



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 **07974-20 R.N.**

AGENCY DKT NO **C079120009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 2, 2020, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 6, 2020, The ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that although Petitioner's landlord had initiated eviction proceedings, and Petitioner had entered into a Consent Order with her landlord wherein she agreed to vacate the premises by April 15, 2020, that due to the COVID 19 moratorium on evictions, Petitioner continues to reside in her apartment. See Initial Decision at 2-4; see also Exhibit P-2. Of note, at the time of the hearing, no new official lockout notice had been issued. *Id.* at 3; see also Exhibit P-3, R-3. Based on the foregoing, the ALJ also found that Petitioner is not currently homeless, nor imminently homeless, and that she has a legal right to remain in her apartment pursuant to the moratorium on evictions imposed by Executive Order No. 106. See Initial Decision at 4. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 4-5; see also Exhibit R-2 at 7-11, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). I agree.

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on October 13, 2020.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that she may reapply for EA benefits should her circumstances change. Petitioner is also advised that she should continue her search for more affordable housing. See Initial Decision at 2-3.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version.

OCT 22 2020

Natasha Johnson
Assistant Commissioner

