



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: May 26, 2021
MOAHR Docket No.: 20-008855
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 April 28, 2021, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Latasha Wright, Assistance Payments Worker and Candice Perryman, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) 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. On or around ██████████, 2020, the Department received an application for SER assistance from Petitioner. Petitioner asserted that the application was sent to the Department on August 14, 2020. The Department maintained that the application was sent by Petitioner to the Michigan Office of Administrative Hearings and Rules (MOAHR), as an ██████████, 2020 MOAHR date stamp appears on the application, and that it was later forwarded to the Department. (Exhibit A, pp. 15-27)
 - a. On the application, Petitioner requested SER assistance with relocation/eviction services in the amount of \$1,200. The application also includes a handwritten note from Petitioner indicating that he is requesting \$600 for rent and \$600 for security deposit. (Exhibit A, pp.15-27)

2. On October 28, 2020, the Department sent Petitioner a SER Verification Checklist (VCL) instructing him to provide documents relating to his request for relocation assistance. Specifically, Petitioner was instructed to provide proof of his need for SER relocation by November 4, 2020 and was informed that he could submit one of the following: court order/judgment/summons, legal notice to vacate condemned housing, MSHDA/HUD statement of residency in transitional facility, fire department report or newspaper article. (Exhibit A, pp. 28-29)
3. The Department asserted that it did not receive the requested verifications by the due date.
4. On November 4, 2020, the Department made a collateral contact with [REDACTED], the property manager for [REDACTED] the company that owns the home Petitioner resided in. According to the Documentation Record and the Department witnesses' testimony at the hearing, [REDACTED] informed the Department that Petitioner's home is not fit for human habitation and was on the list for the property to be demolished. [REDACTED] reported that the investment company had not demolished the home since finding out that Petitioner was currently residing there. [REDACTED] further reported that the home has not had service from Consumers or DTE in years. (Exhibit A, p. 30)
 - a. [REDACTED] reported to the Department that he is unsure if eviction paperwork has been filed and that the property management company does not have another home for Petitioner to move into due to Petitioner not having any income. [REDACTED] was informed that the Department could assist an individual with relocation or eviction, and that for relocation, the new property address and ongoing monthly rental obligation must be provided. (Exhibit A, p. 30)
5. On November 13, 2020, the Department sent Petitioner a SER Decision Notice, advising him that his request for SER assistance was denied because he did not have a court ordered eviction notice. (Exhibit A, pp. 32-34)
6. On December 28, 2020, Petitioner requested a hearing disputing the Department's actions with respect to his SER application. Petitioner resubmitted his hearing request on March 9, 2021. The hearing requests were consolidated, and both addressed during the hearing held on April 28, 2021. (Exhibit A, pp. 3-14)

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 disputed the denial of his application and request for SER assistance with relocation services in the amount of \$1,200.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent (first month or rent arrearage), security deposits (if required), and moving expenses (to relocate household effects). ERM 303 (October 2020), pp. 1-2. The Department will authorize relocation services only if one of the following circumstances exist and all other SER criteria are met: the SER group is homeless, meaning that there is no housing that the group can return to; the SER group is at risk of homelessness; or that the SER group meets the eligibility requirements for either the Family Re-Housing Program or the Rural Homeless Permanent Supportive Housing Initiative. ERM 303, p. 2. To be considered homeless per Department policy, 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).
- Is exiting an institution where (s)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.

ERM 303, pp. 1-2. Documentation of need is required prior to the Department authorizing relocation services.

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. Verification from an outreach worker or service provider must be on official letterhead, signed and dated. Persons eligible for one of the homeless assistance programs listed above must have a written referral by the service provider verifying that the SER group is eligible for the program. The verification must be on agency letterhead with the homeless assistance program identified, signed and dated. Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action.

ERM 303, p. 3. The legal notice must show that the SER group is at risk of homelessness. For individuals who live in condemned housing, the SER group's receipt of a final written notice to vacate condemned housing from a local public agency authorized to issue such an order is sufficient documentation of need. ERM 303, p. 3. Department policy further outlines the acceptable verification sources that can be used to document homelessness and potential homelessness and include:

Homelessness

- Eviction, judgment, or court order from last residence.
Note: A demand for possession non-payment of rent or notice to quit is not acceptable.
- Group's statement that they are living with others to escape domestic violence.
- Group's statement that they are sleeping in a car, or on the street and there is no housing they can return to.
- Fire department report, newspaper article, etc. verifying a fire or natural disaster.
- Statement from the releasing facility for persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting indicating there is no available housing and the person has no residence to return to.
- Signed and dated statement on official letterhead of the agency or service provider, which identifies the persons and the homeless assistance program they are eligible for.

