



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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*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 **14531-25 N.S.**

AGENCY DKT. NO. **C230894009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, and imposed a six-month period of EA benefits ineligibility, contending that she abandoned affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 25, 2025, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on August 25, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Here, the record reflects that Petitioner resided in a subsidized apartment for many years, and that, during August 2024, Petitioner's landlord issued a Notice to Cease, which advised that, if Petitioner did not respond within ten days, she would be subject to eviction. See Initial Decision at 3; see also Exhibit P-2. The Notice specifically cited that Petitioner had breached provisions of her lease relating to completing a yearly recertification for the Department of Housing and Urban Development ("HUD"), which subsidized the apartment. See Initial Decision at 3; see also Exhibit R-1. The Notice specifically cited that on May 8, 2023, Petitioner signed a lease which required her to recertify with the Low-Income Housing Tax Credit Program annually, including in 2024, and that Petitioner failed to recertify which was grounds for termination of her lease. See Initial Decision at 4; see also Exhibit P-2. On January 30, 2025, Petitioner's landlord filed a Complaint seeking judgment of possession based upon Petitioner breaching the terms of the lease, including being in rental arrears for two years. See Initial Decision at 4; see also Exhibits R-1, P-2, and N.J.S.A. 2A:18-61.1(d). On April 3, 2025, Petitioner, being represented by counsel in the landlord tenant matter, signed a Consent Order agreeing to vacate the subsidized housing by June 30, 2025, and stating that Petitioner agreed to move out of the premises rather than undergo the recertification process or pay any rental arrears, which Petitioner testified she agreed to due to ongoing habitability issues in the apartment. See Initial Decision at 4; see also Exhibit R-1.

On July 15, 2025, Petitioner applied for EA benefits and was granted shelter, on an immediate need basis, while her application was reviewed for benefits eligibility. See Initial Decision at 4. Upon review of her application, the Agency determined that Petitioner had abandoned her affordable housing and issued a denial on August 15, 2025. *Ibid.*; see also Exhibit R-1. Specifically, the Agency relied upon court documentation stating that Petitioner abandoned her subsidized housing rather than complying with the terms of her lease and citing that Petitioner had the monetary funds to resolve her rental arrears, but did not do so, which caused her homelessness. See Initial Decision at 5; see also Exhibit R-1.

Based on the foregoing, the ALJ found that Petitioner had caused her own homelessness by voluntarily abandoning affordable housing, by signing the Consent, and vacating the property, and concluded that the Agency's denial of EA



benefits, and the imposition of a mandatory six-month EA ineligibility period, were proper and must stand. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3)(iv), -6.1(c)(3)(vii). I agree.

Exceptions to the Initial Decision were received from Petitioner's counsel on August 27, 2025.

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, Petitioner's six-month EA ineligibility penalty shall run from August 15, 2025, the effective date of the Agency's denial, through February 15, 2026. See Exhibit R-1.

By way of additional comment, I have reviewed the Exceptions submitted by counsel on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

By way of further 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. August 28, 2025

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Natasha Johnson  
Assistant Commissioner

