

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-03/12-159
)
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 because he failed to use available resources for housing. The issue is whether the petitioner meets the eligibility requirements for temporary housing assistance.

The petitioner applied for temporary housing assistance on March 12, 2012 and was denied. Petitioner requested an expedited fair hearing on March 12, 2012. Hearing was held on March 22, 2012. The following decision is based on the evidence adduced at hearing.

FINDINGS OF FACT

1. The petitioner is a forty-eight year old individual who receives Supplemental Security Income (SSI) disability benefits from the Social Security Administration in the amount of \$625.04 per month. Petitioner has a seventeen-

year-old son and is in receipt of Reach Up Financial Assistance benefits in the amount of \$503.00 per month. They also receive Food Stamps. His son is returning to the Job Corps.

2. The petitioner applied for temporary housing benefits on or about February 21, 2012. At that time, the petitioner signed a budget setting out the amount he would pay for housing when his monies came in at the beginning of March 2012.

3. Petitioner reapplied for temporary housing assistance on March 12, 2012 but was denied because he did not use his monies for housing. Petitioner admitted at hearing that he did not follow through with the agreement and use his monies primarily for housing.

4. By the time of hearing, petitioner was in the position he would have been in if he followed his agreement with the Department. The petitioner was sent to reapply for a new period of temporary housing.

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 use his monies for choices other than housing.

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.

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