

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. 201033104
Issue No. 5025
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: October 11, 2010
Office: Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's State Emergency Relief (SER) application for assistance with property taxes due to Claimant's request exceeding \$2,000.

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 for assistance with her property taxes on 1/29/10.
2. Claimant submitted multiple verifications of the amount owed on her property taxes including a notice of judicial foreclosure hearing (Exhibit 2) which stated that the amount to redeem the property is \$3,947.22.
3. On an unspecified date, DHS denied Claimant's SER application because the amount Claimant needed to stop the foreclosure exceeded \$2,000.
4. On 2/4/10, Claimant requested a hearing concerning the SER application denial.

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 Emergency Relief Manual (ERM).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization.

Home ownership services payments are only issued to save a home threatened with loss due to tax foreclosure or sale. ERM 304 at 1. In addition, all of the following requirements must be met:

- 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.
- The SER group did not cause the emergency. Do **not** authorize Home Ownership Services if the emergency was client-caused; Client Caused Emergencies. (Property tax and home repair requests are exempt from the client-caused provision in Item 204.)
- The home is in livable condition and payment will guarantee safe, sanitary shelter both now and in the future. Do not approve any home ownership services payments for homes that are not in a livable condition or cannot be brought to a livable condition within the remaining SER home repair limit.
- The total amount of tax arrearage for all years does not exceed \$2,000. (This only applies to home ownership for taxes.) Pay only the minimum amount

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required to resolve the tax emergency. Do not pay until loss of the home is imminent.

- The amount to be authorized does not exceed the home ownership services maximum of \$2,000, the energy-related home repair maximum of \$4,000 or the non-energy-related home repair maximum of \$1,500, and the issuance amount will resolve the emergency. *Id* at 2 and 3.

In the present case, Claimant verified a property tax foreclosure. Client submitted multiple verifications of the amount needed to prevent foreclosure. The most accurate amount is reflected on the Notice of Show Cause Hearing and Judicial Foreclosure Hearing (Exhibit 2). This verification reflects that Claimant needed to pay \$3947.22 to stop the property tax foreclosure.

The above DHS regulations require that for SER eligibility for tax arrearage the amount to prevent foreclosure does not exceed \$2,000. Claimant's amount exceeds the \$2,000 threshold. DHS denied Claimant's SER application for this basis. It is found that DHS properly denied Claimant's SER request.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's SER application dated 1/29/10 requesting assistance with property taxes.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 22, 2010

Date Mailed: October 22, 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 60 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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