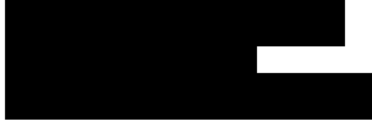


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 200933404
Issue No.: 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 9, 2010
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 9, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly process the Claimant's State Emergency Services (SER) application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 17, 2009, and on July 13, 2009, the Claimant applied for SER for a shelter emergency.
2. The department denied the SER application because the claimant did not have any income and the housing was therefore "unaffordable."
3. On July 13, 2008, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case the department denied the SER application because the proposed housing was not affordable. The claimant had zero income. Under these circumstances no housing would be affordable.

Authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized.

Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. (ERM 207, p.1).

However,

Exception

A person/family who receives a voucher from one of the following meets affordability requirements:

Homeless Assistance Recovery Program (HARP).

Transitional Supportive Housing Leasing Assistance Program (TSHLAP).

Transition In Place Leasing Assistance Program (TIPLAP).

Rapid Re-Housing Leasing Assistance. (ERM 207, p.1)

Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

These clients should not be denied because they do not have the income for the rent. Because the program pays FMR (fair market rent) with the client paying 30% of their income, only the 30% should be counted as their obligation. Also, if the person does not have any income or 30% is too high, exceptions can and are granted by the MSHDA agents to waive the 30% contribution fee. (ERM 207, p.1)

Here, the claimant without income will always find housing to be unaffordable. The department can and should advise the claimant of the above programs and where to obtain such a voucher.

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The department should also advise the claimant of other programs available through the department itself that might help to alleviate the claimant's lack of income.

This ALJ finds that the affordability issue does in fact force the department to find that the housing suggested by the claimant and verified by the shelter verification is unaffordable.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/12/2010

Date Mailed: 8/12/2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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cc:

