



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **14091-23 T.R.**

AGENCY DKT. NO. **C286580009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to provide specific required documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 22, 2024, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 3, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination and remanding the matter to the Agency for further action.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 ALJ's Initial Decision, REVERSE the Agency's determination and REMAND this matter back to the Agency for action, based on the discussion below.

Here, the record reflects that Petitioner moved to New Jersey to escape a domestic violence relationship occurring out of state and moved into a friend's apartment with her daughter and baby. See Initial Decision at 2. While Petitioner's friend allowed her and her children to stay in the living room of her apartment, Petitioner applied for EA housing benefits in June 2023, as she knew her housing arrangement with her friend was only temporary and Petitioner never held the lease to the apartment, nor paid rent to her friend for staying in the apartment. Ibid.

The Agency maintains that, because Petitioner resided with her friend for more than ninety days, that she established the apartment as her residence and was required to provide an order of ejectment or a court summons to demonstrate an imminent loss of housing. Ibid. Petitioner was unable to produce either specific document requested by the Agency, however, Petitioner did offer, on multiple occasions, to provide the Agency with a letter from her friend documenting her emergency circumstances but the Agency refused to accept this correspondence. See Initial Decision at 3; see also Exhibit P-1. On December 5, 2023, the Agency denied the EA application based upon Petitioner's failure to submit an order of ejectment or court summons as documented proof of an emergency. Ibid.

The ALJ in this matter concluded that the Agency's basis for denial was erroneous as N.J.A.C. 10:90-6.3(a)(1)(ii) specifically provides, "A pending eviction or foreclosure must be documented either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to agency verification, stating that eviction is imminent or has occurred shall be accepted by the agency." See Initial Decision



at 3. The ALJ specified that Petitioner is not renting from either a landlord nor her friend but rather is benefitting from her friend's kind offer of temporary housing. Ibid.

Further, the ALJ found that the specific request for Petitioner to present an order of ejectment or court summons is not required under N.J.A.C. 10:90-6.3(a)(1)(ii) and the Agency refused to accept a letter from Petitioner that could have satisfied the regulatory requirement. Id. at 3-4. The ALJ concluded that the matter should be remanded back to the Agency, and that Petitioner should be provided the opportunity to provide the Agency with a letter from the friend with whom she resides and that the Agency should accept and consider such letter and reevaluate Petitioner's EA application. See Initial Decision at 4. Based on the record presented, I agree.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is REVERSED and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version. May 09, 2024

Natasha Johnson
Assistant Commissioner

