

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-05/14-369
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division finding her ineligible for General Assistance (GA) for temporary housing. The issue is whether the petitioner has established that she is without suitable housing.

A hearing in the matter was held on May 14, 2014. The following findings are based on the representations of the parties at that hearing and on the documents that have been submitted to date.

FINDINGS OF FACT

1. The petitioner is a forty-four-year-old single woman who has no income other than Food Stamps and GA payments of \$56 a month for personal needs. She alleges that she has been homeless for over a year due to domestic abuse, and that she has lived primarily in her car.

2. On April 29, 2014, following verification that the petitioner was working with a "sister agency" that helps

victims of domestic abuse, the Department granted the petitioner GA for 14 nights of housing at Harbor Place, a non-profit motel for the homeless. It appears that the petitioner stayed at Harbor Place for 6 nights, from April 29 through May 5, 2014.

3. On May 7, the Department received a request for an "expedited hearing" in the petitioner's behalf from a worker at the women's shelter alleging that the petitioner was no longer at Harbor Place due to a problem with a dog. The petitioner, herself, had not contacted the Department or reapplied for GA.

4. Having heard nothing from the petitioner, at 4:05 p.m. on May 7 the Department called the appeal in to the Human Services Board. Upon confirming with the Department that the petitioner had not filed an application for GA since April 29, the hearing officer set the matter for hearing on May 14, 2014. A written notice to that effect was sent to the petitioner on May 8, 2014. The notice included advice and directions regarding legal representation.

5. The petitioner appeared *pro se* at the hearing on May 14, 2014. The petitioner admitted that she had not contacted the Department or reapplied for GA since April 29. The Department submitted the following email it had received in

the meantime from the manager at Harbor Place, dated May 9, 2014:

I was told by [R and S] (our maintenance tech) that she had a dog at the property several times over the weekend. On Monday morning I called her and explained per the guest rules no pets allowed at any time. She insisted it was a service dog. We do not allow Therapy dogs or Companion dogs, only service dogs. [Petitioner] told me that she would bring me the paperwork by noon. She never showed. Around 6pm I called again and she came into the office. She said her ex has the paperwork and she can't get it from him. Then she began complaining that the room was disgusting, [R] was mean to her, and so on. I simply told her the dog could not come back to the property. She began yelling and saying "you want me to check out"? I told her she was welcome to stay as long as she didn't bring the dog back. She said she didn't want to stay. She packed her things and left the key with me at the office. We checked her out as of Tuesday May 6.

6. When shown the above statement, the petitioner alleged that she never had a dog staying with her at Harbor Place, and that the incident on May 5 was a misunderstanding due to the staff at Harbor Place seeing a dog that was in her car that day, which she was going to return to its owner. She stated she does not need to have a dog with her, but that she wanted to reapply for GA for another motel because she suffers from PTSD and feels "intimidated" by the male staff at Harbor Place. There is no claim or indication that Harbor Place will not house the petitioner (provided she does not have a dog).

7. Regardless of the lack of credibility concerning the petitioner's version of the events at Harbor Place on and preceding May 5, there is no credible evidence at this time that the petitioner has any medical or compelling personal reason to refuse stay at Harbor Place.

8. At the hearing the petitioner was advised to reapply for GA, but that if she did not wish to go to Harbor Place she would need to provide some medical verification that it was unsuitable. To date, however, the petitioner has not reapplied for GA, and the Department has made no determination since April 29, 2014 regarding her eligibility.

ORDER

The petitioner's appeal is dismissed without prejudice as premature unless and until the petitioner reapplies for GA.

REASONS

GA Regulation 2652.2, which governs "temporary housing" in general, includes a provision that such housing is provided only when "alternative arrangements are not immediately available". The Board has repeatedly noted that facilities such as Harbor Place, which provide temporary shelter at a reduced cost, and which include "case

management" services to assist residents of that facility to obtain permanent housing, must be considered suitable (and preferable) temporary housing unless an applicant can verify that placement in such a facility would jeopardize his/her physical or mental health. See, e.g., Fair Hearing Nos. B-01/14-13 and T-03/12-172.

As noted above, the petitioner in this case has not reapplied for GA since she left Harbor Place on May 5, 2014. She is free to reapply for GA at any time, but if Harbor Place has room available that night, she will need to make a credible showing that her staying there is medically unsuitable.¹ At this time, however, unless and until the petitioner files a reapplication for GA, there is no basis for the Board to consider the matter. 3 V.S.A. 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ The Department has also not determined whether any "penalty" attaches to the fact that the petitioner left Harbor Place on May 5. The petitioner is free to request an expedited hearing if she reapplies for and is denied GA for this or any other reason.