



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 22, 2016
MAHS Docket No.: 16-013215
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 17, 2016, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] FIM and [REDACTED], Eligibility Specialist.

ISSUE

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

FINDINGS OF FACT

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

1. Petitioner applied for SER on August 22, 2016, seeking assistance with her rent due to an eviction. The Petitioner's application requested assistance for one month's rent in the amount of [REDACTED]. Exhibit A
2. On August 12, 2016, the Petitioner signed a Judgment Landlord-Tenant agreeing to pay or move by August 22, 2016. The order entered by the Court indicates that it is a Consent Order. The order also notes that an acceptance of partial payment of the total amount due will not prevent an order evicting you from being issued. Exhibit B

3. The Department issued a State Emergency Relief Decision Notice on August 31, 2016, denying the application for SER stating “You do not have a court ordered eviction notice.” Exhibits B and C.
4. At the time of the hearing, the Petitioner had paid the rent and was not evicted and the emergency was resolved.
5. The Petitioner requested a timely hearing on September 8, 2016.

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 application for SER for rent assistance because she did not provide a Court Order that would make her homeless. The Petitioner was not evicted from her home as a result of the order. The Order itself did not grant the landlord a right to possession. It was a consent order and did not order an eviction. The Petitioner was not evicted from her home as a result of the August 12, 2016 Judgment. Department policy provides:

Potentially Homeless

An eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient). ERM 303 (October 1, 2015) p.3. See also ERM 303, p. 5 which requires that need be verified by an Order of Judgment and ERM 303, p. 6 which requires an eviction order or court summons regarding eviction.

In this case the Department correctly denied the SER application because it did not have an order an eviction and only stated an eviction order will be issued unless you pay... Exhibit B. Under the terms of the Order, the Petitioner was not evicted and therefore the Order did not cause her immediate threatened homelessness. Therefore, the Department correctly determined that the Order did not meet the requirements for SER rent assistance.

In addition, in order to be eligible for SER an applicant must be faced with an emergency. In this case, the Petitioner was not evicted pursuant to the Judgment and Order, and the emergency was resolved because the Petitioner had paid the rent, thereby preventing the eviction.

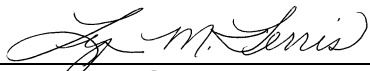
Based upon the foregoing it is determined that the Department properly denied the Petitioner's SER application.

DECISION AND ORDER

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 SER application.

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

LF/tm



Lynn M. Ferris
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]
[REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]
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[REDACTED] [REDACTED]
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