

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,496
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services denying her application for Emergency Assistance (EA) to pay back rent. The issue is whether the petitioner is ineligible for EA because she has already received such assistance within the past year. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner, who has minor children, applied for EA in December 2004 for back rent on her apartment. When she applied, the Department asked her to verify the amount she owed. After she did this, the Department discovered that it had paid the petitioner EA on May 28, 2004 for back rent (on the same apartment).

2. The Department denied the petitioner's application on December 17, 2004. At the hearing in this matter, held on February 8, 2005, the petitioner alleged that her landlord had recently filed for eviction.

ORDER

The Department's decision is affirmed.

REASONS

Section 2800 of the EA regulations includes the following provisions:

. . .

Emergency Assistance is provided on behalf of a needy child under the age of 21 and any other member of the household in which he/she is living and of whom the child is considered a "dependent" as defined in 2801.

. . .

Emergency Assistance may be authorized during one period of 30 consecutive days in any 12-consecutive-month period. The 12-consecutive-month period begins the day of the initial pre-authorization.

. . .

General Assistance (GA) is available only in a "catastrophic situation" (i.e., *after* an eviction), and does not cover back rent. W.A.M. §§ 2600B, 2602, and 2613.1. In this case, there is no dispute that the petitioner received EA on behalf of her children in May 2004. At the hearing the petitioner was advised that she could apply for General Assistance (GA) based on her recent notice of eviction, and the Department could determine at that time if it preferred to pay GA for back rent *as an exception* if it would avoid

paying for temporary housing on an emergency basis after the petitioner is evicted. However, inasmuch as the Department's decision in December 2004 was in accord with the above provisions of the EA program, it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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