



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] MI [REDACTED]

Date Mailed: July 28, 2021
MOAHR Docket No.: 21-001917
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 May 6, 2021. [REDACTED] the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Dashuna Robinson, Assistance Payments Supervisor (APS).

During the hearing proceeding the Department's Hearing Summary packet was admitted as marked Exhibits A-J.

After the hearing commenced, Petitioner clarified that he only wanted to proceed with a hearing regarding the denial of assistance with property taxes and did not wish to proceed with a hearing regarding the denial of State Disability Assistance (SDA). Petitioner withdrew the SDA portion of his hearing request on the record.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2021, application for State Emergency Relief (SER) for assistance with property taxes?

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] 2021, Petitioner applied for SER for several services, including property taxes. Petitioner reported he had no income at that time. (Exhibit B)

2. On March 10, 2021, a telephone interview was completed with Petitioner. Petitioner stated he had no income. (Exhibit E)
3. On March 12, 2021, Petitioner provided a Notice of Forfeiture for Delinquent Taxes showing [REDACTED] was due by April 1, 2021. (Exhibit F)
4. On March 11, 2021, a SER Decision Notice was issued to Petitioner, in part denying SER for property taxes based on the home not being affordable. (Exhibit G)
5. On March 29, 2021, Petitioner filed a hearing request contesting the Department's denial of SER for the property taxes. (Exhibit A)

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.

Housing affordability is a condition of eligibility for State Emergency Relief (SER) and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). ERM 207, October 1, 2020, p. 1.

Total housing obligation means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. The Department is to authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. 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. The Department is to deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income. ERM 207, pp. 1-2.

In this case, Petitioner applied for SER for several services, including property taxes on [REDACTED] 2021. Petitioner reported he had no income at that time. (Exhibit B) On March 10, 2021, a telephone interview was completed with Petitioner. Petitioner stated he had no income. (Exhibit E) On March 12, 2021, Petitioner provided a Notice of Forfeiture for Delinquent Taxes showing [REDACTED] was due by April 1, 2021. (Exhibit F) Accordingly, on March 11, 2021, a SER Decision Notice was issued to Petitioner, in part denying SER for property taxes based on the home not being affordable. (Exhibit G)

The APS also explained that the amount of the past due property taxes exceeded the maximum amount allowed. Further, the loss of the home must be imminent as documented by a notice scheduling a judicial foreclosure hearing. (APS Testimony) Pursuant to ERM 304, the total amount of tax arrearage for all years cannot exceed \$2,000.00. Verification of the property tax sale must be provided including both the statement from the taxing authority verifying total tax arrearage and a notice scheduling a judicial foreclosure hearing. ERM 304, October 1, 2018, pp. 4-7.

Petitioner indicated he disagrees with the policy regarding the tax arrearage for all years not exceeding \$2,000.00. Petitioner asserted that for every other way the state provides SER assistance, the state pays a portion of the bill and the client pays the remainder of the bill. Further, to get to the point where the home is subject to forfeiture, most clients would owe more than \$2,000.00 in past due taxes. (Petitioner Testimony) However, this Administrative Law Judge (ALJ) has no authority to change or make any exceptions to the Department policy.

Petitioner also indicated that at the end of March he started receiving unemployment benefits. Further, Petitioner was told it looks like he would qualify for Social Security benefits based on disability. (Petitioner Testimony) However, this ALJ must review the Department's determination based on the information available at the time.

Overall, the evidence supports the Department's March 11, 2021 determination to deny the [REDACTED] 2021, application for SER for assistance with property taxes based on the information available at that time. On the assistance application and during the interview Petitioner reported no income. (Exhibits B and E) Petitioner's testimony also confirmed that he did not have income at the time of the March 11, 2021 determination as he stated the unemployment benefit income started at the end of March. (Petitioner Testimony)

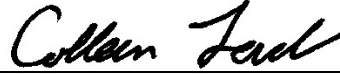
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's [REDACTED] 2021, application for SER for assistance with property taxes based on the information available at that time.

DECISION AND ORDER

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

Further, the SDA portion of Petitioner's Hearing Request is **DISMISSED**.

CL/ml



Colleen Lack
Administrative Law Judge

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-Berrien-Hearings
BSC3
T. Bair
E. Holzhausen
MOAHR

Petitioner – via first class mail

[REDACTED]
[REDACTED], MI [REDACTED]