



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: May 3, 2016
MAHS Docket No.: 16-001618

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an in-person hearing was held on April 27, 2016, in Lansing, Michigan. Petitioner personally appeared and testified. Petitioner submitted Exhibit 1 which was admitted.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED] [REDACTED] testified as a witness on behalf of the Department. Department Exhibit A, pages 1-15 was admitted.

The record closed at the conclusion of the hearing.

ISSUE

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

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 December 21, 2015, Petitioner applied for SER requesting moving expenses. (Dept. Exh. A, pp 3-6).
2. On December 29, 2015, Petitioner's SER application was denied for being over the asset limit. (Dept. Exh. A, pp 8-10).

3. On February 1, 2016, Petitioner submitted a request for hearing contesting the Department's negative action. (Dept. Exh. A, p 2).

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.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303, p 1 (10/1/2015).

An SER group is eligible for moving expenses only if one of the following circumstances exists and all other SER criteria are met:

- The SER group is homeless. The definition of homelessness for SER means that there is no housing that the group can return to. To be considered homeless, the SER group must meet one of the following criteria:
 - Has a primary night-time residence that is a public or private place not meant for human habitation, (the group is sleeping in a car or on the streets).
 - Is living in an emergency shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
 - Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- The SER group is at risk of homelessness

Note: Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless. ERM 303, pp 1-2.

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. ERM 303, p 3. Verification from an outreach worker or service provider must be on official letterhead, signed and dated. ERM 303, p 3.

Persons eligible for one of the homeless assistance programs listed above must have a written referral by the service provider verifying that the SER group is eligible for the program. The verification must be on agency letterhead with the homeless assistance program identified, signed and dated. *Id.*

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

A MDHHS services worker or MDHHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children. *Id.*

If moving expenses are authorized the issuance amount must resolve the group's shelter emergency and the SER group determines how to use the authorized relocation funds. *Id.* The issuance amount must resolve the group's shelter emergency. *Id.* Relocation funds may be authorized for any combination of the following services:

- First month's rent.
- Rent arrearage.
 - Mobile home lot rent for owners or purchasers is a Home ownership service found in ERM 304.
 - Mobile home lot rent for renters is a relocation service covered by this Item.
- Security deposit (if required).
- Moving expenses (to relocate household effects). *Id.*

The Department offers the following examples: Group A decides to use their entire relocation services amount for a rent arrearage; Group B wants to use their relocation services amount for the first month's rent on a new apartment; Group C requests first month's rent and rental of a U-Haul trailer.

In this case, Petitioner was not homeless and or at risk of homelessness. Petitioner was requesting moving expenses due to unsafe housing. Petitioner provided documentary evidence during the hearing showing that she paid a total of ██████ in moving expenses for which she wanted to be reimbursed. Department policy provides that for Petitioner's SER group size of 1, a maximum of ██████ would be allowed if she was authorized relocation funds. ERM 303, p 7.

Petitioner submitted a letter from her doctor indicating that she required a living space that was ADA compliant due to her multiple medical co-morbidities which were terminal.

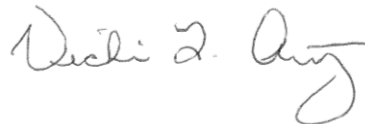
The doctor also indicated that her current living space was not appropriate and could cause her further harm due to her current medical conditions. Based on the letter from her doctor, Petitioner argued the Department should pay her moving expenses because she was living in unsafe housing.

However, Department policy regarding unsafe housing directs that if a Department services worker or specialist, with supervisory approval, determines that a family must be relocated from unsafe housing for the protection of the children, the Department would find this meets the documentation of need. In this case, there were no children and Petitioner was not homeless or at risk of homelessness. As a result, Petitioner is not eligible for relocation authorization because she was not homeless or at risk of homelessness and the "unsafe housing" policy only applies to families with children.

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 SER application. Even though the Department originally denied the SER application for the wrong reason, the result is the same and does not change the outcome.

DECISION AND ORDER

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



VLA/db

Vicki Armstrong

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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

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