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 **16426-26 K.C.**

AGENCY DKT. NO. **C785451002** (**BERGEN 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, contending that he had failed to provide documentation necessary to determine his eligibility for receipt of EA benefits within sixty days of the date of application for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 29, 2026, the Honorable Patrice E. Hobbs, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 29, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner's counsel on October 1, 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, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to the assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2).

An assistance unit ("AU") may qualify for EA benefits when the AU demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii); see also DFD Instruction ("DFDI") 11-03-07 at 2. Items deemed appropriate include, but are not limited to, food, clothing, housing, attending the funeral of a family member, excessive unreimbursed medical expenses, or car payment or repairs. See N.J.A.C. 10:90-6.1(c)(1)(ii).

Here, the record reveals that Petitioner, a Supplemental Security Income ("SSI") recipient, applied for EA benefits on May 12, 2026. See Initial Decision at 2. The Agency initially approved Petitioner for EA benefits on June 12, 2026, and indicated in such approval that Petitioner would be responsible for paying one-third of his income towards rent. Ibid.; see also Exhibit P-1. On June 30, 2026, the Agency issued a corrected EA benefits approval letter, indicating that Petitioner would be responsible for one-third of the total rent. See Initial Decision at 2; see also Exhibits P-3, P-4, R-1.

Petitioner is a dependent adult who is provided full-time caretaking by his mother, M.S. and resides with his adult sibling, S.S.; thus, the EA assistance unit ("AU") is made up of three adults. See Initial Decision at 2. At the time of the EA application, M.S. and S.S. were both receiving Work First New Jersey/General Assistance("WFNJ/GA") benefits, which

made them both eligible for EA benefits. See N.J.A.C. 10:90-6.2(a). M.S. identified an apartment, however, the landlord for the apartment ultimately denied the application for the apartment, indicating that Petitioner would be responsible for more rent than he could afford, based upon his SSI income. See Initial Decision at 3. Therefore, M.S. was unable to submit the required EA landlord paperwork to the Agency. Ibid. The Agency representative testified that Petitioner had failed to submit documentation necessary to process the EA application, and that, after the EA application had not been completed within sixty days, a denial notice was issued on August 3, 2026. Ibid.

At the time of the hearing, M.S. testified that Petitioner has many expenses for which he is responsible, and thus, he would be unable to pay one-third of the total rent for an apartment for three people and afford such expenses. See Initial Decision at 3.

In this matter, the EA application had been pending for sixty days, at which point the Agency denied EA benefits to Petitioner. The notices sent to Petitioner indicating his financial responsibility for payment of rent, first indicating that he would be responsible for paying one-third of his income and then indicating that he would be responsible for one-third of the rent created confusion in this matter. When the approval for benefits circumstances changed, this impacted the landlord approving M.S.'s application for housing and, at the time of the hearing, questioning the way in which the EA benefit amount for Petitioner was calculated.

In accordance with regulatory authority, the Agency's determination considered that Petitioner's total monthly household income, comprised of his monthly SSI benefits exceeded his housing costs. See Exhibit R-1 and see also N.J.A.C. 10:90-6.1(a)(1). Further, N.J.A.C. 10:90-6.5(a) states that Petitioner must contribute thirty percent of his income towards payment of emergency shelter, including utilities. However, in instances such as these it must be considered whether Petitioner's income exceeds the cost of housing. Moreover, the Agency would need to consider any evidence presented as to the spend down of Petitioner's monthly household income on items deemed reasonable and necessary. See N.J.A.C. 10:90-6.1(c)(1)(ii); see also DFDI 11-03-07 at 2. Therefore, I find that the Agency's denial of Petitioner's EA benefits was proper and must stand, based upon the EA application aging, however, if Petitioner were to reapply for EA benefits, that the Agency must consider the findings above.

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

By way of further comment, effective October 1, 2026, the fair market rent for a three-bedroom housing unit in Bergen County is $2,771. See DFD Informational Transmittal 26-18. Accordingly, if the rent is shared between three individuals, each would be responsible for $923.67. M.S. and S.S., while in receipt of WFNJ/GA benefits, would be responsible for 1/3 of their share of such portion, while Petitioner would be responsible for the total amount of one-third of the rent, of $923.67, due to such sum being less than his total income. Should the Agency find that Petitioner has produced evidence of reasonable and necessary expenses, such amount may be appropriately adjusted.

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. October 07, 2026

Natasha Johnson
Assistant Commissioner