

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-04/13-295
)
Appeal of) & No. B-04/13-306

INTRODUCTION

Petitioner appeals the determination of the Vermont Department for Children and Families ("Department") that he is not eligible for temporary housing because he has been granted the maximum benefit allowed under the program - of 84 nights of motel stays paid for within the prior 12 months. He also appeals the Department's denial of his eligibility for Personal Needs Income (PNI). The following facts are adduced from documents and testimony entered into the record during a hearing held April 25, 2013.

FINDINGS OF FACT

1. Petitioner applied for temporary housing assistance on April 16 and April 22, 2013, and was denied on the grounds that he had reached the maximum number of nights - 84 - of temporary housing allowed over the 12 months prior to the date(s) of his application(s).
2. Petitioner is also appealing a denial of Personal Needs Income from his April 22 application.

3. Petitioner filed a separate appeal of each denial and requested an expedited fair hearing, which was held on April 25. Because there is substantial overlap in the facts and governing regulations between the appeals, they were heard together and are consolidated for the purposes of this recommendation.¹

4. Petitioner does not dispute that he has used 84 nights of housing over the 12 month period preceding the respective dates of his applications. Instead, he argues that the 16 nights of housing he received under the program's cold weather exception during this period should not count against the 84 night maximum.

5. It is undisputed that petitioner receives \$748 per month in Social Security income.

ORDER

The Department's decision is affirmed.

¹ Petitioner's April 16 request for fair hearing was originally scheduled for hearing on April 18. Petitioner appeared several hours after the time of the hearing, so the matter was rescheduled for April 25.

REASONS

Temporary Housing Denial

The Department's temporary housing program provides short-term shelter for no more than 84 total nights within a 12-month period looking back from the date of application. GA Rule 2652.2. The Department's cold weather exception allows for a relaxation of eligibility rules when weather conditions meet certain criteria. This could result in an individual receiving more than 84 nights of housing within a prior 12 month period, if that individual is granted housing under the exception after he or she has reached the maximum.

The exception clearly provides that it applies to temporary shelter granted under the General Assistance program, which explicitly limits the number of nights an individual may be eligible for, *unless* the exception applies, in which case the maximum threshold of nights may be disregarded at that time.

That is not petitioner's situation. There is no dispute that, presently, petitioner has reached the maximum benefit allowed under the temporary housing program. Absent operation of the cold weather exception, he is not eligible to receive additional nights of housing. While petitioner

argues that the 16 nights of housing he previously received should not count towards the 84 night maximum, the exception does not include any such provision.

The Department's denial is therefore wholly consistent with the applicable regulations and the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

Personal Needs Income Denial

Petitioner was denied for being over-income for a grant of Personal Needs Income (PNI). PNI grants fall under the General Assistance (GA) program, for needs including "food and essential items for household and personal care, such as soap, toothpaste and such items as are normally purchased at a grocery outlet." GA Rule 2651 (Groceries and Personal Needs). Eligibility is determined using the same basic needs income standards as the Reach Up program, reduced by a percentage. Id.

The Department determined petitioner's eligibility starting with the Reach Up income eligibility for a household of one, equal to \$475 (pursuant to Reach Up Rule 2261.1), plus a housing allowance of \$450, with that total multiplied by 49.6 percent. Based on this formula, petitioner's income

must be at or below \$458.80 in order for him to be eligible for PNI.

As petitioner's monthly income of \$748 clearly exceeds this threshold, the Department's denial was consistent with the applicable rules and procedures, and must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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