



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 **08100-25 T.M.**

AGENCY DKT. NO. **C281595009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she was able to afford her housing due to her income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2025, the Honorable Ernest M. Bongiovanni, 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 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, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). 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 record in this matter reflects that Petitioner's EA benefits were terminated January 1, 2025. See Initial Decision at 2, see also Exhibit R-1. Petitioner was more recently served an eviction notice, with a hearing on the eviction scheduled for June 11, 2025. See Initial Decision at 2. Based on these facts, the ALJ found that no housing emergency exists at the present time, and as such, the Agency's denial of EA benefits to Petitioner was affirmed. Id. at 3; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c). I agree.

By way of comment, the record reflects that Petitioner has new applications currently pending for Work First New Jersey/ Temporary Assistance to Needy Families ("WFNJ/TANF") benefits, as well as for EA benefits, and I agree with the ALJ that same should be expeditiously processed. Should Petitioner be denied WFNJ/TANF, or EA, benefits, she is without prejudice to request another fair hearing on the subsequent denial(s).

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



Officially approved final version. May 29, 2025

Natasha Johnson
Assistant Commissioner

