

3. The petitioner's friend maintains that the petitioner cannot move into any of the housing he owns because of his medical condition and mobility problems.

4. The petitioner, through his friend, applied for GA on April 5, 2001 for temporary housing. At the time it was reported that he had \$950 in cash and in a checking account, but that he owed about \$3,800 mostly for repairs to his mobile home and for unpaid legal fees. Since his release from jail the petitioner has been staying at a local motel, several nights at which had been paid by his friend's church.

5. The Department denied the petitioner's application for GA based on excess resources. The Department also confirmed that even if the petitioner was facing an immediate eviction from his motel there was room for him at the local homeless shelter. As of the date of the hearing (May 3, 2001) the petitioner had presented no medical evidence that his condition precluded his staying at an accessible shelter.

ORDER

The Department's decision is affirmed.

REASONS

As a general matter, an otherwise eligible individual qualifies for GA only if he "has exhausted all available income and resources". WAM § 2600(c)(5). Individuals over age 62 are allowed a disregard of \$1,500 in resources. However, from the information furnished by the petitioner's friend it appears that the petitioner's resources consisting of his mobile home, his rental apartment building, and his checking account are far in excess of \$1,500.

The above resource limitations do not apply if an individual is facing a "catastrophic situation" as defined in the regulations. WAM § 2602 defines "catastrophic situation" as an emergency need attributable to one of four causes: death of a spouse or child, a court-ordered or constructive eviction, a natural disaster, or an emergency medical need. In this case, it is far from clear that the petitioner is facing imminent eviction from the motel where he is staying, or that he could not forestall an eviction by using his resources as collateral to obtain further loans to pay his bill.

Furthermore, the Department has determined that even if the petitioner was facing an imminent eviction, space is available for him in the local homeless shelter. WAM § 2613.2

provides that temporary housing is available under GA only where "alternative arrangements are not immediately available". The Board has repeatedly held that the availability of a homeless shelter constitutes an alternative housing arrangement unless the applicant can show that the shelter in question is not suitable as a matter of health or for some other compelling personal reason. To date, the petitioner has not made such a showing.

In this case, the Department's denial of GA for temporary housing appears to have been fully in accord with the pertinent regulations. Therefore, the Board is bound by law to affirm that decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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