



State of New Jersey

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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 **04585-26 J.L.**

AGENCY DKT. NO. **C209912009 (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 caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 26, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 30, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and REVERSE 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). Additionally, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the record reveals that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, applied for EA benefits on February 5, 2026, and that, on March 17, 2026, the Agency denied her EA benefits application, citing that she had the realistic capacity to plan to avoid her emergent situation, but failed to do so, and that she failed to take reasonable steps to resolve her emergency. See Initial Decision at 2-3; see also Exhibits R-1; and N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1)(ii).

At the hearing, Petitioner testified that she had resided at the same location, paying rent of \$2,500 per month, and that she had been laid off from her employer four months prior to her application for EA. See Initial Decision at 2. At the time of her application for EA, Petitioner had been denied unemployment benefits, as she had not worked for her prior employer long enough to be eligible for such benefits. Ibid. In an attempt to avoid formal eviction proceedings, which may negatively impact her ability to find new housing, Petitioner made an amicable agreement with her landlord to voluntarily leave her housing, in exchange for forfeiting her previously paid security deposit. See Initial Decision at 3. The Agency denied



Petitioner's application for EA benefits, indicating that EA benefits eligibility would be predicated on an actual eviction proceeding, rather than a voluntary agreement with the landlord, essentially taking the position that Petitioner should remain in the property, even with the knowledge she was unable to make any rental payments which would result in an eviction filing. Ibid.

Based on the testimonial evidence presented at the time of the hearing, the ALJ found Petitioner's testimony to be credible, and substantiated that she had taken reasonable steps to resolve her emergency and that her direct behavior had not caused her homelessness, as Petitioner took such actions in an attempt to preserve her ability to find housing in the future. See Initial Decision at 3-4. Further, the ALJ found that Petitioner had provided credible information regarding her efforts to find housing, however, such housing expired after forty-five days. Ibid. Additionally, the ALJ concluded that Petitioner had provided proof that she is now homeless, thereby qualifying for EA benefits. Ibid.; see also Exhibit P-2 and N.J.A.C. 10:90-6.3(a)(1)(ii). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month ineligibility period for benefits, were improper and must be reversed. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1). I agree.

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

Officially approved final version. April 01, 2026

Natasha Johnson
Assistant Commissioner

