



State of New Jersey

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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 **04648-26 R.A.**

AGENCY DKT. NO. **C131050015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to take reasonable steps to resolve her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 25, 2026, the Honorable Tama B. Hughes, Administrative Law Judge, ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents and the record was closed. On March 25, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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, 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).

Here, the record reveals that Petitioner, and her partner, D.A., have resided with D.A.'s mother (S.D.) in a 55-and older community since 2016. See Initial Decision at 3. In 2018, Petitioner and D.A. had a child. Ibid. The bylaws of S.D.'s community indicate that homes are limited to three occupants and that no one under the age of 19 may reside in the community. Ibid; see also Exhibit R-5. In October 2025, S.D. was placed on notice that no one under the age of nineteen was permitted to reside in the housing unit and that only three individuals may occupy the unit – one being the Certificate Holder (S.D.) and that anyone under the age of nineteen must vacate immediately. See Initial Decision at 3; see also Exhibit R-6. Petitioner was aware of the notice received by S.D. in October, 2025. Ibid. On March 13, 2026, an additional letter was sent to S.D. which indicated that she continued to have illegal occupants in her home (Petitioner, D.A., and their minor child) and that the matter was going to be referred to legal counsel for the community for collection purposes and/or revocation of S.D.'s ability to reside in the community. See Initial Decision at 3; see also Exhibit R-7. Additionally, S.D. was going to be fined \$75 per day effective February 16, 2026, due to the violations of the community bylaws. Ibid. Petitioner was aware of the second notice and the information contained therein. Ibid.



Since October 2025, when S.D. was sent the first notice, Petitioner and D.A. made no efforts to secure alternate housing. See Initial Decision at 3. On March 18, 2026, Petitioner and D.A. applied for EA with the Agency. Ibid.; see also Exhibit R-3. The Agency denied the application for EA benefits on March 20, 2026, contending that Petitioner has had adequate time, at least seven years, to plan for alternate housing, with the knowledge and understanding that the bylaws of S.D.'s community did not permit anyone under 19 to reside in the housing. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c). The ALJ found that, since 2018, when Petitioner and D.A. had their child, they have been aware that the community did not allow anyone under 19 to reside in the housing, but that they have failed to find any alternate housing. See Initial Decision at 3.

The ALJ in this matter found that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. See Initial Decision at 2-4. Specifically, the ALJ found that Petitioner's emergent situation was a direct result of her failure to find alternate housing, and that the burden upon Petitioner to prove, by a preponderance of the evidence, that the Agency had erred in its decision to deny her EA application was not met. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(1). I agree.

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

Officially approved final version. April 07, 2026

Natasha Johnson
Assistant Commissioner

