



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 19255-25 T.D.

AGENCY DKT. NO. C757876007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") and back rent. The Agency denied Petitioner benefits, contending that she was seeking back rent for a residence which exceeded the Fair Market Rent ("FMR") for the county in which she applied, and contending that she had failed to take reasonable steps to resolve her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2025, the Honorable Sandra L. Lascari, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 21, 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 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. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record shows that Petitioner is currently a Work First New Jersey/General Assistance ("WFNJ/GA") recipient, who applied for EA benefits on October 22, 2025, indicating that she owed back rent for September, 2025 and October, 2025. See Initial Decision at 2-3; see also Exhibit R-1. From August, 2024 through August, 2025, Petitioner's rent had been paid for by the Department of Community Affairs ("DCA") and such benefits had been exhausted. See Initial Decision at 3. Upon review of her application, the Agency determined that Petitioner was ineligible for EA benefits, as the monthly rent for the apartment in which she resided exceeded the FMR for the county, and denied her application for EA benefits. Ibid. Further, the Agency contended that Petitioner has had adequate time, one full year, to plan for alternate housing, while receiving rental assistance from DCA. See Initial Decision at 4.

The ALJ in this matter found that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homeless, and that the rent she was seeking exceeded the FMR for her county of residence. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Ibid.; see also N.J.A.C. 10:90-6.1(c)(1), -6.3(a)(7). I agree.



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

Officially approved final version. November 26, 2025

Natasha Johnson
Assistant Commissioner

