

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/12-86
)
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. The issue is whether the petitioner meets the eligibility requirements for temporary housing assistance.

Petitioner was denied temporary housing assistance on February 6, 2012 and requested an expedited hearing on February 8, 2012. The expedited fair hearing was held on February 9, 2012. The record was held open for additional information, which was not forthcoming from the petitioner.

FINDINGS OF FACT

1. The petitioner is a fifty-seven-year-old man who is disabled. Petitioner receives Social Security and Supplemental Security Income (SSI) disability benefits in the amount of \$770.00 per month.

2. Petitioner received GA temporary housing assistance several times in the past under the exception criteria as a member of a vulnerable population. Prior to this case, petitioner appealed a January 12, 2012 denial. Fair hearing No. B-01/12-25 was settled at hearing.

At the January hearing, the Department questioned whether petitioner was following the requirements of the GA program because of a history of paying friends who then turned him out within a short time, a time that was shorter than time available at a motel. There was a question whether petitioner was using his resources in a way to maximize available shelter from his funds before applying for assistance.

Petitioner had valid medical documentation that he could not stay at a shelter. The agreement was to house petitioner through the GA program at a motel through the February 3, 2012 (date for next disability payments) with the understanding that petitioner use his monies towards shelter in a motel before once again seeking help from the Department.

3. When petitioner applied for GA assistance on February 6, 2012, he indicated he used his money to rent an apartment for the month of February but could not get into

the apartment with the key he received. He provided the Department with a copy of a receipt showing that he paid \$690.00 for the month of February. The receipt did not include the specific address of the apartment on Pearl Street or contact information for E.F. who was acting on behalf of her father. Petitioner asked for assistance at a motel.

4. The Department issued a Denial on February 6, 2012 stating there was insufficient proof that petitioner could not stay in the apartment he rented.

5. Petitioner appealed the decision.

6. At hearing, petitioner brought a written statement that he said was from the actual landlord who he happened to meet at the apartment building the day before the hearing.

The undated letter stated:

To Whome this may consern,

I have talked to [petitioner] about apartment he paid [E.F.] about renting an apartment that her dad rented from me. His name is [J.F.]. She knew that she had to be out, of the apartment, by 4th day of February, 2012. I believed that she took [petitioner] for 690.00 dollars, knowing the apartment was rented out to someone else, which know [petitioner] is out 690.00 dollars. And know homeless and knowhere to go.

Thank you,
A.Q.

The note had no contact information for A.Q., was not dated, and had no address for the apartment.

7. Petitioner was represented at the hearing. Questions remained as to the validity of the note petitioner brought to hearing. The record was kept open to allow petitioner to provide additional documentation to verify his claim. Petitioner's representative subsequently withdrew.

8. Additional documentation was not forthcoming. Petitioner's testimony regarding the rental was not credible. Petitioner has not met the requirements of the GA program to first apply his income to 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).

Prior to this application, petitioner received GA temporary housing assistance on several occasions. Petitioner's history included paying friends who then put him out after a short period of time. Due to valid medical concerns, petitioner was then housed through GA at motels rather than being housed in a shelter. In January 2012, the Department raised a concern that petitioner was not complying with program procedures regarding the use of monies for housing by not maximizing the use of his monies for housing before seeking assistance from the Department. Petitioner was aware that program requirements include using monies towards housing before asking the Department for help. He was put on notice that he should use motels rather than relying on people who gave little value for his money.

Petitioner represented to the Department that he rented an apartment but the apartment was not available alleging he was scammed. Petitioner's documentation was scanty and could not be confirmed. Petitioner had the burden to show he met program criteria. He was given the opportunity to supplement the record and did not do so. The allegations were not believable.

The GA program is a program of last resort and the expectation is that applicants will use their resources for housing prior to requesting aid. Petitioner has not shown that he has done so.

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

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