

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,479

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Appeal of )

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her Food Stamps. The issue is whether a recent change in the petitioner's living situation results in a decrease in her allowable shelter expenses.

FINDINGS OF FACT

The facts are not in dispute. The petitioner's sole income is a monthly SSI check. Prior to June, 1996, the petitioner lived in a Section 8 subsidized apartment. In that apartment she paid rent of \$41.00 a month and made separate monthly payments for electricity, which was her source of heat. Under the Food Stamp regulations (see below) the petitioner was eligible for a standard deduction from her income for her rent and a separate standard deduction for her "fuel and utilities". In both cases, the standard deductions exceeded the petitioner's actual expenses for those items.

The petitioner recently moved to another subsidized apartment, except that in her new place she pays \$104 a month for rent that includes heat. The Department determined that because heat is now included in the petitioner's rent she qualifies for a standard deduction for a heated rental and a separate "utilities only" standard deduction. Again, the standard deductions exceed the petitioner's actual expenses.

Unfortunately, however, the combined standard deductions for rent in an unheated apartment plus "fuel and utilities" exceed the combined deductions for a heated apartment plus "utilities only". Thus, even though the petitioner's rent went up when she moved, her combined standard deductions decreased, resulting in a decrease in her Food Stamps from \$39.00 a month to \$10.00.

In inquiring further into the petitioner's circumstances, however, it became apparent that the timing of the petitioner's move made the deduction seem more unfair than it actually is. The petitioner moved at the beginning of summer, and, therefore did not immediately notice the benefit of having her heating costs included in her rent. Over time, the fact that the petitioner will no longer incur separate heating costs in winter should more than offset the amount of her Food Stamp reduction.

The petitioner also appeals the fact that the Department did not allow her a deduction from her income for the cost of storing some personal belongings that she could not take with her when she moved into her new apartment.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual (FSM) § 273.9(d)(6)(v) establishes that Vermont will maintain separate "standard utility allowances" for households in subsidized housing that pay for heat out of pocket and those that have heat included in their rent. Those standards are based on a Department study of the average costs of utilities in Vermont (see FSM § 273.9[d][6][iv]), and are reviewed annually (see Id. § 273.9[d][6][vi]).

According to those standards, it appears that the Department correctly calculated the deductions from the petitioner's income based on her changed living situation. See Procedures Manual § P-2590 A. Under the regulations, allowable shelter costs do not include storage. FSM § 273.9(d)(5).

Therefore, inasmuch as the Department's decision in this matter is consistent with the applicable regulations it must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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