

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-02/12-79  
 )  
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 was denied temporary housing assistance on February 2, 2012 and requested an expedited hearing. The requested fair hearing was called into the Board on February 3, 2012 at 4:25 p.m.<sup>1</sup> The Board left a message for the Department employee that petitioner should use the shelter if space was available and, if not, should be housed through the weekend allowing the case to be sorted out on Monday. Petitioner was housed over the weekend and was told by the Department to reapply on Monday if still in need of housing.

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<sup>1</sup>The General Assistance Unit was in the process of moving February 3, 2012.

Petitioner remained in need of temporary housing Monday, February 6, 2012. The parties through their representatives were informed that petitioner should take a shelter space if one was available, and if not, he would be housed at a motel pending fair hearing on February 9, 2012. A fair hearing was held on February 9, 2012.

FINDINGS OF FACT

1. The petitioner is a fifty-four-year-old man. He is a household of one. Petitioner is currently unemployed.

2. Petitioner first applied for temporary housing assistance on or about January 27, 2012. At that time, there was no room in the local homeless shelter, and the Department housed petitioner at a motel for several days under the cold weather exception.<sup>2</sup>

3. Petitioner applied for temporary housing on February 2, 2012. As part of his application, petitioner submitted two forms from his health care provider<sup>3</sup> dated February 2, 2012. The first form was a Medical Report for GA indicating that petitioner underwent umbilical hernia repair

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<sup>2</sup> The Department policies include housing homeless individuals at motels during cold weather when no shelter space is available regardless of whether the homeless individual meets the regulations for assistance.

<sup>3</sup> Petitioner receives medical assistance through a clinic associated with the local community health center that provides health care to the homeless population in his area.

on January 10, 2012, needed three weeks more rest, and was not able to return to work. The other form was a 210A-restating petitioner's diagnosis and stating that staying at a shelter would impact petitioner's health.

4. M.E. is a benefits program specialist working for the Department. He reviewed petitioner's February 2, 2012 application with the district office director who felt the local shelter could meet petitioner's medical needs. As space was available at the local shelter, petitioner was denied temporary housing assistance. This appeal followed.

5. Petitioner brought an updated medical report to the fair hearing dated February 8, 2012 from his medical provider indicating that, in addition to the surgical hernia repair, petitioner was experiencing severe gastro esophageal reflux with vomiting several times per day. The medical provider wrote that petitioner's health precluded the use of a shelter for a one-week period.

ORDER

The Department's decision is reversed as follows. Petitioner is to be provided temporary housing assistance for the week of February 9-16, 2012.

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).

In addition, the Department promulgated policies that provide temporary housing to individuals who are considered vulnerable due to temporary or permanent disability. Under these policies, the Department does not look at whether an

applicant meets the criteria for catastrophic events if the applicant is a member of a vulnerable population.

The PP&D setting up expedited hearings allows the hearing officer to grant relief prior to Board review and decision. In this case, the medical evidence supported the grant for temporary housing for a one-week period. Under the exceptions, a decision was not made regarding whether petitioner meets the criteria for homelessness due to a catastrophic event. If petitioner has a future case for relief, petitioner's eligibility under the catastrophic event criteria will be determined.

Based on the foregoing, the Department's decision is reversed and petitioner granted assistance for the week of February 9-16, 2012. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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