



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: January 30, 2017
MAHS Docket No.: 16-018526
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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's State Emergency Relief (SER) application for relocation 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. The Petitioner applied for SER for rent relocation assistance in the amount of \$ [REDACTED] on [REDACTED]. The Petitioner sought a larger apartment so that his [REDACTED] year-old daughter could have her own separate bedroom.
2. The Department denied the SER application on [REDACTED], in an SER Decision Notice because he did not provide proof of an emergency. The Petitioner did not have a court ordered eviction. Exhibit 1.
3. The Petitioner was not being evicted at the time he applied for SER relocation assistance.

4. The Petitioner requested a timely hearing on [REDACTED], 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 Petitioner applied for State Emergency Relief (SER) for relocation assistance so that he could move to a larger apartment so his daughter could have a separate bedroom of her own.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses.

Households facing an immediate crisis may also be assisted by the county's Housing Assessment and Resource Agency (HARA).

Authorize relocation services 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 she/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

In order to qualify for relocation assistance, a court summons, order, or judgment must be issued which will result in the SER group becoming homeless or the housing is subject to a notice to vacate, or is otherwise unsafe. ERM 303, (October 1, 2015), pp. 1-4.

As can be seen, the SER relocation assistance is designed to assist persons who are homeless or are facing homelessness or eviction. Based upon the Petitioner's situation, the SER application based upon assistance for a larger apartment to accommodate his ■-year-old daughter so that she could have her own separate bedroom is not an emergency as defined by Department policy, cited above. Thus, it is determined that the Department properly denied the Petitioner's SER relocation application as no emergency as required by the applicable Department policy existed.

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 Petitioner's SER application for relocation assistance.

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

LMF/jaf



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]

Petitioner

[REDACTED]

[REDACTED]