



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 28, 2016
MAHS Docket No.: 16-008549
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 July 26, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED].

ISSUE

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

FINDINGS OF FACT

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

1. On May 25, 2016, Petitioner applied for SER to avoid an eviction from her rental home.
2. When Petitioner applied she had no income, either earned or unearned, and no liquid assets such as cash or bank accounts.
3. At the time of the application, Petitioner requested \$ [REDACTED] which was the amount being sought in the eviction proceedings (Page 15).

4. On May 31, 2016, the Department mailed to Petitioner a State Emergency Relief Decision Notice (Exhibit 1 Pages 4-6) denying her application because her shelter was not affordable.

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, Petitioner was asking for help to avoid an eviction from her rental home. She was obligated to pay rent of \$ [REDACTED] per month (Page 15) and she had accrued an arrearage of \$ [REDACTED].

Per ERM 207 (10/1/15) at pages 1-2, "Housing affordability is a condition of eligibility for SER and applies only to . . . Relocation Services (ERM 303)." "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." The Department must deny a SER application "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." Relocation Services can be approved to resolve a shelter emergency including rent arrearages. ERM 303 (10/1/15) p. 1. But, they can only be approved if the housing is affordable as set forth in ERM 207. Also, when an applicant is potentially homeless, they must provide: "An eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient.)" In this case, there was not an eviction order or court summons introduced into evidence.

The Department reviewed Petitioner's income and assets. Its conclusion was that, even if they paid the money to stave off the eviction, Petitioner had no means to pay the rent that would be coming due in the months ahead. She had no income, and 75% of \$0.00 is \$0.00. An example from ERM 207, p 3 says:

A SER group of 2 adults has no income. Their housing costs \$125 per month, nothing included. Multiply zero income times 75 percent for a total of \$0. The maximum total housing obligation this group can have and be eligible for SER relocation, home ownership or home repair is zero.

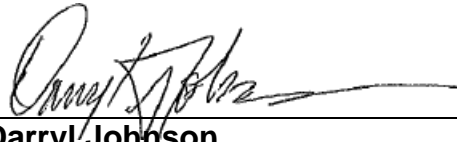
Here, Petitioner had no income, and she had an ongoing rental expense of \$ [REDACTED]. Because her housing was not affordable, the policy prevents the Department from providing assistance.

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 Petitioner's application for SER.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

Petitioner

[REDACTED]