

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2010-30152
Issue No: 5012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 19, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application because the housing was not affordable in January, 2010?

FINDINGS OF FACT

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

1. The claimant applied for State Emergency Relief (SER) for help with an eviction on January 11, 2010.
2. At the time of the application, the claimant had no source of income, so the request was denied because the housing was not affordable. (Department Exhibit 1)

3. On January 13, 2010, the claimant was mailed a SER Decision Notice (DHS-1419) that indicated her request was denied because the shelter was not affordable. (Department Exhibit 2 – 3)

4. The claimant submitted a hearing request on January 25, 2010.

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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy states:

HOUSING AFFORDABILITY

DEPARTMENT POLICY

Housing affordability is a condition of eligibility for SER and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). Housing affordability does not apply to other SER services. ERM, Item 207, p. 1.

Requirements

In this item, “total housing obligation” means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. Renters can have a higher “total housing obligation” if heat, electricity and/or water/cooking gas are included.

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, Item 207, p. 1.

Affordability Calculation

Determine whether an SER group meets the Housing Affordability requirement:

- Multiply the group's total net countable income by 75%. The result is the maximum "total housing obligation" the group can have, based on their income, and be eligible for SER housing services, and
- Refer to the table at the end of this item for any increases in the basic 75% test if the group is renting. Heat, electric or water/cooking gas is included in the rent. Multiply the resulting percentage by the group's total net countable income. The result is the absolute "total housing obligation" the group can have and be eligible for SER housing services. ERM, Item 207, p. 1.

INCREASES IN THE BASIC 75% HOUSING COST STANDARD

Note: Utility included in the rent cost.

Percentage added to basic 75% housing standard:

Heat	15%
Electric	5%
Water or Cooking gas (or both)	5%

ERM, Item 207, p. 2.

Department policy indicates that the department can authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. ERM 207. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207. The department denied the claimant's SER application because her housing was not affordable.

The department representative testified that the claimant had no source of income at the time that she applied for the help with eviction. The claimant confirmed that she did not have

any income at the time of her application. Thus, the claimant was not able to afford any shelter expense and the department properly denied her SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's SER application because her housing was not affordable.

Accordingly, the department's determination is UPHELD. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2010

Date Mailed: August 24, 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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