



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: January 7, 2020
MOAHR Docket No.: 19-012495
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 January 6, 2020 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Hiba Murray, Family Independence Specialist and Hearings Coordinator.

ISSUE

Did the Department properly deny Petitioner's Application for State Emergency Relief (SER) assistance with an eviction?

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 [REDACTED] 2019, the Department received Petitioner's Application for SER assistance with eviction prevention.
2. On [REDACTED] 2019, the Department received proof of Petitioner's Judgement of eviction indicating she owed \$1,539.00 to avoid eviction.
3. On the same day, the Department completed a collateral contact with the landlord who verified that Respondent owed \$1,229.00 in past due rent, \$75.00 in late fees, and \$210.00 in court fees.
4. The landlord also verified that Petitioner's rent is \$749.00 per month.

5. Petitioner receives \$ [REDACTED] per month in RSDI benefits.
6. On November 7, 2019, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner informing her that her Application had been denied because the housing was not affordable.
7. On November 14, 2019, the Department received Petitioner's request for hearing disputing the denial of her SER Application.

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 disputes the Department's denial of her SER Application for eviction assistance due to affordability. SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2018), p. 1. This includes moving expense, security deposits, first month's rent, and rent arrearage (which includes court costs and fees included in a judgment). *Id.* To receive the eviction prevention assistance, the housing must be affordable (as defined by ERM 207). ERM 303, p. 4. SER services for rental eviction can only be approved if the group has sufficient income to meet ongoing housing expenses. ERM 207 (October 2015), p. 1. If the group cannot afford to pay their ongoing housing costs plus any utility obligations, they will not be able to retain their housing even if SER is authorized; therefore, the Department denies these applications. *Id.* To be eligible, the group's total housing obligation cannot exceed 75% of the group's total net countable income. *Id.*

Net countable income is calculated by adding each household member's individual gross income and then subtracting the costs of any mandatory withholding taxes, court order child support including arrears, payments for health insurance, deductions required by an employer as a condition of employment, the cost of dependent care for a child under 13 years old or a child older than 13 with a mental or physical impairment if the care is needed in order to be employed, and finally, Medicare premiums that will not be reimbursed. ERM 206 (February 2017), pp. 1-5. For purposes of RSDI benefits, the net amount received by the client is the amount of income considered in SER cases. ERM 206, p. 1.

Petitioner is recipient of gross RSDI benefits in the amount of \$ [REDACTED] per month. According to the SOLQ, Petitioner's "Net Monthly Benefit If Payable" is \$851.00. In addition, Petitioner is not responsible for the cost of her Medicare premiums as they are paid by the State of Michigan. No evidence was presented of any other applicable deductions. Therefore, Petitioner's net countable income is \$ [REDACTED]. Petitioner's rental expense is \$749.00 per month or 88% of her net countable income. Therefore, her rental expense is not considered affordable pursuant to SER policy and the Department properly denied 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 for eviction assistance due to affordability.

DECISION AND ORDER

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

AM/cg



Amanda M. T. Marler
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Wayne-19-Hearings
T. Bair
E. Holzhausen
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

