

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

IN THE MATTER OF:



Reg. No.: 2010-53259
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: January 27, 2011
DHS County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Rhonda P. Craig

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, an in-person hearing was held on January 27, 2011. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly deny Claimant's State Emergency Relief (SER) application for rent because her housing was not affordable?

FINDINGS OF FACT

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

1. Claimant applied for SER for rent payment on July 12, 2010.
2. At the time of the application, Claimant had no income expected for the following month (August 2010).
3. Claimant's rent was \$500 per month.
4. The Department determined that Claimant's housing was not affordable and denied the application on August 14, 2010.
5. Claimant requested a hearing contesting the denial.

CONCLUSIONS OF LAW

The 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. Michigan Administrative Code Rules R 400.7001-400-7049. Department (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (ERM).

SER prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303.

Housing affordability is a condition of eligibility for SER and applies only to Relocation Services and Home Ownership Services and Home Repairs. Housing affordability does not apply to other SER services. ERM 207.

The Department may 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. ERM 207.

The department must 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.

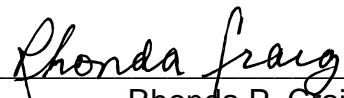
In the present case, Claimant is seeking payment for past due rent. Under the SER policy, this is considered a relocation service. At the time of the application, Claimant had no income. At the hearing, evidence presented indicated that Claimant's daughter had received her last RSDI check in July 2010. Under the aforementioned policy, an SER group's housing must be affordable. In this case, Claimant's housing was not affordable and she would not be able to retain her housing even if SER were authorized because she had no income. Claimant, therefore, did not meet the SER requirements. This Administrative Law Judge finds that the Department was correct in denying claimant's application for SER for rent because her housing was not affordable.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department was correct in denying Claimant's application for SER because her housing was not affordable,

AND IT IS ORDERED

That the Department's decision in this regard be and is hereby affirmed.



Rhonda P. Craig
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2011

Date Mailed: February 14, 2011

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.

RPC/pf

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