



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: April 24, 2017
MAHS Docket No.: 17-003067
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 herself. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly deny State Emergency Relief (SER) for Property Tax 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 property tax assistance on [REDACTED], and was approved for \$ [REDACTED] in SER with a copayment to be made by Petitioner of \$ [REDACTED].
2. The Petitioner provided a tax statement to the Department indicating that \$ [REDACTED] was due. [Exhibit A.]
3. The Department determined that the Petitioner had previously received SER funds for SER home ownership assistance in the amount of \$ [REDACTED] on [REDACTED], for assistance with a mortgage/land contract.

4. The Department issued a State Emergency Relief Decision Notice advising the Petitioner that the Department could pay \$ [REDACTED] [Exhibit B.]
5. The Department provided an SER cap record regarding Petitioner which indicated that the Department had previously assisted the Petitioner and had provided \$ [REDACTED] in Home Ownership Fund. The Department's records also demonstrated that on [REDACTED], \$ [REDACTED] was authorized and paid to the Petitioner for mortgage/land contract assistance. [Exhibit C and D.]
6. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's action.

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 approved the Petitioner's request for SER tax assistance, and approved her for [REDACTED] due to the fact that the Petitioner had previously received [REDACTED] for mortgage land contract assistance. The Petitioner contended that this payment was for her furnace. Based upon the evidence, there was another payment of [REDACTED] for home repair energy related expense for the furnace. Thus, based upon the evidence presented, it is determined that the Department properly concluded that Petitioner had used [REDACTED] when applied to the [REDACTED] lifetime cap left only [REDACTED].

Department policy provides a cap for home ownership services of [REDACTED] and for taxes (which are part of homeownership services) that the [REDACTED] cap also must not be exceeded:

In addition, **all** of the following conditions must be met (unless specified for a particular service):

- The total amount of tax arrearage for **all** years does not exceed \$2,000. (This only applies to home ownership for taxes.) Pay only the minimum amount required to resolve the tax emergency. Do not pay until loss of the home is imminent; see Verification below.

Note: The total tax arrearage amount is the total for every year combined, not just for the tax years which assistance is being requested.


- **The amount to be authorized does not exceed the home ownership services maximum of \$2,000**, the energy-related home repair maximum of \$4,000 or the non-energy-related home repair maximum of \$1,500, and the issuance amount will resolve the emergency. ERM 304, (October 1, 2015), p. 4.

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 acted in accordance with Department policy when it that the Department when it applied the [REDACTED] home ownership cap and authorized tax assistance of [REDACTED].

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

LMF for MJB/jaf



Michael J. Bennane
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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
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