

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 19,824  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services denying his application for Emergency Assistance (EA) for back rent. The issue is whether the petitioner met the eligibility provisions of the pertinent regulations.

FINDINGS OF FACT

1. The petitioner lives with his wife and child. The petitioner has been unemployed for many months, and the family's sole source of income has been the petitioner's wife's employment earnings of \$1,530 a month.

2. The family has fallen several months behind in their rent, which is \$875, not including utilities, which according to the petitioner typically run another \$270 a month. Their landlord has initiated eviction proceedings.

3. On July 21, 2005 the petitioner applied for EA for back rent. At that time he owed the landlord three months rent of \$2,625. The Department denied the application based

on its determination that the family had no reasonable prospect of being able to afford the expense of their current housing. A hearing was held on August 10, 2005.<sup>1</sup>

4. The main concern in this matter is that the petitioner recently purchased a new car. The monthly payments on the car are \$300, and the monthly insurance cost is another \$237. The petitioner admits that his housing and car payments alone exceed the family's income. The petitioner also reported monthly food expenses (apparently after Food Stamps) of \$500 and day care expenses of \$160 a month. The petitioner stated that he hoped to find work, but admitted that he did not have any immediate prospects in that regard.

5. The petitioner indicated that he is unwilling to give up the new car (which, if he did, he would probably have to sell at a loss). At the hearing the petitioner lamented the lack of "help" available to him, but he could offer no scenario under which he could begin to pay his current monthly expenses based on the family's current income.

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<sup>1</sup> The petitioner, who is Albanian, was furnished with an interpreter to help him at the hearing.

ORDER

The Department's decision is affirmed.

REASONS

The Department's EA regulations for back rent are reproduced in their entirety below.

In this case, there is no dispute that the funding for Category II assistance is depleted, and that the petitioner had to show eligibility for Category I assistance in order to qualify for EA for this purpose. The Department denied the petitioner's application based on its determination that even if the petitioner received payment of EA for back rent there is not "a likely probability that the payment will actually prevent homelessness, rather than postpone it", as required by § 2813.31(2), above.

As noted above, the petitioner's current expenses far exceed the family's current and prospective income. The petitioner was advised at the hearing that he could reapply for assistance if his situation changes, including his obtaining employment or reducing or eliminating his current car expenses.<sup>2</sup> Although it would be unfortunate if the petitioner were to be evicted from his current housing, he could not present any scenario whereby he could afford to maintain his current housing expenses in the foreseeable future.<sup>3</sup> Inasmuch as the Department's decision, based on the

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<sup>2</sup> The petitioner was also advised to apply for a childcare subsidy through the Department's Family Services Division.

<sup>3</sup> Because the petitioner does not receive cash assistance (i.e., RUFA) the Department cannot make vendor rent payments directly to the petitioner's landlord.

undisputed facts of the case, is in accord with the above regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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