



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 **01371-26 Y.R.**

AGENCY DKT. NO. **C225067016 (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 was not presently homeless or imminently homeless and therefore, no emergency existed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for hearing. On March 23, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ,") conducted a telephonic plenary hearing, took testimony and admitted documents. On July 27, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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. 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.

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).

N.J.S.A. 44:10-51(a)(4) ("7-year disregard"), provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." Additionally, any extreme hardship extensions of EA benefits, and any EA benefits received pursuant to an EA benefits pilot program, received more than 84 months from the date of the EA application shall not be counted. See DFD Instruction ("DFDI") No. 19-07-01. However, in no case shall an individual receive more than 24



cumulative months of EA benefits, excluding any EA benefits received pursuant to an extreme hardship extension and EA benefits pilot program received more than 84 months from the date of the application for EA benefits.

An independent review of the record reveals that Petitioner applied for EA benefits October 22, 2025, and executed an EA service plan ("SP"). See Exhibit R-1. At the time of her application, Petitioner indicated that she was residing with a family member, where she had been residing "on and off" for over a year, but would need to leave that housing within a month. Ibid.; see also Exhibit R-1. On January 5, 2026, the Agency sent Petitioner notification that her EA application had been denied, citing that, although the application and documentation indicated that she would need to vacate her family member's residence, she still continued to reside there several months later and had failed to secure permanent housing. See Exhibit R-1. The notification further indicated that Petitioner had failed to comply with the terms of her SP by not submitting housing search logs. Ibid. In the Agency's notice, the regulatory basis for the Agency's action is given as N.J.A.C. 10:90-6.4, which pertains to the time limitations for receipt of EA benefits. Ibid.

As referenced above, the hearing in this matter occurred on March 23, 2026. The Initial Decision in the case was not issued until more than four months after the hearing had concluded. I take official notice that the records of this office reflect that Petitioner reported having moved in with another relative in May 2026. As such, I find that as Petitioner is presently housed, and combined with the passage of time, this issue has been rendered moot, as Petitioner is not presently homeless or imminently homeless. See N.J.A.C. 10:90-6.1(c). The Initial Decision is modified to reflect this finding.

I do note that with respect to time limitation of EA benefits, it appears that the Agency in this matter failed to consider the applicability of the 7-year disregard when analyzing the lifetime EA benefits provided to Petitioner. See N.J.S.A. 44:10-51(a)(4); see also DFDI No. 19-07-01. A review of the EA benefits payment history in the record reflects that Petitioner previously received EA benefits in 2013 and 2014, clearly more than seven years ago, and that there was a significant gap in time prior to her receipt of any additional EA benefits in October, 2025. See Exhibit R-1. As such, should Petitioner reapply for EA benefits in the future, the Agency will take into account, and appropriately apply, the 7-year disregard when determining Petitioner's eligibility for any remaining EA benefits and if she has exhausted her lifetime limit of EA benefits. See Exhibit R-1; see also N.J.A.C. 10:90-6.4(a) and N.J.S.A. 44:10-51(a)(4). Therefore, I find that the Agency's reliance on N.J.A.C. 10:90-6.4 in its adverse action notice was misplaced, and the adverse action is modified to reflect this finding.

By way of comment, Petitioner is advised that she may reapply for EA benefits, and 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).

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

Officially approved final version. September 02, 2026

Natasha Johnson
Assistant Commissioner

