



State of New Jersey

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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 **01054-25 M.C.**

AGENCY DKT. NO. **C289619009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, in the form of Temporary Rental Assistance ("TRA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 6, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open until March 10, 2025, for the submission of additional documentation and then closed. On March 11, 2025 the ALJ issued an Initial Decision, affirming the Agency's determination as to the EA termination, but reversing the six-month EA ineligibility penalty.

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 MODIFY the Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

EA benefits, in the form of TRA, may be provided "when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues." N.J.A.C. 10:90-6.3(a)(6).

Here, the ALJ found, and the record substantiates, that Petitioner was receiving Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF") benefits. See Initial Decision at 2. Petitioner executed an SP on July 10,



2024, wherein she agreed, among other things, to submit proof of weekly employment and housing searches. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). Petitioner was additionally responsible to pay her monthly partial rent contribution to her landlord. Ibid. Beginning in July 2024, the Agency requested that Petitioner produce proof of her employment and housing searches, which requests continued during October and November, 2024. See Initial Decision at 3. Petitioner did not submit any weekly employment or housing searches for July 2024, through November 22, 2024. Ibid. Additionally, Petitioner did not submit proof of any rental payments to her landlord. Ibid. Thereafter, the Agency notified Petitioner that her EA benefits would terminate effective January 1, 2025, and a six-month EA ineligibility penalty imposed, for failure to comply with her SP. Ibid.; see also Exhibit R-1 at 5-8. At the time her EA/TRA benefits were terminated, Petitioner was behind several months in her rent payments, and her landlord filed for eviction on February 25, 2025. See Initial Decision at 3. Based on the facts presented, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, for failure to comply with her SP, was proper and must stand. Id. at 4-5; see also Exhibit R-1 at 5-8. I agree.

Additionally, the ALJ found that the imposition of a six-month EA ineligibility penalty would impose an undue hardship, given the totality of Petitioner's circumstances. See Initial Decision at 4. I respectfully disagree. Rather, I find, and the record substantiates, that Petitioner made no efforts to resolve her emergent situation or comply with the terms of her SP, and failed to pay her landlord her required rent contribution for many months, without good cause shown. Id. at 2-4; see also N.J.A.C. 10:90-6.6(a). Based on the record presented, I find that the Agency's imposition of a six-month EA ineligibility penalty was proper and must stand. See Exhibit R-1 at 7. The Initial Decision is modified to reflect these findings.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, Petitioner is advised that the six-month EA ineligibility penalty shall run from January 1, 2025, the effective date of the termination, through July 1, 2025. See Exhibit R-1 at 7.

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

Officially approved final version.

March 26, 2025

Natasha Johnson
Assistant Commissioner

