



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 **02575-25 M.K.**

AGENCY DKT. NO. **C029829011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. Petitioner's EA benefits were terminated because her ineligible household member was unable to contribute his half of the rent in order to prevent eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2025, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony, and admitted documents. On April 2, 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.

Here, Petitioner resides with her adult grandson ("K.L.") in a housing unit where both of their names are on the lease. See Initial Decision at 2; see also Exhibit R-1. Petitioner receives Supplemental Security Income ("SSI") benefits, however, K.L. is unemployed and unable to pay his 50% share of the rent. See Initial Decision at 2. Based upon these facts, the Agency terminated Petitioner's EA benefits, as the payment of 50% of the rent would not be sufficient to prevent eviction. Ibid. Thereafter, K.L. applied for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, however, he failed to comply with the submission of verifying documents and, as such, his application was denied on March 21, 2025. See Initial Decision at 3; see also Exhibits R-7, R-9. The Agency advised Petitioner to seek less-expensive housing, and assisted her with making an appointment on March 20, 2025, with Catholic Charities who would assist her with applying for Section 8 housing, however, Petitioner failed to attend the meeting. See Initial Decision at 3. Petitioner remains in housing with an ineligible household member, who is unable to pay his 50% share of rent. Ibid. The ALJ found that Petitioner has failed to comply with the Agency's recommendation to apply for Section 8 housing and has failed to demonstrate any functional incapacity or mental or cognitive impairment which would inhibit such applications, therefore, the ALJ found that Petitioner had the capacity to find alternate housing and failed to do so, making her ineligible for EA. See Initial Decision at 4. Further, the ALJ found that, pursuant to N.J.A.C. 10:90-6.3(a)(5), EA benefits are intended to prevent actual eviction or foreclosure, however, in this matter, the Petitioner has failed to offer any proof of imminent homelessness and the maximum amount the Agency could pay would only be 50% of the rental amount, as Petitioner's co-tenant, K.L., is not a WFNJ or SSI benefits recipient and therefore is ineligible for EA benefits, and a 50% rent payment will not prevent Petitioner from being evicted from her housing. See Initial Decision at 4-5; see also N.J.A.C. 10:90- 6.1(c) (3), -6.2(a) (stating that only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits), -



6.3(a)(5). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Ibid. I agree.

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.

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

Officially approved final version. April 25, 2025

Natasha Johnson
Assistant Commissioner

