

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. A-01/16-38  
 )  
Appeal of )

INTRODUCTION

Petitioner appeals a denial of General Assistance ("GA") temporary housing by the Vermont Department for Children and Families ("Department"). The following facts are adduced from an expedited hearing held, by telephone at petitioner's request, January 28, 2016. Expedited relief was denied by the hearing officer.

FINDINGS OF FACT

1. Petitioner's household is comprised of two of her children - twins age five - and their father. Until mid-December of 2015, petitioner and her family were sharing a home with a friend and two other roommates. They had lived there since September of 2015.

2. In December, one of the roommates sought a restraining order against petitioner. Petitioner would not disclose the nature or detail of the allegations against her at the time, but nevertheless disputes the allegations.

3. A hearing on the restraining order was held in Superior Court on December 22 - petitioner states that she and her family moved out of the home before the hearing because she feared for her safety. Petitioner attended the December 22 hearing, following which a restraining order was issued against her.

4. Criminal charges related to the same events have also been filed against petitioner. Petitioner understands that the roommate with the restraining order against her was planning to move out of the home, although at the time of hearing she did not know whether she could return to the home.

5. Petitioner and her family eventually applied for GA housing assistance in mid-January of 2016. Due to the proximity of the local shelter to the home she had been living in, the restraining order prevented her from staying in the shelter.

6. Petitioner's household was denied GA housing assistance on the grounds that petitioner had caused their loss of housing.

ORDER

The Department's decision is affirmed.

REASONS

Review of the Department's determination is de novo. An applicant appealing an initial denial, as opposed to a termination of existing benefits, has the burden of establishing eligibility by a preponderance of evidence. See Fair Hearing Rule 1000.3.0(4).

The Department's temporary housing program is comprised of two distinct categories of eligibility. The "Temporary Housing for Vulnerable Populations" rule provides up to 28 nights of housing assistance. See GA Rules § 2652.3. The rules allow up to 84 nights of housing for individuals in catastrophic situations, through application of the "Temporary Housing in Catastrophic Situations" rule. See GA Rules §§ 2621 and 2652.2.

Petitioner meets threshold eligibility under the vulnerable population rule because her household includes a child under age seven. See GA Rules § 2652.3. The issue in dispute is whether petitioner "caused her own loss of housing" under the rules:

Applicant households that have caused their own loss of housing within the past 6 months shall not be eligible for temporary housing. Examples of causing one's own loss of housing include, but are not limited to:

- Court-ordered eviction, subject to the limitation set forth in rule 2621(D);
- Voluntarily leaving one's housing, excluding constructive eviction as defined in rule 2622;
- Denial of further accommodations at a shelter, motel, or similar establishment, for not following the rules of the establishment.

GA Rules § 2652.3.

The Board has consistently held that this requires a determination of whether an applicant is "at fault" for their loss of housing and/or whether the circumstances of the loss of housing were "reasonably within their control." See e.g., Fair Hearing No. B-08/13-583 (elderly woman not at fault for leaving housing when her caregiver moved out) and Fair Hearing No. B-09/13-662 (applicant not at fault for leaving housing to attend to serious medical needs of her mother out of state). Here, the restraining order against petitioner directly led to her loss of housing and her denial of entry into a shelter. While petitioner disagrees with the court's order, she does not dispute the existence of an order or its effect. It is a reasonable application of the rules under these circumstances to find that she has caused her household's loss of housing.

As such, the Department's denial of temporary housing assistance is consistent with the rules and must be affirmed. See 33 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4D.

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