

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201029943
Issue No.: 5017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 11, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 11, 2010. The Claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief eligibility?

FINDINGS OF FACT

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

- (1) Claimant applied for SER benefits in November 12, 2009.
- (2) Claimant's application for SER was denied on January 19, 2010 because shelter was not affordable.
- (3) Claimant has no income.
- (4) Claimant requested a hearing on January 20, 2010 contesting the determination of SER benefits.

CONCLUSIONS OF LAW

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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. The Department of Human Services’ [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual (“ERM”).

State Emergency Relief (“SER”) prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1.

Issue home repair payments only if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition. **SER does not pay for improvements or nonessential repairs.** In addition, **all** of the following conditions must be met (unless specified for a particular service): • An SER group member is an owner or purchaser of the home, or holds a life estate on the home with the responsibility for home repairs. If the home is co-owned, the cost of the emergency is not split between the co-owners or co-purchasers. • The home is the SER group’s permanent, usual residence. • The home is not listed for sale. • The home is not in jeopardy of loss. (This only applies to home repairs.) Deny repairs if there is a house payment or property tax arrearage, unless a workable plan exists for paying the arrearage. • The ongoing cost of maintaining the home is affordable to the SER group; see [ERM 207](#), Housing Affordability.

Department policy defines affordability: 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.

In the present case, Claimant has \$0 income. Claimant confirmed this at hearing. Claimant relied on gifts to pay her household bills. Claimant owns the home free and clear but is responsible for property taxes and utilities. Claimant’s base tax obligation for 2008 was \$1883. 97. Claimant’s total housing obligation far exceeds Claimant’s net countable income, since Claimant has no income. ERM 207 Therefore the Department’s denial of State Emergency Relief due to lack of affordability is proper and correct. Claimant testified that she is current on her taxes and is able to maintain her utilities and provided some documentation to that effect. However, without any income Claimant cannot meet ongoing housing obligation and based on Department policy her housing is not affordable to her. ERM 207.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department’s decision in this regard be and

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is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2010

Date Mailed: October 13, 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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