



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 26, 2021
MOAHR Docket No.: 21-000637
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 three-way telephone hearing was held on March 23, 2021, from Bloomfield Hills, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Michelle Collins, Eligibility Specialist and Hearing Coordinator.

ISSUE

Did the Department properly deny the Petitioner's application for State Emergency Relief (SER) Relocation 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. The Petitioner applied for SER relocation assistance on [REDACTED] 2020 advising the Department that he was homeless due to his prior apartment being condemned by the City of [REDACTED] on August 25, 2020 with a 5-day notice to vacate. The Petitioner requested \$3,000 in assistance to reimburse him for housing expenses he spent at the [REDACTED]. Petitioner also advised the Department in a telephone interview that he also applied for his nephew, [REDACTED]. At the time of the application the Petitioner listed a mailing address at [REDACTED] Michigan. Exhibit A, pp. 3, 11.
2. The Department denied the SER Relocation application on January 11, 2021 in an Application Notice advising Petitioner "you have not provided proof of an emergency which can be resolved through the issuance of SER". The Notice was

sent to the Petitioner at [REDACTED] Michigan. Exhibit A, pp. 5-6.

3. The Petitioner filed a timely hearing request on [REDACTED] 2021 protesting the denial of the SER for relocation due to the housing being condemned by the City of [REDACTED]

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 Petitioner applied for SER Relocation Assistance testifying that the apartment he was living in was condemned by the City of [REDACTED] forcing him and his adult nephew to vacate the premises on or about September 1, 2020. No Order by City Building Department issued requiring vacation due to the condemning of the property was presented by the Petitioner or the Department. The housing being condemned was the basis for the SER relocation assistance application filed by the Petitioner on [REDACTED] 2020 for relocation assistance.

The Petitioner listed a mailing address of [REDACTED], Michigan on the [REDACTED], 2020 application. The application indicates that Petitioner is homeless without a permanent residence. In the application, the Petitioner asked for relocation assistance in the amount of \$3,000. Exhibit A, p. 8. The application also notes that the household did have additional income (RSDI) for Petitioner in the amount of \$1,332.00 and that no one was employed. The Petitioner also stated that on August 25, 2020, [REDACTED] where he was then living was given a 5-day notice by the City of [REDACTED] Building, Safety Engineering and Environmental Department to vacate the building due to the building not meeting the code for a habitable building. The Petitioner stated that his then landlord at the Elmdale address advised him that he had arranged for another apartment which Petitioner stated was untrue. Petitioner further advised in his statement that he used his savings of \$3,000 to pay for a room starting on September 2, 2020 until October 1, 2020 at the [REDACTED]. He understood that the City of [REDACTED] Health Dept. and his landlord would pay for everything and that did not happen.

Unfortunately, for unexplained reasons, the Department dropped the ball and failed to timely process the [REDACTED] 2020 application until January 11, 2021 at which time the

Department sent the Petitioner an Application Notice dated January 11, 2021. Exhibit A, p. 5. The Application Notice stated that Petitioner was found not eligible for SER relocation assistance as he did not provide proof of an emergency which can be resolved through the issuance of SER citing ERM101 and ERM 208. The Department presented no requests for verification that were sent to the Petitioner to further identify the problem. The yearly maximum amount available for relocation for a group of one is \$410.00 and for a group of two, \$520.00. Relocation assistance would not have been available to reimburse the Petitioner for his \$3,000 he spent for housing at the [REDACTED] which was expended before the SER application.

Relocation Assistance is available to assist individuals who have lost their housing or are potentially homeless and if eligible the applicant may apply the relocation funds which include authorized services for moving expenses, to pay for security deposit, first month's rent and rent arrearage. ERM 303 (October 2020), p. 1.

In this case, the Petitioner did not seek reimbursement for moving expense, security deposit or rent (first month) or arrearage. Petitioner sought reimbursement for the cost of staying at a [REDACTED] which is not an eligible relocation expense. In this case, the Petitioner if eligible would have a maximum relocation allotment of \$410.00. ERM 303, p.1. In order to be eligible, one of the following circumstances must have existed if all other SER criteria are met:

- The SER group is homeless. The definition of homelessness for SER means that there is no housing that the group can return to. To be considered homeless, 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.
- The SER group is at risk of homelessness ERM 303, p.2.
- The SER group receives final written notice to vacate condemned housing from a local public agency authorized to issue such an order. ERM 208, pp. 3-4

In addition, additional requirements for relocation assistance were required to be met but were not requested by the Department due to the fact that the Petitioner did not appear to continue to be homeless at the time of the [REDACTED], 2020 application as explained below. The relocation housing must be determined affordable, and the group seeking assistance must verify the past six months of shelter payments. One of the examples indicates that a group who is homeless due to a fire must have met the required payments. For those individuals who are potentially homeless, such as Petitioner, a legal notice from the local public agency ordering the group to vacate condemned housing would have sufficed to show homelessness. Department policy requires verification of rent receipts and a statement from a landlord for the new housing. ERM 303, p.7, In addition, for relocation services the new housing situation must be determined affordable and any shortfall for payment of rent must be determined. ERM 207. None of these steps were presented by the Department at the hearing and it appears that the Department found Petitioner not eligible due to no emergency at the time of application, but delayed sending the notice advising him of the application denial until January 11, 2021.

In this case, at the time of the hearing the Petitioner was living in Section 8 housing and was no longer homeless. In addition, it was the Department's position that at the time of Petitioner's application on [REDACTED] 2020 the emergency was resolved as Petitioner had found housing at [REDACTED] Michigan 48201, which was the mailing address on the application and the address where the Application Notice denying the application was sent. The Department noted that the Petitioner's application did not state a landlord or other address he was moving to. Exhibit A, p. 9.

The Department testified from case notes in Petitioner's case file that the Petitioner was interviewed by a caseworker, [REDACTED] on October 12, 2020 at which time Petitioner advised her that he had found a place to stay and no longer needed any help but wanted his \$3,000 back. The Petitioner testified that he spent the \$3,000 waiting for a Section 8 housing apartment to open up where he and his nephew live. The notes indicate that the SER was denied. Also noted in the case notes was the fact that Petitioner was not the person on the lease, but his brother was on the lease. Given these circumstances, the Department should have immediately issued a SER Decision Notice advising the Petitioner that he was no longer eligible for relocation services because he was not homeless, and the emergency was resolved. The Petitioner did not apply for SER at the time the housing on [REDACTED] was condemned and for at least a month later after he had used his own funds to provide housing. Once he applied for SER relocation assistance, and had secured housing, Petitioner was no longer eligible for relocation assistance as the requirement that he be homeless was not met. ERM 303.

Notwithstanding the problems in this case due to untimely processing, clearly the Petitioner had found housing and at the time of the application was living at [REDACTED] [REDACTED] Michigan 48201 where he still resides. At that point, the application should have been denied as the emergency, which was Petitioner's homelessness, was resolved. In addition, the Relocation Assistance from

SER would not have reimbursed the Petitioner for his stay at the [REDACTED] and would only have reimbursed him up to \$410.00 for a group of one if he had been eligible. ERM 303.

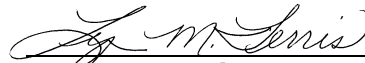
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Petitioner's application for relocation assistance.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LF/tm



Lynn M. Ferris
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-Wayne-55-Hearings
T. Blair
E. Holzhausen
BSC4
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]