State of New Jersey

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

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 **12366-26 J.G.**

AGENCY DKT. NO. **S594275009** (**HUDSON COUNTY DEPT OF FAM SVCS**)

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner's application for EA benefits, contending that Petitioner had the capacity to plan to avoid her present emergency but failed to do so, and further, that she owes more than 3 months back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 4, 2026, the Honorable Sudha Raja, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 5, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from counsel on behalf of Petitioner on August 6, 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 ADOPT the ALJ's Initial Decision, and AFFIRM 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. See N.J.A.C. 10:90-6.3(a)(1)(ii). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid. The lack of a realistic capacity to plan exists when the assistance unit can demonstrate 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. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid.

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that payment shall be authorized up to any three calendar months of retroactive rental payments if it will prevent actual eviction or foreclosure. Payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances subject to authorization by DFD. Ibid.

Only Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2(a).

A review of the record in this matter reveals that Petitioner applied for EA benefits on June 29, 2026. See Initial Decision at 2. I take official notice of the fact that the records of this office indicate that Petitioner reapplied for WFNJ/General Assistance benefits, a threshold requirement for receipt of EA benefits, on April 10, 2026, which were subsequently

approved. I take further official notice that the records of this office indicate that Petitioner had previously received WFNJ/GA benefits in late 2025, which benefits were terminated effective December 1, 2025. The record further indicates that Petitioner has been residing in her current apartment since September 2025. See Initial Decision at 3. On June 9, 2026, the Agency requested various documentation from Petitioner, including bank statements which reflected recent transactions within the last ninety days. Ibid.; see also Exhibit R-1. The Agency, on July 1, 2026, requested proof from the bank that Petitioner's bank account was closed, but instead, Petitioner provided a bank statement with a zero balance and a handwritten note that the account was closed in November 2025. On July 21, 2026, the Agency denied Petitioner's application for EA benefits on the basis that Petitioner had the capacity to plan to avoid her emergent situation and that she owed more than three months back rent. See Exhibits P-1, R-1.

The ALJ in this matter noted that during some of the months relevant to this matter for which Petitioner seeks back rent, Petitioner was working as an intern and receiving a stipend, yet Petitioner failed to put those funds towards her rent. See Initial Decision at 3. The ALJ further noted that Petitioner has worked since 2020 on a full-time or part-time basis, and that Petitioner provided no evidence that she was unable to work during the relevant months. Ibid. The ALJ also stated that no proof of eviction has been presented in this matter. Ibid.

Based on the foregoing, the ALJ concluded that Petitioner had the capacity to plan, as she has worked since at least 2020. Id. at 4. The ALJ further concluded that Petitioner has not proven that she is homeless or imminently homeless, and that Petitioner owes more than three months back rent. Ibid.; see also N.J.A.C. 10:90-6.3(a)(1)(ii), -6.3(a)(5). Therefore, the ALJ determined that the Agency's denial of EA benefits to Petitioner in this matter was proper and must stand. See Initial Decision at 4. I agree.

By way of comment, Petitioner is without prejudice to reapply for EA benefits should her circumstances change. I note that while the Exceptions reference a Warrant of Removal, none was provided at the time of the hearing.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. September 04, 2026

Natasha Johnson
Assistant Commissioner