

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,148

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her ANFC grant. The issue is whether the Department correctly considered the petitioner's "Section 8" fuel and utilities subsidy to be unearned income to the petitioner.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and her child moved to Vermont several months ago. For the first few weeks they were in Vermont they lived in a family shelter. At that time the Department found the petitioner eligible for ANFC of \$512 a month. This amount included the maximum allowable payment for housing based on the rent the petitioner was paying to the shelter.

In the fall of 1995 the petitioner found an apartment that qualified for a Section 8 housing subsidy. Her rent at this apartment is \$85.00 a month and includes, in addition to a standard rental subsidy, a subsidy of \$99.00 a month towards utilities because the petitioner is responsible for paying her own electric bills. (The apartment has electric heat.)

After the petitioner moved the Department reduced her ANFC by \$70.00 dollars a month (from \$512 to \$442) because the petitioner was receiving a fuel and utility subsidy that was in excess of \$70.00 a month, and the Department considered that to be unearned income to the petitioner.⁽¹⁾

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 2252 includes the following provision:

Unearned income includes the following:

...

F. \$70.00 of a Housing and Urban Development (HUD) fuel or fuel and utility subsidy or \$30.00 of a utility-only subsidy which has been included in HUD's calculation of the rent of an ANFC family living in subsidized housing, thereby reducing its rental obligation by an equivalent amount. This amount is not limited to a subsidy actually paid to the ANFC family. An applicant or recipient who documents an actual subsidy amount less than the standard may have the actual amount counted as unearned income in benefit and eligibility calculations.

The full amount of available unearned income shall be applied to the payment standard. . . .

The petitioner does not dispute that her situation falls within the above definition of unearned income. Because her Section 8 fuel and utilities subsidy is \$99.00 a month, the Department correctly counted \$70.00 of it as unearned income to the petitioner and reduced her ANFC grant accordingly. Therefore, the Board must uphold the Department's decision. 3 V.S.A. 3091(d) and Fair Hearing Rule No. 17.

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1. Families in subsidized housing still receive the maximum housing allowance in the computation of their ANFC grants regardless of the actual amount of rent they pay. In the petitioner's case, the \$70.00 a month reduction in ANFC was more than offset by the reduction in her overall housing costs when she moved from the shelter to a subsidized apartment.