



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **08753-24 T.S.**

AGENCY DKT. NO. **C263767007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she is not presently homeless or imminently homeless and therefore, no emergency presently exists. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing in this matter began on July 1, 2024, before the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), but was then adjourned to July 3, 2024, to determine if Petitioner had, in fact, received court ordered funds from her current landlord, and the record then closed on that date. On July 5, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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 EA eligible, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure, or loss of prior permanent housing. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid. Additionally, EA shall not be provided for a period of six months when an applicant has caused his or her, without good cause. See N.J.A.C. 10:90-6.1(c)(3).

The record in this matter reflects that Petitioner has until August 2, 2024, to vacate her present residence, and that the landlord paid \$6,400 to Petitioner to relocate. See Initial Decision at 2, 3. Based on these facts, the ALJ found that no housing emergency exists at the present time, and as such, the Agency's denial of EA benefits to Petitioner was affirmed. Id. at 3-4; see also Exhibit R-2 and N.J.A.C. 10:90-6.1(c). I agree. The ALJ further found that, based on Petitioner's particular circumstances and the facts presented, with respect to Petitioner's prior housing history, that Petitioner could not be found to have failed to plan or caused her own homelessness, and that, should the necessity arise for Petitioner to reapply for EA benefits, that no six-month EA ineligibility penalty would be warranted. See Initial Decision at 4-5. Based on an independent review off the record, 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 11, 2024

Natasha Johnson
Assistant Commissioner

