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 **14622-26 D.W.**

AGENCY DKT. NO. **C451474016** (**PASSAIC COUNTY BOARD OF SOC. SVCS.**)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she had sufficient funds to pay for housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for hearing. On September 2, 2026, the Honorable Sudha V. Raja, Administrative Law Judge ("ALJ,") conducted a telephonic plenary hearing, took testimony and admitted documents. On September 3, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's counsel on September 8, 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 MODIFY the Agency's determination, 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. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reveals that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, applied for EA benefits on August 27, 2026, seeking a security deposit for new housing. See Initial Decision at 2. On that same date, the Agency denied her application indicating that her income was greater than her shelter costs. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:87-6.1(a). Petitioner has received State Rental Program Assistance ("SRAP") since October 2024 and is responsible for a portion of her monthly rent, such that SRAP paid $1,591 towards her rent, and Petitioner paid $281 towards her rent of the $922.73 in SSI benefits each month. See Initial Decision at 2. Petitioner was made aware that her rental portion would be increasing at her current apartment (to $408) and thereafter, found a different apartment where her rental portion would be $135 per month. See Initial Decision at 2-3. To move from her current apartment to the new apartment, Petitioner needed $2,550 to pay the security deposit and sought EA benefits for such purpose. See Initial Decision at 3.

The ALJ in this matter concluded that Petitioner's shelter costs are less than her SSI income, and that, based upon the testimonial and documentary evidence presented at the hearing, Petitioner was not currently in a state of homelessness

or imminent homelessness, and as such, the denial of EA benefits was proper. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(a)(1), -6.1(c).

Based upon an independent review of the record, while I agree with the ALJ's ultimate conclusion that Petitioner is not eligible for EA benefits, the Initial Decision and the Agency's adverse action in this matter are both modified to reflect that the applicable regulatory authority to be applied is N.J.A.C. 10:90-6.1(c), which is applicable when an EA applicant is not currently in a state of homelessness or imminent homelessness.

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

By way of 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 MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. September 30, 2026

Natasha Johnson
Assistant Commissioner