



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: September 26, 2019
MOAHR Docket No.: 19-009243
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 September 23, 2019, from Detroit, Michigan. The Petitioner was self-represented and had her landlord, ██████████ appear as a witness. The Department of Health and Human Services (Department) was represented by ██████████ ██████████ Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's Application for State Emergency Relief (SER) assistance with Homeowner's Insurance Premiums?

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 ██████████, 2019, the Department received an Application for SER assistance with Homeowner's Insurance in the amount of ██████████ but the Application also indicated that Petitioner pays ██████████ per month in rent.
2. On the same day, the Department received a Homeowners Insurance Application for ██████████ indicating that the "Total Estimated Premium" is ██████████ for personal property, loss of use, and personal property replacement costs.

3. On June 11, 2019, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner informing her that her Application for SER assistance with Homeowners Insurance Premiums was denied because she is not the owner or purchaser of the home.
4. On July 3, 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, the Department denied Petitioner's Application for SER Assistance with Homeowners Insurance Premiums. Assistance with house insurance premiums is available under the SER program for individuals who are required to maintain house insurance premiums pursuant to the terms of their mortgage or land contract. ERM 304 (October 2018), p. 1. To be eligible for home ownership services, payments may only be issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, or court ordered eviction of a mobile home from land or a mobile home park. ERM 304, p. 4. In addition, all of the following requirements must be met to be eligible for SER assistance with home ownership services including but not limited to assistance with house insurance premiums:

- An SER group member is an owner or purchaser of the home or holds a life estate on the home with the responsibility for home repairs;
- The home is the SER group's permanent, usual residence;
- The home is not listed for sale;
- The ongoing cost of maintaining the home is affordable to the SER group;
- The SER group did not cause the emergency;
- The home is in a livable condition and payment will guarantee safe, sanitary shelter both now and in the future; and,
- The amount to be authorized does not exceed the home ownership services maximum of \$2,000.

ERM 304, pp. 4-5. To be eligible for the assistance, a client must provide verification of home ownership via one of the following methods:

- A deed
- A purchase agreement
- A land contract
- A life estate document
- Attorney or court records
- County records
- Statement of real estate agent or financial institution
- Mortgage
- Property tax statement
- Home insurance documents

ERM 304, p. 7.

In this case, Petitioner wrote on her initial Application that she was renting her home for \$██████ per month. In addition, Petitioner brought her landlord to the hearing who confirmed that Petitioner does not have an ownership interest in the property. Since Petitioner has no ownership interest in the property and is not purchasing the property but instead renting it, Petitioner is not eligible for SER Assistance with house insurance premiums.

At the hearing, Petitioner noted that if her eligibility hinged on a term of the lease which required her to maintain house insurance, she could and would have the terms of her lease modified to include the requirement. Petitioner's suggestion would not change her eligibility for SER assistance with house insurance premiums because she is not the owner. The only way for Petitioner to become eligible for SER assistance with house insurance premiums is to meet the above listed requirements, meaning she has to be an owner, purchaser of the property, or the possessor of a life estate with the responsibility to make repairs to the home.

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 Application for SER assistance with house insurance premiums.

DECISION AND ORDER

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

AM/tm



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

DHHS

[REDACTED]
[REDACTED]
[REDACTED]
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Petitioner

[REDACTED]
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cc: SER-T. Bair; Erich Holzhausen
AP Specialist (2)