

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201117479
Issue No.: 5025
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 23, 2011
Wayne 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 March 23, 2011. The Claimant appeared along with his wife [REDACTED] and both testified. [REDACTED] 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 on December 20, 2010, seeking assistance with property taxes.
- (2) Claimant owed \$7,358 in property taxes at the time of application.
- (3) Claimant's application for SER was denied on January 6, 2011 because the amount needed to resolve the emergency was above the program limit.
- (4) Claimant requested a hearing on January 24, 2011 contesting the denial of SER benefits.

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

SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.
- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance.
- Not have caused the emergency ([see ERM 204](#) , Client-Caused Emergencies).
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home. Deny SER services for applicants who fail to meet any of the above requirements. ERM 101.

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.

Department policy outlines the parameters for State Emergency Relief for Property tax sale:


- Statement from taxing authority verifying total tax arrearage, **and**
- Notice scheduling a judicial foreclosure hearing. This occurs one year after forfeiture -- generally in February. **Note:** First, taxes become delinquent. Then, a year later forfeiture occurs and interest and fees increase. One year later, a circuit court hearing is held and foreclosure occurs. Payment of taxes may be made once the client provides a notice scheduling the judicial foreclosure hearing. It is not necessary to wait until the judgment has been entered. Once a judgment has been entered, the client must make payment within 21 days of entry of the foreclosure judgment, but no later than March 31.

Once the March 31 date has passed, ownership is transferred to the county and there is no redemption possible. Process the application within the SOP or by the date necessary to prevent the loss of the property, whichever is sooner. 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 required to resolve the tax emergency. ERM 304.

In the present case, Claimant owed \$7358 in property taxes at the time of application. Claimant acknowledged this at hearing. The program limit for SER is \$2,000 and total tax arrearage cannot exceed \$2,000. ERM 304. Therefore, the Department’s denial of State Emergency Relief due to the total tax arrearage being over \$2,000 is proper and correct. ERM 101.

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 is, hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: May 4, 2011

Date Mailed: May 4, 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.

AM/hw

cc:

