

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-03/14-176
)
Appeal of)

INTRODUCTION

Petitioner appeals the determination of the Department for Children and Families, Economic Services Division that she is not eligible for General Assistance (GA) temporary housing except under the "cold weather exception" policy because she has been granted the maximum benefit allowed under the program - 84 nights of motel stays paid for within the prior 12 months. The following facts are not in dispute, and are based on the representations of the parties at a hearing held March 12, 2014.

FINDINGS OF FACT

1. The petitioner applied for GA temporary housing assistance on February 18, 2014. Prior to that date, the Department had granted her 88 nights of temporary housing within the prior 12 months. Her application that day was granted solely on the basis of the Department's policy allowing GA temporary housing to otherwise ineligible

individuals and families on nights of exceptionally cold or inclement weather.

2. On that night (Feb. 18) the Department approved housing for the petitioner at a hostel that provides temporary winter shelter for women and children.¹ The petitioner declined to go to the hostel for medical reasons and told the Department she wanted to appeal. The Department advised her to reapply if she could provide acceptable medical verification that the hostel was not suitable for her. The petitioner did not return to the Department with medical verification. Due to confusion over the status of the matter and inadvertent error, the Department did not forward the petitioner's appeal to the Human Services Board until March 6, 2014. The petitioner made no further application for GA between February 18 and March 6.

3. On March 7, 2014, the Board scheduled the matter for hearing on March 12, 2014. The Board orally instructed the Department to immediately notify the Board if the petitioner filed another application for GA prior to the date of the hearing. The petitioner did not do so.

¹The hostel charges considerably less than private motels, and the Department considers it a preferred temporary housing option for homeless women and children.

4. On March 12, 2013 the petitioner appeared at the hearing with a caseworker from her local community mental health organization. The petitioner did not dispute that she has received 88 days of GA temporary housing in the previous 12 months. She represented that she had been able to find shelter on her own most nights between February 18 and March 11.

5. Inasmuch as the cold weather exception was in place for the nights of March 12 at least through March 13, the petitioner was advised to immediately reapply for GA if she needed shelter those nights, and of her right to appeal if she was denied. To date, the Board has received no indication that the petitioner was not housed on any night beginning March 12, 2014 for which she applied, and on which the cold weather exception was in place.²

²At the hearing the petitioner and her mental health case worker did not dispute the Department's assurance that the local hostel is a suitable and safe place for women and children. The hearing officer advised the petitioner and her mental health advocate that if placement at the hostel should become an issue in the future, the petitioner should submit evidence that her medical condition dictates that her *perceptions* as to her safety at the hostel, whether or not they are factually accurate, require the Department to place her elsewhere. To date, there is no indication that this is a continuing issue.

ORDER

The Department's decision is affirmed.

REASONS

The Department's GA regulations for temporary housing provide short-term shelter for no more than 84 total days within a 12-month period looking back from the date of application. General Assistance Rule 2652.2. The program operates on an emergent basis to provide temporary shelter when there are no other feasible housing alternatives for an applicant.

The Department's cold weather exception allows for a relaxation of eligibility rules when weather conditions meet certain criteria. The determination of whether weather conditions meet those criteria is made by the Department on a day-by-day basis; thus, temporary housing grants under this exception are typically made for single or very few days at a time.

There is no dispute that petitioner in this matter has reached the maximum benefit allowed under the temporary housing program. The Department's denial of her eligibility for temporary housing beyond any night on which the cold weather exception is in place is based on a rule that is

clear and unambiguous. Therefore, the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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