



State of New Jersey

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Commissioner

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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 **08951-26 H.P.**

AGENCY DKT. NO. **C481986016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied EA/TRA benefits because the ineligible household member could not pay her share of the rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2026, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 10, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on June 15, 2026.

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 **REJECT** the ALJ's Initial Decision, and **AFFIRM** the Agency's determination, based on the discussion below.

Only Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

When EA is authorized for a mixed household, comprised of both EA eligible and non-eligible individuals, the non-eligible adult household members are expected to contribute their share towards the cost of emergency housing. See DFD Instruction ("DFDI") No. 08-05-04 at 10-11. If the non-eligible adult household members indicate that they have no income, the Agency shall only authorize housing for the assistance unit alone. *Id.* at 11. The Agency is not responsible for housing individuals who are not part of the assistance unit. *Ibid.*

Here, the record reflects that Petitioner is an incapacitated adult. See Initial Decision at 2. M.D. is Petitioner's mother, who was issued Letters of Guardianship over Petitioner's person and property, and who provides Petitioner with constant care and assistance due to Petitioner's severe disability. *Id.* at 2-3. M.D. applied for WFNJ/General Assistance benefits on behalf of Petitioner, as well as Supplemental Nutrition Assistance Program benefits. *Id.* at 2; see also Exceptions. The record further reflects that M.D. is an ineligible non-citizen and therefore ineligible for WFNJ benefits, including EA benefits. *Ibid.* While Petitioner herself was found to be eligible for EA benefits, the Agency informed M.D. that she could not reside with Petitioner if she could not pay her portion of the rental expenses. See Initial Decision at 4. M.D. then refused to execute any necessary paperwork for an EA placement for Petitioner. *Ibid.* On March 18, 2026, the Agency denied Petitioner's application for EA benefits, due to the fact that the ineligible household member, M.D., had no income



and therefore could not pay her share of any rental expenses, as required. See Initial Decision at 3; see also Exhibit R-1 and DFDI No. 08-05-04 at 10-11.

The ALJ in this matter found that M.D., despite her ineligible non-citizen status, should be permitted to reside with Petitioner in any housing arranged by the Agency without contribution towards rental expenses. See Initial Decision at 6. I respectfully disagree. As correctly noted by the Agency in its Exceptions, Letters of Guardianship do not make M.D. eligible for WFNJ benefits. Moreover, simply stated, the regulations governing eligibility for EA benefits do not permit the Agency to be responsible for housing individuals who are not part of the assistance unit. See N.J.A.C. 10:90-6.2(a); see also DFDI No. 08-05-04 at 10-11. Therefore, I find that the denial of EA benefits to Petitioner in this matter was proper. See Exhibit R-1.

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

Officially approved final version. July 01, 2026

Natasha Johnson
Assistant Commissioner

