

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

IN THE MATTER OF:



Reg. No: 20118031

Issue No: 5026



ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Claimant's request for hearing. After due notice, a telephone conference hearing was held on February 3, 2011. The Claimant was present and testified.

ISSUE

1. Did the Department properly process Claimant's State Emergency Relief (SER) application?

FINDINGS OF FACT

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

1. The Claimant filed a SER application on October 14, 2010 requesting assistance with relocation.
2. The Claimant was sent a DHS 1150 Application Notice indicating that he was not eligible for SER assistance as he had no income. (Department Exhibit 1-2)
3. On October 29, 2010, the Department received the claimant's Request for Hearing protesting the Department's determination of his SER application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (PRM), and the State Emergency Manual (ERM).

Department Policy states:

ERM 101 DEPARTMENT POLICY

State Emergency Relief (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.

Requirements

Residence in the state of Michigan is not required. SER serves all persons physically present in Michigan. In addition 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 303 HOUSING AFFORDABILITY

Bridges will determine whether the SER group's rental housing is affordable. Approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in ERM 207.

ERM 207 DEPARTMENT POLICY

Housing affordability is a condition of eligibility for State Emergency Relief (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.

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.

Exception

A person/family who receives a voucher from one of the following meets affordability requirements:

- Homeless Assistance Recovery Program (HARP).
- Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
- Transition In Place Leasing Assistance Program (TIPLAP).
- Rapid Re-Housing Leasing Assistance.
- Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

These clients should not be denied because they do not have the income for the rent. Because the program pays FMR (fair market rent) with the client paying 30% of their income, only the 30% should be counted as their obligation. Also, if the person does not have any income or 30% is too high, exceptions can and are granted by the MSHDA agents to waive the 30% contribution fee.

In this case, the Claimant filed an application for SER for assistance with relocation because he was residing in a shelter. At the hearing, the Claimant testified that he was residing with a family member. He stated that he needed the rental assistance to be able to help out his family member with rent. The Claimant has no income. Department policy requires that a SER application be denied if the group does not have sufficient income to meet the total housing obligation. The total housing obligation cannot exceed [REDACTED] of the group's total countable income. ERM 207. The Claimant has a total countable income of [REDACTED]. Therefore, the Department properly denied the SER application because the housing obligation exceeds [REDACTED] of his income. The Claimant does not meet any of the exceptions listed in ERM 207. The Department properly processed the Claimant's SER application.

