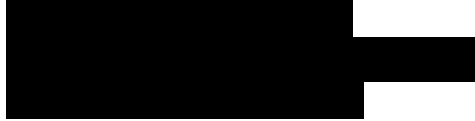


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:



MAHS Reg. No.: 15-015165
Issue No.: 5002, 5001
Agency Case No.: [REDACTED]
Hearing Date: October 14, 2015
County: Wayne (18) Taylor

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 14, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator and Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's State Emergency Relief (SER) application?

FINDINGS OF FACT

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

1. The Petitioner applied for SER housing assistance and relocation assistance. The first application filed on June 30, 2015, sought assistance with rent. The second application filed on August 10, 2015, sought assistance with the cost of relocation.
2. At the time of the second application, the Petitioner had no income; and the Department determined that the Petitioner's housing was unaffordable. Exhibits C and D.
3. At the time of the first application the Petitioner did not provide a court ordered eviction judgment or summons and thus did not provide the required proof of the emergency. The application was denied on July 6, 2015, and the eviction notice was not provided until August 10, 2015. Exhibits A and B.
4. The Petitioner requested a timely hearing on August 10, 2015, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, The Department denied the Petitioner's applications for SER rent and relocation assistance due to, in the first instance, no proof of a judgment or summons of eviction. In the second case, because the Petitioner has no income, the Department found that the housing was not affordable. Clients seeking SER assistance due to eviction must demonstrate need. The Petitioner received the Court ordered eviction on August 3, 2015.

ERM 303 provides:

Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action.

Legal Notice

A court summons, order, or judgment was issued which will result in the SER group becoming homeless. ERM 303 (July 1, 2015) p. 3

As the Petitioner did not provide the required verification of the eviction emergency, the Department had no choice but to deny the SER application for rent assistance. The Petitioner did not provide the requisite eviction documents to verify eviction until August 10, 2015, after the Department had already denied the first application. Even if timely provided by the Petitioner, providing the Notices required verifying eviction would still have resulted in a denial of the request for rent relief or relocation expense due to housing affordability issues discussed below.

In addition, when reviewing the second application, the Department had to consider whether the housing was affordable as the Petitioner had no income. The affordability test is applied and must determine 75 percent of the SER group income; which in this case is \$0. If 75 percent of the group income is \$0, then the SER group's housing (shelter) expense is determined to be not affordable. Here the Petitioner's shelter costs were determined to be \$ [REDACTED] which was more than 75 percent of household income (\$ [REDACTED] making the housing not affordable. Petitioner's application indicated that he needed \$ [REDACTED] in relocation funds and \$ [REDACTED] moving expense and \$ [REDACTED] in electricity. Department policy provides:

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.

Note: See chart at the end of this item or ERM 100, SER Quick Reference Charts.

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.

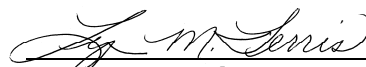
Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income. ERM 207, p. 1 (October 1, 2015) p.1

At the time the Department made its decision, the Department based its decision on information provided by Petitioner, which it was entitled to rely upon. Because the Petitioner has no income, the housing is unaffordable.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Petitioner's applications due to failure to provide notice of eviction and because the housing was not affordable as the Petitioner had no income.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **11/6/2015**

LMF/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

