

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE COMMISSIONER OF HEALTH**

In the Matter of	)	
	)	
K. L.	)	OAH No. 23-0456-GRE
_____	)	

DECISION

I. Introduction

K. L. applied for General Relief Assistance on April 19, 2023 because he was being threatened with eviction. The Division of Public Assistance (Division) denied his application on April 5, 2023.

Mr. L. requested a hearing on May 16, 2023. The Division referred the matter to the Office of Administrative Hearings for hearing on July 24, 2023.¹ Mr. L.'s hearing was held on August 10, 2023. Mr. L. represented himself. Jeff Miller, a Division Fair Hearing Representative represented the Division.

The evidence presented at hearing demonstrated that Mr. L. was experiencing severe financial hardship during April 2023, the month of his application. Accordingly, the denial of his General Relief Assistance application is reversed. However, given the length of time involved since Mr. L. applied for General Relief Assistance, payment of the assistance is contingent upon him (1) still being a tenant of the same landlord, and (2) still being in rental arrears.

II. Facts

Mr. L. and his family were facing eviction in April of 2023. Their rent was in arrears in the amount of \$1,553.05.² An eviction lawsuit was filed against him on April 12, 2023 with an eviction hearing scheduled for April 28, 2023. Mr. L. filed for General Relief Assistance on April 19, 2023. His application stated that there were three people in his household, himself and his two daughters. He attached a copy of the eviction court paperwork, which included the notice of the April 28, 2023 eviction hearing.³

¹ The Division is required to refer hearing requests no later than 10 days after the date of the hearing request, which would have been May 26, 2023. *See* 7 AAC 49.080(2). The Division's July 24, 2023 hearing referral was 59 days after the regulatory deadline.

² Ex. 2.17.

³ Exs. 2 – 2.21.

The trial court entered an order on April 28, 2023 requiring Mr. L. to leave the rental property or be removed by peace officers on May 19, 2023 at 10:45 a.m.⁴

The Division interviewed Mr. L. on May 2, 2023 regarding his application. In the interview, Mr. L. stated that his mother had paid enough of his back rent, as a loan, to keep him from being evicted.⁵ The Division also attempted to telephone the property manager for the property to determine if receiving \$480 in General Relief funding would be sufficient to keep Mr. L. from being evicted. The Division left a voicemail for the property manager but was unable to speak to them. The Division's casenote reflecting the phone call attempt is dated May 4, 2023.⁶

The Division concluded that because Mr. L. was not evicted in April, that there was no emergency need for assistance in April and his application was denied.⁷

Mr. L. testified that there were three other people in his household, himself, his two daughters, and a grandchild. He stated that the Division should know about his household composition, despite the fact his application stated there were only three people in his household, because he receives other benefits.⁸

Mr. L. further testified that he spoke to a Division employee who told him that he would receive two General Relief payments of \$480 each, once for April and once for May, and that he told his mother this and she then paid enough of his rent to keep him from being evicted. Mr. L. is still behind in his rent and doesn't know why he has not yet been evicted.⁹

III. Discussion

General Relief is a program that provides a very limited payment of \$120 per person per month.¹⁰ That payment is available to meet an "immediate and specific need for subsistence items, such as rent, food, fuel, transportation, or burial."¹¹ That payment is not made to the applicant, but only to a vendor and may not be made for expenses incurred prior to the month of application.¹²

⁴ Ex. 6.2.

⁵ Ex. 4.

⁶ Ex. 4.

⁷ Exs. 4 – 5.

⁸ Mr. L.'s testimony.

⁹ Mr. L.'s testimony.

¹⁰ 7 AAC 47.100.

¹¹ 7 AAC 47.140(a)(6).

¹² 7 AAC 47.110.

General Relief eligibility, among other factors, is based upon an emergent need during the month of application:

Eligibility for GRA will begin on the date the request for services is received. Assistance to an eligible recipient is authorized based on the specified emergent need for the month of application up to the maximum payment of \$120 per household member.¹³

Mr. L.'s application was filed on April 19, 2023. The Division was therefore required to determine whether he had an emergent need in April. However, the Division did not interview him until May 2, 2023. According to the Division's notes, at that point, he no longer had an emergent need. The Division based its determination on the wrong month. As of the end of April 2023, he was facing imminent eviction, as demonstrated by the trial court order issued on April 28, 2023, notifying him that he was about to be evicted. The facts show that he was in emergent need during April, the month of the application.

