initial Decision at 4-5. Accordingly, the ALJ finds that Petitioner should be provided with EA benefits while she seeks out-of-county housing. See Initial Decision at 5.

Based upon an independent review of the record, I agree with the ALJ's ultimate conclusion that Petitioner is best supported through the receipt of EA benefits in the form of Temporary Rental Assistance ("TRA"), to allow her to remain in her current housing unit. However, the amount to be paid by the Agency is only up to the amount of the Fair Market Rate ("FMR") of \$2,040 per month for a two-bedroom unit in Ocean County, with Petitioner having accepted responsibility for the remainder. See Initial Decision at 2, footnote 1; see also June 23, 2025, cost-sharing letter. Payment of same shall be made as expeditiously as possible such that Petitioner maintains her current housing. Petitioner shall be responsible for her share of the rental cost, including any difference between the FMR and her actual rental payment, any costs/fees associated with the landlord/tenant action, and any outstanding or future utility payments for the unit. Ibid. The ALJ's Initial Decision is modified to reflect these findings.

By way of comment, Petitioner's EA SP shall be prepared in coordination with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(1)(ii).

By way of further comment, I have reviewed the Exceptions submitted on behalf of the Agency, and I find that the arguments made therein do not alter my decision in this matter.

Also by way of comment, I note for the benefit of Petitioner that replies to Exceptions or Cross-Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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

Officially approved final version. July 09, 2025

Natasha Johnson
Assistant Commissioner

