



State of New Jersey

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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 **06401-26 J.M.**

AGENCY DKT. NO. **C141796008 (GLOUCESTER COUNTY DIV. OF SOC. 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's application for EA benefits, contending that she had the realistic capacity to plan to avoid homelessness, that her housing cost exceeded the fair market rent ("FMR"), that her homelessness was the direct result of attempting to make herself eligible for EA benefits, and that she was previously terminated, without good cause, from an EA placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2026, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 26, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As the Assistant Commissioner of the Division of Family Development, 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 AFFIRM the Agency's determinations, based on the discussion below.

For sake of clarity, the Agency in this matter issued an EA denial notice effective March 30, 2026, on which date the Petitioner requested a fair hearing. Thereafter, on April 10, 2026, the Agency issued an amended EA denial notice, with the same effective date of March 30, 2026, which is considered within the Initial Decision as the amended notice was sent to Petitioner prior to the transmittal of this matter to the Office of Administrative Law.

Here, Petitioner resided in subsidized housing in Camden County for two years, until February, 2024, at which time she lost her subsidized housing, and moved in with her mother. See Initial Decision at 2-3; see Exhibit R-1. Petitioner thereafter resided with her mother for approximately one year. See Initial Decision at 3. On December 19, 2025, Petitioner applied for EA benefits in Camden County, in the form of a security deposit for an apartment that was located in Gloucester County. Ibid. Camden County approved the EA application for a security deposit in the amount of \$1,220.00 based upon Petitioner's employment income meeting the minimum criteria stated in the lease at the time of her application. Ibid. Before Petitioner could move into the apartment in Gloucester County, she became unemployed and therefore unable to afford the apartment, which led to her losing the lease and the security deposit being returned to Camden County. Ibid.; see also Exhibit R-1. Camden County closed Petitioner's EA case on January 22, 2026, and imposed a six-month Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") sanction. Ibid.



On February 5, 2026, Petitioner applied for WFNJ/TANF and Supplemental Nutrition Assistance Program ("SNAP") benefits in Gloucester County. See Initial Decision at 3. At that time, it was discovered that Petitioner had an open SNAP benefits case in Camden County, as well as a six-month WFNJ/TANF sanction, which led to Petitioner's applications being put into pending status. *Ibid.*; see also Exhibit R-1. On February 10, 2026, Petitioner requested a MED-1 form from Gloucester County. See Initial Decision at 3-4; see also Exhibit R-1. On February 17, 2026, Petitioner completed an online application for Social Security disability benefits. See Initial Decision at 4; see also Exhibit P-1.

On the following day, February 18, 2026, Petitioner signed a lease for a two-bedroom apartment in Gloucester County, having received a security deposit in the amount of \$2,175 from a non-Agency affiliated organization, after presenting a promise of employment letter to that organization. See Initial Decision at 4. The total monthly cost for the apartment was \$1,890.60, consisting of \$1,450 in rent, \$369.60 in electric, \$14 in insurance, and \$30 for sewer, trash, and utility fee. *Ibid.*; see also Exhibit R-1. The total monthly amount exceeded the FMR for Gloucester County for a two-bedroom apartment, which is \$1,810. See Initial Decision at 4. Two days after signing the lease, on February 20, 2026, Petitioner submitted a 12-month MED-1 form to the Agency, indicating that she would be unable to work, and effectively lifting the WFNJ/TANF penalty imposed by Camden County. *Ibid.*; see also Exhibit R-1. Also on February 20, 2026, Petitioner submitted an application for EA benefits to Gloucester County, which the Agency denied on February 26, 2026, and imposed a six-month penalty due to Petitioner having lost her affordable housing and having no plan for alternate housing. See Initial Decision at 5.

By the end of March, 2026, Petitioner was already in rental arrears for the apartment in Gloucester County. See Initial Decision at 5. Subsequently, on March 30, 2026, Petitioner again applied to Gloucester County for EA benefits, which application was denied on that same date, citing that Petitioner had the realistic capacity to plan before she left prior housing and because the housing cost exceeded the FMR for the county, and indicating a six-month ineligibility period for receipt of EA benefits. *Ibid.*; see also Exhibit R-1. On April 10, 2026, the denial notification was updated to supplement the reasons for the denial including that Petitioner's homelessness was the direct result of causing job loss or attempting to make oneself eligible for EA benefits, and that the Petitioner was terminated without good cause from an EA placement (in reference to the prior placement in Camden County which was lost when Petitioner had no employment by which to pay the rent after her security deposit had been paid). See Initial Decision at 6; see also Exhibit R-1.

The Agency denied Petitioner's application for EA benefits for several reasons in this matter; first, the ALJ concluded that, as to the apartment being over FMR for Gloucester County, at the time of Petitioner's application for such housing, the Agency's denial of EA benefits to Petitioner was appropriate. See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(a)(7)(i). As to the Agency asserting that Petitioner caused her own homelessness without good cause, for the purpose of making herself eligible for EA benefits and Petitioner's realistic capacity to plan, the ALJ concluded that Petitioner's prior eviction from subsidized housing, denial of a lease due to her loss of employment, the filing of a MED-1 and application for Social Security disability benefits, and the signing of a lease days later, knowing that she would not have the ability to pay her rent, present a pattern whereby Petitioner "positioned herself to default on the rent which she did almost immediately." See Initial Decision at 7-8.

Based on the testimony and evidence presented, the ALJ concluded that the evidence supported that Petitioner had caused her own homelessness, without good cause, and that she had a realistic capacity to plan. See Initial Decision at 8. Further, the ALJ concluded that Petitioner was terminated from a prior EA placement when she lost prior housing due to a loss of employment which made her unable to pay rent. *Ibid.* Accordingly, the ALJ found that the Agency's denial of EA benefits to Petitioner, and the imposition of a mandatory six-month EA ineligibility penalty, were proper and must stand. *Id.* at 8; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i), -6.1(c)(3)(i), (ii), (v), -6.3(a)(7)(c), -6.3(a)(7)(i). I agree.

As to the mandatory six-month EA ineligibility period, based upon the multiple denials issued in this matter, the ALJ relied upon the earlier February 26, 2026 denial in determining that the six-month EA ineligibility period shall run from February 19, 2026 to August 19, 2026. See Exhibit R-2; see also N.J.A.C. 10:90-6.1(c)(3) (stating that 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"). I also agree.

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

Officially approved final version. July 16, 2026

Natasha Johnson
Assistant Commissioner

