



up. The petitioner promptly appealed that decision.

On December 2, 1992, the petitioner's landlord sent her a certified letter containing a rambling summary of the landlord's and the petitioner's dealings over the past several months and stating that the petitioner was now four months behind in rent. However, the letter makes no mention or threat of eviction--only a plea for the petitioner to meet with him to attempt to work things out.

At the hearing (held on December 9, 1992) the petitioner represented that she had recently trained her dog not to bark and that the landlord was now satisfied with this situation. The petitioner did not allege that she was in any immediate danger of losing the apartment or that the apartment was not habitable. She would prefer to move, however, because she does not get along with the landlord; and getting caught up on her rent would improve this relationship and enhance her chances of finding another place. As of now, however, she does not have another place lined up.

ORDER

The Department's decision is affirmed.

REASONS

In order to be eligible for general assistance the petitioner must establish that she is faced with an emergency need for housing that constitutes a "catastrophic

situation". WAM § 2600. This is defined by WAM § 2602(b) as a "court ordered or constructive eviction due to circumstances over which the applicant had no control".<sup>1</sup> Clearly, the facts as alleged by the petitioner do not approach such a situation. Therefore, the board is bound by law to affirm the Department's decision. 3 VSA § 3091(d) and Fair Hearing Rule No. 19.

FOOTNOTE

<sup>1</sup> As a practical matter, the Department will usually accept a certified notice of eviction as sufficient to establish that an eviction is (or soon will be) "court ordered".

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