

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/12-114
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, denying his application for temporary housing assistance under the General Assistance (GA) program. The issue is whether the petitioner meets the eligibility requirements for temporary housing assistance.

Petitioner previously received temporary housing assistance as a member of a vulnerable population who was unable to stay in a shelter because he can be explosive to others due to his disability.

The petitioner applied for temporary housing assistance on February 15, 2012 and was denied. Petitioner requested an expedited fair hearing on February 16, 2012. A telephone status conference was held on February 16, 2012 and assistance was continued pending a hearing scheduled for February 23, 2012. The following decision is based on the evidence adduced at hearing.

FINDINGS OF FACT

1. The petitioner is a fifty-year-old individual who was recently approved for disability benefits from the Social Security Administration. Petitioner is working with the local homeless program and is in the process of applying for housing that may become available sometime in March 2012 if his application is approved.

2. The petitioner became homeless the beginning of December 2011.

3. The petitioner received the sum of \$1,500.08 from the Social Security Administration on or about January 25, 2012.

4. When petitioner applied for temporary housing on February 15, 2012, he was asked to account for his income and resources including the monies he received on January 25, 2012. He supplied a hand-written note that petitioner paid back rent in the amount of \$700.00 on January 24, 2012 and \$350.00 on February 4, 2012; a balance of \$1,350.00 remained on the arrears. The signatures were hard to read and there were no details regarding the rental property or the dates when petitioner was a tenant. The Department considered the disability monies a resource that should have been used for current housing rather than paying an alleged past debt.

5. The Department has a record of making General Assistance housing payments on behalf of petitioner in the amount of \$232.00 per month from November 2008 through November 2011.

6. Petitioner was staying in an apartment that is part of a three apartment building. In 2008, the apartment was rented to BK who rented space within the apartment to petitioner. DC took BK's place and continued the agreement with petitioner.

7. BK testified as did petitioner. Both left the apartment December 1, 2011. The apartment has one bedroom and it appears that petitioner used the living room for his sleeping space. Their agreement was that the rent was \$100.00 per week leaving an arrearage every month after the Department paid GA rent to first BK then to DC.

8. Petitioner did not use the social security monies for his current housing needs choosing instead to repay a rental arrearage.

ORDER

The Department's decision is affirmed.

REASONS

The General Assistance program provides a safety net in limited situations provided that funds are available. 33 V.S.A. § 2103.

Temporary housing assistance is found in W.A.M. § 2652.2 that states, in part:

Temporary housing is intended to provide short term shelter (84-day maximum) for applicants who are involuntarily without housing through circumstances they could not reasonably have avoided and for whom permanent housing or alternative arrangements are not immediately available. "Could not reasonably have avoided" is subject to the limitation in rule 2621 (4).

Authorization for temporary housing may be issued for periods of not more than seven days. Payment may be authorized in an amount necessary to secure such housing at the least expensive rate available to the applicant at that time.

The above regulation needs to be read in conjunction with W.A.M. § 2620 in which applicants "must have exhausted all available income and resources" (subsection B) and must explore and use alternative resources including community resources such as available beds at a local homeless shelter (subsection C).

The GA program is a program of last resort. The expectation is that an applicant will exhaust his/her income and resources before applying for benefits. Petitioner made a choice to pay a debt rather than use his monies to meet his

current needs. Based on the regulations, petitioner does not meet the criteria for temporary housing assistance.

The Department applied the regulations properly; the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

#