State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
Commissioner

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 **05724-26 A.P.**

AGENCY DKT. NO. **C015479010** (**HUNTERDON COUNTY BD. OF SOC. SVCS.**)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits in the form of Temporary Rental Assistance ("TRA"), contending that her housing cost for a two-bedroom apartment was not appropriate for an assistance unit of one person. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing in this matter was initially scheduled for April 16, 2026, on an emergent basis, however, at that time, Petitioner agreed to convert the hearing to a non-emergent matter and the hearing was rescheduled. On May 14, 2026, and continuing May 29, 2026, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was then held open to allow Petitioner to produce additional documents, however, not all of the requested documents were submitted, and the record was closed on July 27, 2026. On August 17, 2026, 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 ("DFD"), 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, the ALJ found, and the record substantiates, that Petitioner applied for EA benefits on March 3, 2026, on behalf of herself. See Initial Decision at 2; see also Exhibits R-1, R-5. Petitioner has two children, aged three and five, and pursuant to court orders of January 21, 2026, and April 29, 2026, the father of her children has primary physical custody of the children, and Petitioner has partial physical custody of the children three weekends each month. See Initial Decision at 2; see also Exhibits R-5, R-11. The court order further indicates that Petitioner's visitation would occur at her mother's home, unless she and the father of the children agreed upon a different location. Ibid.

Petitioner located a two-bedroom apartment; however, the Agency would not approve EA benefits for a two-bedroom apartment because she did not have a custody order allowing her children to reside with her. See Initial Decision at 3. On April 2, 2026, the Agency denied Petitioner's application for EA benefits, stating that a two-bedroom apartment would not be appropriate for one person, and that Petitioner should continue searching for a one-bedroom apartment. Ibid.; see also Exhibit R-9. The Agency continued to authorize EA payments for motel shelter placement as Petitioner attempted to find appropriate housing. See Initial Decision at 3.

At the hearing, Petitioner testified that she was unable to have visitation with her children at her mother's home due to her mother residing in Section 8 housing and such visitations being in violation of her lease terms. See Initial Decision at 3. Petitioner has, however, continued to have visitations with her children at her mother's home and, on May 27, 2026, the Agency was advised that Petitioner's mother was not facing an eviction. Ibid.; see also Exhibit R-10.

At the time of the hearing, Petitioner was residing in a motel, and the father of her children will not allow visitations with her children to occur at the motel. See also Initial Decision at 3. Petitioner has not returned to the court in an attempt to modify the custody order. Ibid. Petitioner also testified that the Division of Child Protection and Permanency ("DCP&P") advised her that the motel was not appropriate for the children, however, Petitioner provided no documentation from DCP&P or the child's father to bolster her assertions. Ibid.

Petitioner contended that she cannot modify the custody court order to allow her to have visitation with her children at her own housing until she has secured such housing. See Initial Decision at 4. The Agency contended that housing may not be authorized for a two-bedroom housing unit as Petitioner does not have residential custody of her children, nor does the court order allow her children to visit with her children at any location but her mother's home, which results in the Agency only approving EA benefits for a one-bedroom housing unit. Ibid.

Based on the foregoing, the ALJ determined that Petitioner is eligible for EA benefits, in the form of a one-bedroom housing unit, and as such, the Agency's denial of EA benefits to Petitioner, in the form a two-bedroom housing unit, was proper and must stand. See Initial Decision at 4-5; see also Exhibits R-5, R-9, R-11. I agree.

By way of comment, should Petitioner's circumstances change, such as a modified custody order being entered, she may reapply for EA benefits for a larger housing unit.

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

Officially approved final version. October 01, 2026

Natasha Johnson
Assistant Commissioner