



# State of New Jersey

MIKIE SHERRILL  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

STEPHEN CHA, MD, MHSR  
*Commissioner*

DR. DALE G. CALDWELL  
*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 **06257-26 D.S.**

AGENCY DKT. NO. **C102853020 (UNION COUNTY DIVISION 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had been evicted from public housing due to criminal activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 23, 2026, the Honorable Lubna Qazi-Chowdhry, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 24, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on April 27, 2026.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, "EA benefits shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, (c)(3)(i) through (ix) below ... (iii) [When an applicant/recipient has been evicted] from private, public or subsidized housing because of criminal activity[.]"

In accordance with N.J.A.C. 10:90-9.1(a), a county social service agency shall provide adequate notice for any adverse action taken that affects an applicant's benefits. Adequate notice must include reasons for the intended action, as well as the specific regulations supporting the intended action. See N.J.A.C. 10:90-9.1(a)(1)(ii), (iii).

An independent review of the record in this matter reflects that Petitioner had previously been residing in subsidized or senior housing through the Housing Authority of the City of Elizabeth ("HACE"). See Exhibit P-5. The record further shows that, on or about September 12, 2025, Petitioner was charged with various criminal drug-related charges. Ibid. Petitioner was thereafter served with a 3-day Notice to Quit by HACE on November 20, 2025, based on the purported drug-related activity. Ibid. On or about December 4, 2025, HACE, through its attorney, filed a Summons and Verified Complaint against Petitioner, seeking to have him evicted and a Judgment for Possession entered. Ibid. Notably, the Verified Complaint only references the alleged criminal drug-related activity, and attached copies of the September 15, 2025 investigative report, and the 3-day Notice to Quit, are also based on the alleged drug activity. Ibid. There is no specific paragraph in the Verified Complaint, referring to any disorderly conduct or to any other Notices to Cease, which are included in



the Agency's exhibits in this matter. Ibid.; see also Exhibit R-1. It is unclear from the record when the Judgment for Possession was entered and when Petitioner was ultimately evicted by HACE.

Petitioner applied for EA benefits through the Agency on March 2, 2026. See Exhibit P-3. Petitioner was denied EA benefits on that same date, and a six-month EA ineligibility penalty imposed, based upon an eviction due to the alleged criminal activity and disorderly conduct. See Exhibits P-1, R-1. It should be noted that the regulatory citation on the Agency's adverse action incorrectly cites to the regulation covering violations of shelter/motel violations, however, Petitioner had not been residing in a shelter or motel. Ibid.; see also N.J.A.C. 10:90-9.1(a)(1)(iii).

The record further reflects that on March 6, 2026, the criminal charges, which serve as the underlying basis for the eviction proceeding, and resultant denial of EA benefits and imposition of a six-month EA ineligibility penalty, were dismissed. See Exhibit P-2. Thereafter, Petitioner's counsel requested that the Agency reconsider the EA denial, given the dismissal of the underlying criminal charges, which were the basis of said denial, but the Agency declined unless HACE reinstated Petitioner's senior housing. See Exhibit P-3. Upon inquiry to the housing authority, Petitioner was advised that he would have to reapply to the housing authority and go through the application process; however, HACE's website indicated that it is not presently accepting applications. Ibid.; see also Initial Decision at 3. It should be noted that, at the time of the hearing, Petitioner was apparently residing in a hotel or shelter, but said housing was not provided through the Agency. See Exhibit P-3; see also Exceptions.

The ALJ in this matter ultimately concluded that, given the dismissal of the drug charges which resulted in Petitioner's eviction from senior housing, and by extension, the denial of EA benefits, Petitioner is eligible for EA benefits, and no six-month EA penalty would apply. See Initial Decision at 5-6. While I agree with the ALJ's ultimate conclusion, that Petitioner is now eligible for EA benefits, and no six-month EA ineligibility penalty is to be imposed, as a result of the underlying criminal charges having been dismissed, thereby rendering the prior adverse action in this matter void, I note that certain statements in the Initial Decision are incorrect. An EA Service Plan is only executed, and referrals made for substance abuse and/or mental health programs, when an individual has been found eligible for EA benefits, which Petitioner previously was not. See Initial Decision at 3. Furthermore, Petitioner was not residing in an EA shelter placement, or evicted from an EA shelter placement, at the time of the EA denial as stated in the Initial Decision. Ibid. The Initial Decision is modified to reflect these findings.

Based on the foregoing, I direct that the Agency expeditiously provide Petitioner with EA benefits in a form to be determined by the Agency. See N.J.A.C. 10:90-6.3(a)(1).

By way of comment, Petitioner is advised that EA benefits shall be provided to him in a form to be determined by the Agency, which may include shelter placement. Ibid.

By way of further comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. May 04, 2026

---

Natasha Johnson  
Assistant Commissioner

