



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

TRENTON, NJ 08625-0716

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 13307-25 M.N.

AGENCY DKT. NO. C053803002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he was evicted from subsidized housing due to his failure to allow for property inspections, thereby causing his own homelessness, and that he had the capacity to plan to avoid his emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 23, 2025, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 28, 2025 the ALJ issued an Initial Decision, affirming the Agency's determinations.

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. Here, the record reflects that Petitioner, a Supplemental Security Income ("SSI") recipient, resided with his mother, in a Section 8 subsidized housing apartment since April 1, 2024. See Initial Decision at 2; see also Exhibits P-1, R-1. During 2024, Petitioner received several notices from the housing authority regarding noncompliance with the Housing Choice Voucher Program regulations, which resulted in an Administrative Grievance Hearing being scheduled. Ibid. The details regarding the underlying hearing are detailed at length within the Initial Decision. See Initial Decision at 2-4. The housing authority hearing resulted in a decision on January 29, 2025, terminating the Section 8 Voucher Assistance for Petitioner and ending such support effective February 1, 2025. See Initial Decision at 4; see also Exhibit P-1. Petitioner's counsel filed an appeal of the housing authority decision on or about March 13, 2025. See Initial Decision at 5; see also Exhibit P-1. Further, on May 13, 2025, Petitioner's landlord filed a landlord-tenant complaint for eviction due to nonpayment of rent and seeking back rent for April and May 2025. See Initial Decision at 5; see also Exhibit R-1.

On May 20, 2025, Petitioner completed an application for EA and on June 8, 2025, the Agency notified Petitioner that his application was denied, indicating that he was terminated from subsidized housing due to lease and program violations, as well as for failing to appear at the underlying housing authority hearing. See Initial Decision at 5-6; see also Exhibit P-1. Concurrently, Petitioner's sister was able to loan him the funds to pay his back rent, as well as additional funds to pay his rent through October 2025. See Initial Decision at 6.

Based on the testimony of the parties, and the documentation submitted, the ALJ found that it appears Petitioner's counsel did request an appeal related to the Housing Choice Voucher Program termination and arguing good cause for his failure to appear at the underlying hearing, however, such filing was made in March 2025 and there was no evidence presented, at the time of this hearing, to indicate if the request was granted or if any appeal is currently pending. See



Initial Decision at 7. Therefore, the ALJ found that Petitioner failed to provide any good cause reason for the loss of his Section 8 housing voucher, and as such, Petitioner had the capacity to plan to avoid his homelessness, and was not homeless due to circumstances beyond his control. See Initial Decision at 7; see also N.J.A.C. 10:90-2.2(a)(5), -6.1(c). Accordingly, the ALJ concluded that Petitioner had caused his own homelessness, and therefore, the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.1(c)(3)(vi). I agree.

In addition, 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 his 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 8; see also N.J.A.C. 10:90-6.3(a)(1)(ii). I also agree.

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 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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. December 17, 2025

Natasha Johnson
Assistant Commissioner

