



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

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Date Mailed: June 7, 2018
MAHS Docket No.: 18-003473
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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; 42 CFR 438.400 to 438.424; 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 June 6, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Charletta Toteh, Assistance Payments Supervisor, and Rochelle Preston, Eligibility Specialist.

ISSUE

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

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 March 8, 2018, the Department received Petitioner's Application for SER requesting assistance with her property taxes; she listed no income on the Application.
2. On March 15, 2018, the Department issued a SER Decision Notice denying Petitioner's SER Application because Petitioner did not meet the affordability requirements.
3. On April 3, 2018, the Department received Petitioner's request for hearing.

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's application for SER was denied because the Department determined that her shelter was not affordable; therefore, she did not meet the necessary program requirements. SER is a program that assists applicants with safe, decent, affordable housing, and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. In order to qualify for SER assistance, the applicant must meet financial and non-financial eligibility factors. *Id.* Housing affordability is a condition of eligible for SER and applies only to Relocation Services (ERM 303) and Home Ownership (ERM 304). ERM 207 (October 2015), p. 1. SER helps to prevent the loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 303 (October 2017), p. 1. Payment of property taxes is one of the services provided by SER. *Id.* SER services are only authorized if the SER group has sufficient income to meet ongoing housing expenses. ERM 207, p. 1. A 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. *Id.* SER applications are denied if the group does not have sufficient income to meet their total housing obligation. *Id.* The total housing obligation includes the total amount the SER group must pay for rent, house payments, mobile home lot rent, property taxes, and required insurance premiums. *Id.* To determine whether a SER group meets the Housing Affordability requirement, the group's total net countable income is multiplied by 75% and the resulting number represents the total maximum housing obligation that the group can have based upon their income and still be eligible for SER housing services. ERM 207, p. 2.

In this case, Petitioner owns her home and does not have a mortgage on it. She had made arrangements for payment of her taxes but has no income to make those payments. She also has utility bills. Since Petitioner has no income, she cannot afford utilities and any future payment of taxes even if she received SER for the past due taxes. Therefore, the Department was correct in denying Petitioner's SER application.

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 because Petitioner did not meet the affordability requirements.

DECISION AND ORDER

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



AM/

Amanda M. T. Marler
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) 763-0155; 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

Dora Allen
MDHHS-Wayne-76-Hearings

Petitioner

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