



State of New Jersey

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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 **02999-26 C.W.**

AGENCY DKT. NO. **C140439020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of a hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an EA benefits hardship extension, contending that she had exhausted her 12-month lifetime limit of EA benefits, and that she was not eligible for a hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2026, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On February 27, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on March 10, 2026.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Further, in pertinent part, EA benefits shall not be provided for a period of six months when an applicant "had the available funds and the capacity to plan to avoid homelessness." N.J.A.C. 10:90-6.1(c)(3)(v). Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, Petitioner applied for a hardship extension of EA benefits on February 4, 2026, at which time her application was denied, as she was neither a Work First New Jersey ("WFNJ") nor Supplemental Security Income ("SSI") recipient. See Initial Decision at 2; see also Exhibit R-2; see also N.J.A.C. 10:90-6.2. Thereafter, her household was found eligible for WFNJ benefits, and Petitioner's EA hardship extension application was reconsidered. *Ibid.* As such, the Agency reviewed the EA hardship extension application further, rescinded the EA hardship extension application denial on February 11,



2026, and then, on February 19, 2026, determined the Petitioner was ineligible for said benefits based upon her having received thirteen previous months of EA benefits and because she did not meet certain hardship extension eligibility criteria. Ibid.; see also Exhibits R-2, R-5, R-6, R-7, P-9.

At the time of her application, Petitioner had been issued a Warrant of Removal with a lockout date of January 27, 2026, which was being held in abeyance by her landlord due to her submission of an application for EA benefits with the Agency. See Initial Decision at 2; see also Exhibits P-4, P-5. Petitioner had additionally applied for rental assistance through a non-profit organization, which ultimately paid three months of outstanding rent to her landlord on or about February 15, 2026. See Initial Decision at 3; see also Exhibits P-1, R-4. At the time of the hearing, Petitioner further provided testimony and documentary evidence as to medical/surgical issues impacting her minor child, as well as loss of employment for herself and her partner, and substance abuse and rehabilitation issues impacting her partner, all of which have affected the household's ability to afford their rent. See Initial Decision at 2-5.

Based on the foregoing, as well as the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that Petitioner had exhausted her 12-month lifetime limit of EA benefits, as the household has now received more than 12 months of EA benefits. See Initial Decision at 5-7. As to the hardship extension application, however, the ALJ found that Petitioner demonstrated an extreme hardship as contemplated by the eligibility criteria for an EA hardship extension, as set forth at N.J.A.C. 10:90-6.4(b). Ibid. Specifically, the ALJ found that a hardship extension should be contemplated under N.J.A.C. 10:90-6.4(b) and 10:90-6.4(d), as the termination of EA benefits to the household will leave the family homeless and in danger of being separated with the potential of a child being placed in foster care. Ibid. Accordingly, the ALJ concluded that the Agency did not meet its burden of proving that the denial of Petitioner's application for an EA hardship extension was warranted and, as such, the ALJ found that the Agency's denial of such hardship extension must be reversed. See Initial Decision at 5-7.

While it is clear that Petitioner did, in fact, exhaust her 12-month lifetime limit of EA benefits, based on the record presented, I am modifying the Initial Decision as the record is unclear and conflicting as to whether Petitioner is currently homeless or at risk of becoming homeless, and therefore whether there is a sufficient emergency under N.J.A.C. 10:90-6.1(c), which would warrant the granting of a hardship extension of EA benefits. Specifically, the undated rental ledger provided by the Petitioner's landlord shows three outstanding months (December, January, February) with a total of \$6,720. See Exhibit P-3. The payment sent from the non-profit organization to the landlord on February 15, 2026 was in the amount of \$7,260, which would cure the outstanding amount as presented. Further, the record is devoid of a lease for Petitioner, any landlord/tenant filings which would evidence the amount of outstanding rent, or any documentation regarding an eviction, now that payment has been made by a third party to the landlord. See N.J.A.C. 10:90-6.1(c).

Therefore, the Initial Decision is modified and the matter is hereby remanded to the Agency to clarify, determine, and document, whether there is an actual imminent eviction from housing in this matter. See N.J.A.C. 10:90-6.1(c). Petitioner is advised that she must provide the Agency with all documents requested/required to determine eligibility for said benefits, including proof of eviction/homelessness. See N.J.A.C. 10:90-6.3(a)(1)(ii). Following the evaluation and determination as to whether Petitioner has provided proof of eviction/homelessness, as well as determining whether she has procured additional third-party funding which the record reflects that she has applied for, should the Agency determine that Petitioner does not meet the criteria for an extension, Petitioner is without prejudice to request another fair hearing on that determination.

By way of comment, as the record indicates that Petitioner has an open case with the Division of Child Protection and Permanency ("DCPP"), the Agency is directed to forward a copy of the Initial and Final Decisions in this matter to DCPP.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. March 12, 2026

Natasha Johnson
Assistant Commissioner

