

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,873
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Appeal of)
)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying her reimbursement for housing costs she put on her credit card under the General Assistance program.

FINDINGS OF FACT

1. The petitioner is a single woman who lives on disability benefits of \$604 per month. She was evicted by a court order at the end of August 2003. She was evicted by her housing authority landlord for making noise which disturbed other neighbors. The petitioner was not behind in her rent when she was evicted.

2. Following the eviction, the petitioner checked into a motel for the month of September and paid the \$1,500 bill with her credit card. In mid-September she contacted the Department of PATH to see what assistance she might be able to get with paying the motel rent. She was told at that time that she was not likely to be eligible for aid because she had

been evicted due to noise and because PATH does not pay for motel rooms when children are not involved. The petitioner does not recall that she was told that she could fill out an application for benefits and get a written decision.

3. During the month of October, the petitioner lived at her brother's house. The petitioner found permanent subsidized housing on November 1, 2003. When she received her credit card bill she came to PATH to ask for help with paying it and filled out an application for general assistance on January 26, 2004.

4. PATH denied her for the following reasons: she has no emergency need at this point for housing; her eviction was not catastrophic in that she had been the cause of it; and, she had the means to remedy her emergency through the use of her own credit and family connections.

5. The petitioner says that she cannot pay back the \$1,500 even with small monthly payments and that her credit will be ruined. The credit card company has already cancelled her card.

ORDER

The decision of PATH is affirmed.

REASONS

General Assistance is available to a disabled person with income over the RUFA payment level (\$465 for an individual, W.A.M. 2245.2) only if she is faced with an emergency caused by a "catastrophic situation." W.A.M. 2602. For purposes of obtaining temporary housing, a "catastrophic situation" is one in which there is an emergency need caused by a court ordered eviction "due to circumstances over which the applicant had no control." The regulation excludes as non-catastrophic, evictions due to "repeated instances of raucous and illegal behavior that seriously infringed upon the rights of the landlord or other tenants of the landlord." W.A.M. 2602 and 2613.2. Under the regulation, the applicant must also explore all alternative forms of payment, including "family, credit, loans" and other types of resources before she can be eligible for benefits. W.A.M. 2602 and 2613.

At this time the petitioner is not faced with a housing emergency. PATH clearly has no obligation under any of the above regulations to pay anyone's credit card bill. Homelessness is an emergency, loss of credit is not. The only issue remaining is whether the petitioner would have been found eligible if she had been told she could apply for benefits in September when she first contacted PATH. The answer to that is no because the petitioner did not meet the

definition of a "catastrophic situation" at that time either. The petitioner clearly caused her own eviction and had alternate resources available to assist her with housing, namely her credit card and her brother. She used both of those resources to alleviate her emergency. PATH would have been correct to deny the petitioner general assistance to pay her motel bill for the month of September 2003. That being said, it is certainly a better and fairer practice to take written applications from those in need of assistance than to give them an opinion about their eligibility which does not contain any notice of appeal rights. However, as PATH's decision in this case is consistent with its regulations, the Board is bound to affirm it. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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