



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 **05044-25 R.D.**

AGENCY DKT. NO. **C017588005 (CAPE MAY 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's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that she caused her own homelessness by failing to execute a new lease with her landlord, and that she had the capacity to plan to avoid her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 25, 2025, the Honorable Deidre Hartman-Zohman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 25, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Here, the record reflects that Petitioner had been residing in her apartment since November 2022, under an oral lease agreement, when on October 11, 2024, she was served with a "Notice to Quit and Offer of New Tenancy" from her landlord, which would terminate the oral lease effective November 22, 2024, and require Petitioner to execute a new lease with new terms. See Initial Decision at 2; see also Exhibits R-1, R-5, R-7. Petitioner acknowledged that she could afford the rent for the apartment, as well as admitting that she refused to sign the new lease. See Initial Decision at 2. On November 22, 2024, Petitioner's landlord filed a complaint in Superior Court, stating that Petitioner refused to sign the new lease and seeking her removal from the property. *Id.* at 3; see also Exhibits R-5, R-6. On February 3, 2025, Petitioner was evicted from her apartment and applied for EA benefits. See Initial Decision at 3; see also Exhibit R-1. In support of her EA application, Petitioner submitted two letters purported to be from her prior landlord, however, the Agency determined, and Petitioner admitted, that the letters were actually authored by Petitioner and the phone number included in the letters was that of Petitioner's son. See Initial Decision at 3; see also Exhibits R-8, R-9, R-10. On March 4, 2025, Petitioner's application for EA benefits was denied, and the Agency imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-2. The ALJ found that Petitioner repeatedly refused to sign the lease offered by her landlord, despite affirming she was able to afford the rent, and with the knowledge that without a signed lease she would be evicted, and made no advance planning for alternate housing. See Initial Decision at 4. Based on the foregoing, the ALJ found that Petitioner had the capacity to plan, but failed to do so, without good cause. *Ibid.* Accordingly, the ALJ concluded that the Agency's denial of Petitioner's application for EA benefits, and the imposition of a six-month EA ineligibility penalty were proper and must stand. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(1), (3). I agree.

No Exceptions to the Initial Decision were filed.

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 penalty shall run from March 4, 2025, the effective date of the EA denial, to September 4, 2025. See Exhibit R-2.

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. April 03, 2025

Natasha Johnson
Assistant Commissioner

