



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 **00595-26 B.S.**

AGENCY DKT. NO. **C160146009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had the capacity to plan, and sufficient funds to pay for housing, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2026, the Honorable Marianne B. Ortega, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 15, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

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 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. Further, in pertinent part, EA benefits shall not be provided for a period of six months when an applicant "had the available funds and the capacity to plan to avoid homelessness." N.J.A.C. 10:90-6.1(c)(3)(v).

Here, the record reflects that Petitioner applied for EA benefits, and on November 7, 2025, the Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, as the Agency had determined that she had the capacity and funds to prevent her homeless and that she failed to do so. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1). A review of the record further indicates that Petitioner was terminated from Section 8 housing, due to non-payment of rent, on January 24, 2024, and that on April 3, 2024, a warrant of removal had been issued for that housing. See Initial Decision at 2; see also Exhibits R-2, R-3. The record is devoid of Petitioner's housing following the warrant of removal, but from February 25, 2025 to May 12, 2025, and from May 21, 2025 to September 9, 2025, Petitioner resided at two different shelters in New York. See Initial Decision at 2; see also Exhibits R-4, R-5. The Agency requested an exit letter from the shelters, and determined from the information provided that she left the shelters voluntarily. Ibid. At the time of the hearing, Petitioner testified she did not leave the shelters voluntarily and that she intended to return to New Jersey. See Initial Decision at 2; see also Exhibit P-1. Based upon the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that Petitioner voluntarily left two shelters in New York and then came to New Jersey to apply for EA benefits and that leaving such shelters voluntarily demonstrated



that she caused her own homelessness. See Initial Decision at 2; see also Exhibits P-1, R-4. Accordingly, the ALJ concluded that Petitioner caused her own emergent situation, and as such, further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility were proper and must stand. See Initial Decision at 2-3; see also Exhibits P-1, R-4, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determinations are hereby AFFIRMED, as outlined above.

Officially approved final version. January 22, 2026

Natasha Johnson
Assistant Commissioner

