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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **09226-25 V.B.**

AGENCY DKT. NO. **C365915007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to pay his subsidized housing rent, thus causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Petitioner initially appealed the February 2025 EA denial during a fair hearing on April 28, 2025, at which time Petitioner verbally withdrew his fair hearing request because the ALJ informed him that the issue was moot, given that he had been evicted on February 12, 2025, however, at that time, the ALJ advised that the six-month period of ineligibility for EA benefits was not before her for a decision. See Initial Decision at 2. Petitioner reapplied for EA on May 14, 2025, was verbally denied by the Agency, and the Agency cited the six-month disqualification period being in effect until August 11, 2025. Ibid. A fair hearing was then requested by Petitioner's counsel on May 22, 2025. Ibid. The emergent hearing was initially scheduled for May 30, 2025, however, Petitioner requested additional time to provide documentation, and the matter was adjourned until June 2, 2025. See Initial Decision at 3. On June 2, 2025, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 3, 2025, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits to Petitioner, and reversing the Agency's imposition of a 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 ADOPT the Initial Decision, and AFFIRM in part, and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the record reveals that Petitioner resided within a subsidized housing apartment for approximately 11 years prior to his eviction during February 2025. See Initial Decision at 3. During 2023, the apartment began to have plumbing issues which resulted in leaks. Ibid.; see also Exhibit P-5. Petitioner made numerous complaints to the building management, as well as to the Newark Housing Authority, however, the leaks persisted, which led to Petitioner withholding payment of his rent, believing that doing so would lead to the landlord resolving the persistent leak issues. Ibid. During 2024, the apartment building also experienced two fires, which resulted in Petitioner expending funds to remediate issues and replace clothing. See Initial Decision at 3. The ALJ found, from a review of photographs and videos of the apartment, that Petitioner's apartment presented uninhabitable conditions. See Initial Decision at 4; see also Exhibit P-5. Following several months of non-payment of rent, Petitioner's landlord began proceedings to evict Petitioner from his apartment. See Initial Decision at 4; see also Exhibit P-4. Petitioner represented himself in the landlord-tenant matter, and the ALJ



noted that Petitioner was unaware, due to his limited educational background, that he should have deposited the monthly rental funds into an escrow account with the Court rather than just withholding his rental payments. See Initial Decision at 4. On December 2, 2024, Petitioner signed a consent order to vacate his apartment which, in an addendum handwritten by the Newark Housing Authority's attorney, stated that Petitioner could pay in full or obtain a promissory note to pay by January 15, 2025, to remain in the apartment, however, the document does not include an amount owed. See Initial Decision at 4; see also Exhibit P-4. On January 15, 2025, the Superior Court issued a warrant for removal, effective February 5, 2025. Ibid. Petitioner filed an application with the Superior Court on February 3, 2025, indicating he did not understand that the consent order required him to move out and believed that he had more time to pay his rent. Ibid. On February 3, 2025, the Superior Court judge ordered Petitioner's removal from the apartment on February 12, 2025. See Initial Decision at 4.

In February 2025, Petitioner applied for EA benefits, seeking Temporary Rental Assistance ("TRA"), and on February 11, 2025, the Agency denied his application contending that Petitioner could have prevented his emergent situation and failed to take reasonable steps to resolve his emergency, thus causing his own homelessness, without good cause, and warranting the imposition of a six-month non-eligibility period for EA until August 11, 2025. See Initial Decision at 5; see also Exhibit R-2. Following the Agency's denial, Petitioner sought assistance from the Division of Community Affairs ("DCA"), which provided Petitioner with a form for the landlord to complete, which would have allowed DCA to pay the landlord the total amount (\$2,300) necessary to keep him in his subsidized housing. See Initial Decision at 5; see also Exhibit P-6. Petitioner testified that he believed the DCA form to be a promissory note, and, due to this confusion, filed an Order to Show Cause with the Superior Court on February 13, 2025, seeking to vacate the order of removal, indicating he could pay the landlord the total amount of unpaid rental funds. See Initial Decision at 5. The Superior Court, however, would not accept his application as the warrant of removal had gone into effect, and Petitioner was instructed to contact the building management company. Ibid. Petitioner, as well as Petitioner's counsel, attempted to contact a representative of the building management company on numerous occasions, but were unsuccessful and therefore unable to attempt making any payment. Ibid. Petitioner also went to the Newark Housing Authority for assistance, but was advised that the landlord would not accept his payment. Ibid. Petitioner, and his son, then vacated the subsidized housing apartment on February 25, 2025. See Initial Decision at 6. Since vacating the apartment, Petitioner has been residing with a friend, however, the friend has advised he can no longer stay with her after May 31, 2025. Ibid.

The ALJ found that Petitioner had difficulty with understanding the court proceedings he was involved in, how to follow proper legal procedures to withhold rental payments for just cause, and that due to his limited education and literacy difficulties, he has made all reasonable efforts to resolve the matter of his unpaid rent with the landlord and housing authority, to no avail. See Initial Decision at 6. The ALJ concluded that Petitioner was evicted from his subsidized housing due to non-payment of rent, noting that when he made his February 2025 EA application, Petitioner was already more than three months behind on rent. See Initial Decision at 7. Based on the foregoing, the ALJ found that Petitioner had not taken all reasonable steps to avoid his emergent situation, and as such, found that the Agency's February 2025 denial of EA benefits to Petitioner was proper and must stand. Id. at 7; see also N.J.A.C. 10:90-6.1(c)(3). I agree.

With respect to the Agency's imposition of a six-month EA ineligibility penalty, based on Petitioner's testimonial and documentary evidence presented at the hearing, the ALJ found that Petitioner suffers from mental illness, which impacted his ability to avoid behaviors that contributed to his becoming homeless, and as such, concluded that the imposition of a six-month EA ineligibility penalty was not appropriate. See Initial Decision at 7, see also N.J.A.C. 10:90-6.1(c)(3). In relevant part, a lack of realistic capacity to plan exists where the assistance unit demonstrates that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing; or when the assistance unit demonstrates functional incapacity, such as a mental or cognitive impairment that would prevent them from planning for or securing substitute housing. See N.J.A.C. 10:90-6.1(c)(i), (iii). Petitioner receives monthly Supplemental Security Income ("SSI") benefits, due to disability, which is a direct result of his mental illness. See Initial Decision at 3-4; see also Exhibits R-1, P-3. Petitioner provided medical documentary evidence as to his mental illness, as well as his medication, treatment plan, and prior hospitalizations. See Initial Decision at 3; see also Exhibit P-1. The record clearly shows that Petitioner has mental health issues, and I concur with the ALJ's conclusion that, as a result of those issues, Petitioner lacked the functional capacity to avoid the behaviors which lead to Petitioner becoming homeless. As such, based on Petitioner's particular mental health circumstances, I find that he may reapply for EA benefits, and the Agency shall assist him with such reapplication, as necessary. See N.J.A.C. 10:90-6.6(a).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED as to the February 2025 EA denial, and REVERSED as to the six-month period of EA ineligibility, as outlined above.



Officially approved final version. June 05, 2025

Natasha Johnson
Assistant Commissioner

