

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. B-02/12-100
)
Appeal of) & B-02/12-95

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 previously received temporary housing assistance as a member of a vulnerable population.

The petitioner applied for temporary housing on February 9, 2012 and was denied February 9, 2012. Petitioner requested an expedited fair hearing on February 10, 2012. The Department planned to house petitioner from February 10-13, 2012 under the cold weather exception. Petitioner was told to reapply for temporary housing assistance on February 13, 2012. The underlying issue in Fair Hearing No. B-02/12-95 is joined to Fair Hearing No. B-02/10-100 arising from the February 13, 2012 application.

The petitioner applied for temporary housing assistance on February 13, 2012 and was denied. Petitioner requested an expedited fair hearing on February 14, 2012. Temporary assistance was granted pending a hearing scheduled for February 23, 2012. The following decision is based on the evidence adduced at hearing.

Testimony was taken from the petitioner and from ME, a program benefits specialist for the Department. The hearing was interpreted by a Somali interpreter.

FINDINGS OF FACT

1. The petitioner is a forty-year-old individual who is in the process of applying for disability benefits from the Social Security Administration. Petitioner is working with the local homeless program. He is currently on the list for a local transitional house.

The petitioner is a Somali refugee. He was admitted to the United States as a refugee during November 1995 after living in a refugee camp for several years. His pertinent background includes being jailed by the Somali government.

2. The petitioner became homeless during 2009 when he was divorced. Due to his mental and physical health

problems, he was unable to work and his wife kicked him out. In a sense, he was evicted from his home.

Since 2009, he has primarily relied on the kindness of members of the Somali refugee community for temporary housing. He now finds that this assistance is no longer there. Petitioner recounted that the last Somali family that helped him told him he had to leave because of the landlord.

3. Petitioner has physical problems and walks with a cane. Petitioner is diagnosed with PTSD (post traumatic stress disorder) and memory issues. He has back pain. He uses medication so he can sleep.

During an earlier application, petitioner submitted a letter dated January 19, 2012 from a physician's assistant noting petitioner's problems with memory and PTSD and noting that petitioner "often gets lost, including while driving and often forgets what he is even doing in his car".

In addition, petitioner brought a letter from his COTS case manager dated February 21, 2012 iterating petitioner has PTSD and that they were looking into a referral for Connecting Cultures to set up appropriate counseling.

4. Petitioner has limited English proficiency. He can pick out words but has difficulty reading English sentences and cannot write English sentences. The limits of his

proficiency can be seen on his last application where he saw the word "Vermont" and misunderstood the question answering that he was a life-long resident of Vermont. He testified that when he applied through the local community action agency, the agency did not use an interpreter for him.¹ He explained that they give out the application and that he does the best he can. He was not helped with the applications in question. As a result, there is little information in the completed application.

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:

¹The Department wanted to offer testimony from ME that the community action workers told him that they were able to converse with petitioner. The offer was disallowed as hearsay and there would be no way to probe or cross-examine the basis of these statements. In addition, the Agency of Human Services has a Limited English Proficiency policy covering the departments of the agency, and, by extension, those acting as agents for the Department, to ensure that non-English speakers have equal access to services through the use of interpretation and translated materials. This policy does not appear to have been followed in this case.

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 Department also promulgated policies that provide temporary housing assistance to individuals who are considered vulnerable due to disability. The policy looks at either being a member of a vulnerable population or being homeless due to a catastrophic situation. Petitioner is eligible for the temporary housing program under the provisions for vulnerable adults.

In the alternative, petitioner lost his last permanent housing through no fault of his own. Over the course of more than two years, he has explored and utilized alternative

resources including the informal bonds within the Somali refugee community. He is engaged with local homeless programs to find permanent housing and appropriate medical treatment.

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

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