The Division unsuccessfully attempted to contact the property manager to determine if it would accept \$480 in General Relief Assistance to forestall eviction. Again, this was in May, at a point where Mr. L.'s mother had paid enough to temporarily forestall eviction. The Division's *Alaska General Relief Manual* states "[a] GRA payment to prevent an eviction or utility shut off requires that the vendor receiving the payment verify they will accept the GRA payment in lieu of the eviction or utility shut off. If the vendor does verify the payment will not prevent eviction or utility shut off, there is no GRA eligibility."¹⁴ Although the Division's casenote indicates that Division staff could not reach the property manager to verify that receipt of \$480 would forestall eviction, this verification requirement should be dispensed with for two separate reasons. First, because at that point, Mr. L.'s mother had managed to pay enough to the landlord to avert eviction: the urgent need was in April, where, as of April 28, 2023, the court had issued an eviction order. Second, it is not possible to ascertain, after the fact, whether the landlord would have accepted a General Relief Assistance payment in April to cancel the eviction process.

The General Relief Assistance program also will not provide assistance if there are other resources available to financially assist the applicant. This includes financial assistance from spouses and immediate relatives, if they have the capability.¹⁵ However, "determination of an applicant's eligibility will not be delayed in an attempt to contact such relatives, nor will

¹³ *Alaska General Relief Assistance Manual* § 230-2.

¹⁴ *Alaska General Relief Assistance Manual* § 210 -2.

¹⁵ AS 47.25.230.

assistance be denied on the basis of knowledge of their existence or whereabouts.”¹⁶ The Division, after the fact, therefore cannot utilize the fact that Mr. L. was able to obtain a loan from his mother to help prevent his immediate eviction.

In summary, the evidence shows that Mr. L. was in emergent need during April 2023. The Division should not have denied his application in May based upon the fact that his mother was able to stop that eviction by paying some of his rent, as a loan to him. As Mr. L.’s testimony established, he is still behind in rent and did not understand why he had not been evicted as of yet. The Division, based upon when it processed the application, cannot utilize its inability to contact the landlord to see if the General Relief Assistance payment would avert the eviction, as a reason for denial.

The question therefore arises as to what Mr. L.’s relief should be. Mr. L. testified that he was told that he was going to receive General Relief payments for both April and May 2023 in the total amount of \$960 and based upon him being told that and informing his mother, she paid enough money to stop the eviction. Mr. L. is a poor historian. First, the Division’s interview with him was on May 2, 2023. At that time, he told the Division that his mother had already helped with his rent. Given this timeline, he could not have been assured of the payment from the Division before his mother helped with his past due rent. Second, because General Relief only pays for one month at a time, it is highly improbable that a Division employee assured him that he would receive General Relief Assistance for two months.¹⁷ Accordingly, he would be only entitled to one month of assistance.

The amount of the assistance is also in question. Mr. L.’s application only lists three people, which would make the amount of assistance \$360.¹⁸ Mr. L. testified at hearing that his household consists of four people, that it receives other public assistance benefits, and that the Division is aware of his household size. A household of four people would be eligible for \$480 in assistance.¹⁹ The household of four composition is supported by the Division’s May 2, 2023 casenote that refers to a payment of \$480.²⁰

¹⁶ *Alaska General Relief Assistance Manual* § 220-1(F).

¹⁷ “A GRA eligibility determination is valid for a period of no longer than one calendar month. After a month's time, if additional assistance is desired, the recipient must submit a new application.” *Alaska General Relief Assistance Manual* § 230-2.

¹⁸ *Alaska General Relief Assistance Manual* § 230-1(B).

¹⁹ *Alaska General Relief Assistance Manual* § 230-1(B).

²⁰ Ex. 4.

Mr. L. is therefore entitled to a General Relief Assistance payment in the amount of \$480 for the month of April 2023. Payments are not to be made directly to individuals but only to vendors.²¹ The Division must therefore make that payment to Mr. L.'s landlord. However, given the amount of time that has passed since Mr. L. applied for General Relief Assistance, the Division must first contact the landlord and determine if Mr. L. is still a tenant and if he is at least \$480 in arrears for rent. If the answer to both questions is "yes," then the Division is to pay those funds to the landlord.

IV. Conclusion

The Division's denial of Mr. L.'s April 19, 2023 General Relief Assistance application is reversed. He should have been approved for a one-time payment of \$480. However, given the length of time involved since Mr. L. applied for General Relief Assistance, payment of the assistance is contingent upon him (1) still being a tenant of the same landlord, and (2) still being in rental arrears.

Dated: August 28, 2023

Signed

Lawrence A. Pederson
Administrative Law Judge

²¹ 7 AAC 47.110.

Non-Adoption Options

B. The undersigned, by delegation from the Commissioner of Health and in accordance with AS 44.64.060(e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as set forth below, and adopts the proposed decision as revised:

The Division's denial of Mr. L's April 19, 2023 General Relief Assistance application is reversed. He should have been approved for a one-time payment of \$480. However, given the length of time involved since Mr. L applied for General Relief Assistance, payment of the assistance is contingent upon him still being in rental arrears.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 11th day of October, 2023.

By: Signed
Name: Daniel Phelps
Title: Project Coordinator