



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 **16067-25 J.S.**

AGENCY DKT. NO. **C871007007 (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 was not presently homeless or imminently homeless and therefore, no emergency presently existed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for hearing. On October 9, 2025, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ,") conducted a telephonic plenary hearing, took testimony and admitted documents. On October 10, 2025, 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 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. See 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, at the time Petitioner completed the application for EA benefits, her landlord had not filed for an eviction or warrant of removal. See Initial Decision at 2; see also Exhibit R-4. In addition, the lease for the apartment where Petitioner and her minor child reside is solely in the name of Petitioner's ex-husband. See Initial Decision at 2; see also Exhibit R-3. The Agency informed Petitioner that EA benefits could not be paid for an apartment that is not leased by the applicant for such benefits and was instructed to request that the landlord put the lease in Petitioner's name rather than her ex-husband. See Initial Decision at 2. Petitioner testified that her landlord refused to change the lease. Ibid. Petitioner was advised by the Agency that if her landlord is unwilling to change the lease and eviction becomes imminent, she would be able to apply for EA benefits in the form of shelter assistance. Ibid.

Based on the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that Petitioner was not currently homeless or at risk of becoming so at the time of her EA benefits application and thus there was no sufficient emergency under N.J.A.C. 10:90-6.1(c) which would warrant the granting of EA benefits. See Initial Decision at 3. I agree.



By way of comment, Petitioner is advised that she may reapply for EA benefits, and that she must provide the Agency with all documents requested/required to determine eligibility for said benefits, including proof of eviction/homelessness. See N.J.A.C. 10:90-6.3(a)(1)(ii).

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

Officially approved final version. December 02, 2025

Natasha Johnson
Assistant Commissioner

