

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. B-02/12-94
)
Appeal of) & B-02/12-112

INTRODUCTION

The petitioner appeals decisions by the Department for Children and Families, Economic Services Division, denying his applications for temporary housing assistance under the General Assistance program. The issue is whether the petitioner meets the eligibility requirements for temporary housing assistance.

The petitioner appeared before the hearing officer on January 12, 2012 in Fair Hearing No. B-01/12-05 regarding a denial of temporary housing assistance. That case was resolved in petitioner's favor leading to petitioner withdrawing the fair hearing request.

The petitioner applied for temporary housing assistance on February 10, 2012.¹ Applications are taken at the local community action office that, in turn, sends the paperwork to the Department's General Assistance Unit where a decision is made. Petitioner was denied because the Department said he

¹Temporary housing assistance is granted for finite periods of time, ordinarily for two weeks. The applicant must then reapply if the need for housing remains.

did not meet the criteria for temporary housing assistance. Petitioner requested an expedited hearing and temporary relief was granted to the date of a telephone hearing on February 14, 2012. The Board was unable to reach the petitioner. It appears that petitioner did not have sufficient time on his cell phone.

Petitioner went back to the local community action office on February 14, 2012. A new application was filed that same day which was in turn denied by the Department because petitioner was not eligible and he had refused shelter space. An expedited hearing on petitioner's applications was held on February 23, 2012.

FINDINGS OF FACT

1. Petitioner is a fifty-nine-year-old single man. He is a Vocational Rehabilitation client and is pursuing disability benefits from the Social Security Administration. He currently receives personal needs General Assistance because he has supplied the Department with medical documentation that he cannot work. He also receives Vermont Health Access Program benefits.

2. Petitioner's underlying eligibility for temporary housing assistance was dealt with in Fair Hearing No. B-01/12-05.

3. Petitioner provided the Department with medical documentation that he has severe claustrophobia and is unable to stay in a shelter because doing so would cause "severe, incapacitating panic/anxiety".

4. Staying in a shelter is not appropriate for petitioner.

ORDER

The Department's decisions are reversed.

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.

Temporary housing payments above the GA payment maximums **will be allowed for only 84 days in any consecutive 12-month period.** The 12-month period is computed from the date of application to the same day of the month 12 months prior. The 84-day period need not be consecutive. After the 84-day period, payments are allowed only up to the permanent housing payment maximum.

The 84-day temporary housing maximum is cumulative for the Emergency Assistance and General Assistance Programs. An applicant who has received 84 days in temporary housing under EA during a 12-month period is not eligible for any further temporary housing assistance under GA for the same 12-month period. Temporary housing beyond 28 cumulative days in any consecutive 12-month period is not an entitlement; payments shall cease upon expenditure of the annual appropriation for this purpose.

Housing authorizations in amounts above the GA payment maximums shall be discontinued as soon as permanent housing is located, or reduced if less expensive temporary housing becomes available while the applicant seeks permanent housing. (emphasis added.)

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 temporary housing program is set up so that individuals reapply on a two week interval. Once an

applicant's underlying eligibility is found, that basis should remain absent a finding that the applicant has income and resources to use, or other housing is available, or the applicant has not complied with specific program requirements.

In this case, petitioner's eligibility should remain. The only question was the availability of shelter space, but petitioner has medical documentation demonstrating that he would be harmed given the set-up within a shelter.

The Department's decisions are reversed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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