



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 **13128-25 G.Y.**

AGENCY DKT. NO. **C740487007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 30, 2025, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 31, 2025, the ALJ issued an Initial Decision, reversing 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 considered the ALJ's Initial Decision, and I hereby MODIFY the Initial Decision and REVERSE 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 in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid.

Here, the record reveals that, on July 1, 2025, Petitioner applied for Work First New Jersey/General Assistance ("WFNJ/ GA") and EA benefits, and she was granted thirty days immediate need placement in a shelter. See Initial Decision at 2. During her interview with the Agency, Petitioner reported that she had left her housing in southern New Jersey due to a safety issue and relocated to northern New Jersey to reside with family. Ibid. Upon moving to her family's residence, Petitioner experienced a domestic issue, which led to her leaving the residence and seeking housing at a shelter during February, 2024. Ibid. Upon leaving the shelter, Petitioner housed herself in a storage unit until the storage company removed her from the property, which led to her being homeless. Ibid.; see also Exhibit R-1. Upon review of her EA application, the Agency denied EA benefits on July 1, 2025, citing that Petitioner had caused her own homelessness. See Initial Decision at 3. The denial notice was mailed to an address in Newark, New Jersey which was not the shelter address where the Agency had placed Petitioner on an immediate need basis. Ibid.; see also Exhibit R-1. The denial notice indicated that Petitioner had failed to provide proof of an emergency. Ibid. Pursuant to the case notes entered into the record, the Agency also indicated that Petitioner did not take reasonable steps to resolve her emergency, that she had abandoned her last shelter placement without seeking additional resources within that county, and that she failed to plan



when relocating without permanent housing. Ibid. None of the foregoing reasons were cited in the notice to Petitioner, and the record is devoid of any further correspondence or communication between the Agency and Petitioner. See Initial Decision at 3. Due to the incorrect address being utilized by the Agency, rather than the shelter address, it took several weeks for the denial notification to reach Petitioner. Ibid.

At the time of the hearing, Petitioner testified as to the reasons she had left her prior housing situations. Ibid. Finding Petitioner's testimony provided during the hearing to be credible, the ALJ found that Petitioner had good cause for leaving her housing and was also left without a realistic capacity to engage in advance planning to avoid her homelessness or to secure appropriate housing. See Initial Decision at 2-5; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, and the fact that no testimony or argument was presented by the Agency to indicate that Petitioner was not otherwise eligible for EA benefits, the ALJ found Petitioner eligible for EA benefits, and concluded that the Agency's denial of EA benefits to Petitioner, was improper and must be reversed. See Initial Decision at 4-7; see also N.J.A.C. 10:90-6.1(c)(3). Based on the particular facts and circumstances presented by Petitioner in this matter, under oath, I agree that Petitioner has proven that an emergency exists and that she is homeless, and that further submission of an affidavit to the Agency is unnecessary. As such, I direct that the Agency grant Petitioner EA benefits, taking into consideration Petitioner's particular circumstances, given her testimony that she is experiencing mental health issues. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a). The Initial Decision is modified to reflect the above findings.

By way of comment, based on Petitioner's testimony that she is experiencing mental health issues, the Agency shall refer Petitioner for a Substance Abuse Initiative/Behavioral Health Initiative assessment, if it has not already done so, and should it be determined that mental health services/treatment(s) are necessary, such mandatory requirements shall be incorporated into her EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(g), -6.6(a)(1)(iii)(7).

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

Officially approved final version. August 07, 2025

Natasha Johnson
Assistant Commissioner

