

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-03/12-164  
 )  
Appeal of )

INTRODUCTION

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

Procedural History

The petitioner applied for temporary housing assistance on March 12, 2012 at the local community action office. The Department denied petitioner due to a lack of verification. The Department wanted information about the date the writ of execution for eviction was served on petitioner and whether petitioner had access to savings bonds set up for her children. An expedited fair hearing was requested on March 13, 2012 and scheduled for March 22, 2012.

The petitioner went back to the local community action office on March 13, 2012 with some of the documentation. Rather than review the documentation as part of the March 12

application, a new application was taken. The Department accepted the documentation of the writ of possession but denied the March 13 application because the Department did not consider the information about the savings bonds sufficient.

The petitioner went back again to the local community action office on March 14, 2012 with further documentation from the co-owners of the savings bonds. Rather than review the documentation as part of the first application, a third application was taken. The Department denied this application.

The Department did not bring any of the documentation from March 13 and 14, 2012 to hearing arguing that the only issue was the March 12 denial.

Petitioner was present at hearing with SN, a clinical school based social worker for her son. Petitioner's advocate participated by telephone and made the documentation available. ME, a program benefits specialist with the General Assistance Unit, was present.

Temporary relief was granted on March 22, 2012.

The issue is whether the petitioner had available resources.

FINDINGS OF FACT

1. The petitioner is a single parent of two children, a nine-year-old daughter and a seven-year-old son. Her son has developmental delays and receives special education services. The family is presently homeless. The petitioner has no income but is complying with the Reach Up eligibility process and hopes to receive benefits shortly.

2. The petitioner supplied the Department with documentation as to her eviction that the Department deems sufficient.

3. The children's grandmother and great grandmother have purchased savings bonds for the children. Each woman is a co-owner of the bonds she purchased for a particular child with the child. The purpose of the bonds is for the children's education. Petitioner's name is not on the bonds.

PD is the children's grandmother. She has physical possession of the savings bonds (\$50.00 for each child) and wrote that petitioner has no access to these bonds. NKD is the children's great grandmother and supplied similar information.

4. According to the petitioner, she has received Reach Up in the past and the Department did not consider these bonds as an available resource to her.

5. The savings bonds are not an available resource to petitioner.

ORDER

The Department's decision is 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 issue is whether the petitioner exhausted all her available income and resources. The Department was correct to ask for verification of the savings bonds, although the better course was to do so under the March 12 application rather than turning petitioner's efforts into additional applications.

Petitioner provided sufficient documentation to show that she does not have control over these bonds. As a result, temporary housing assistance should be granted until

such time as petitioner has funds to contribute to her housing.

Accordingly, the Department's decision is reversed. 3  
V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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