Potentially Homeless

- A judgment, eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient.)
- Legal notice from local public agency ordering the group to vacate condemned housing. Note: A non-compliance notice with building code violations or condemnation notice granting a repair period does not qualify as a notice to vacate.
- Written statement from MDHHS services worker or MDHHS specialist, approved by a manager, when:
 - The current rental unit is unsafe structurally or is otherwise a threat to the health and safety of the family.
 - The family needs adequate, affordable housing to avoid a foster care placement or so children in foster care can return home.
- Written notification from the energy multi-disciplinary team that the group lives in high energy housing that cannot be rehabilitated.

ERM 303, pp. 5-6. At the hearing, the Department testified that because Petitioner did not submit proof of his need for SER relocation by the November 4, 2020 date identified on the VCL, it issued the SER Decision Notice, denying Petitioner's application for SER assistance because it determined he did not meet the criteria outlined in the above Department policy. The Department testified that Petitioner did not provide verification that he had an eviction, judgement, or court order, and because he was not living in a homeless shelter at the time of the application, and because there was no evidence that Petitioner's home was damaged after a fire or natural disaster, he did not qualify for SER assistance with relocation services because he had no valid need reason. The Department testified that although Petitioner had previously submitted evidence that the home he resided in was subject to tax foreclosure, he did not submit a court ordered eviction or a legal notice to move from the home due to condemned housing and thus, he was not considered homeless or potentially homeless per Department policy.

Petitioner disputed the testimony of the Department representatives and testified that while he has not received a court ordered eviction notice and was not residing in a homeless shelter when he applied for SER, the home he was residing in at the time of the SER application was slated for demolition. Petitioner testified that he previously submitted documentation of a public notice that his home was condemned and needed to be demolished. Petitioner testified that with the assistance of the Mayor of the [REDACTED], [REDACTED], eviction proceedings were not commenced. The Department witnesses present for the hearing testified that they were unsure whether the Department had received a written notice for Petitioner to vacate the condemned housing. A review of the Documentation Record which summarized the collateral contact the Department made with [REDACTED], the property manager with the investment company that owned the home confirms that the Department was aware that the home was not fit for human habitation and that it was on the list to be demolished. Based on the evidence presented at the hearing, Petitioner should have been considered homeless or potentially homeless at the time of the SER application.

However, although Petitioner met the criteria for homelessness or potential homelessness, in order for the Department to authorize SER payment for relocation services, verification of the need amount was also required.

Department policy requires that verification of need amount or shelter costs be provided. Acceptable verification sources include: a DHS-3688, Shelter Verification, form completed and signed by the shelter provider, written statement from the shelter provider signed and dated, order of judgment, a statement from the rental or moving company to verify the cost of moving the household belongings, or a DHS-223 Documentation Record that contains the date, client name and case number, amount needed to resolve the emergency, any other pertinent information regarding the emergency, and the name of the landlord or person at the rental company who provided the information along with the signature of the Department staff person obtaining the information. ERM 303, pp. 5-6.

Petitioner confirmed that he requested SER assistance in the amount of \$1,200 and the application indicates that \$600 was sought for rent and \$600 for security deposit. At the hearing, the Department testified that Petitioner did not identify a new property address and thus, did not have a verifiable new rental obligation, a security deposit or moving expenses. Petitioner did not dispute that at the time he submitted his SER application, he did not have a new rental obligation or a place to move to, as Petitioner testified that on November 16, 2020, he was required to move to a shelter.


Upon further review, there was no evidence that Petitioner submitted sufficient verification of the need amount or shelter costs associated with his request for SER assistance with relocation services. Without valid and acceptable documentation of the need amount or shelter costs as outlined above, the Department could not authorize SER payment.

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 relocation services.

DECISION AND ORDER

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

ZB/jem



Zainab A. Baydoun
Administrative Law Judge
for Elizabeth Hertel, 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-Macomb-20-Hearings
BSC4-HearingDecisions
T. Bair
E. Holzhausen
MOAHR

Petitioner – Via First-Class Mail:

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