



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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██████████, MI ██████████

Date Mailed: January 11, 2022
MOAHR Docket No.: 21-005583
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Rollin Carter Hearing Facilitator. Department Exhibit 1, pp. 1-15 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for property tax assistance because Petitioner's total property tax arrearage was higher than allowed?

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 ██████████ ██████████ Petitioner applied for SER seeking property tax assistance.
2. On November 5, 2021, Petitioner had outstanding property tax obligations totaling \$██████████ (Ex. 1, p.10.)
3. On November 9, 2021, a State Emergency Relief Decision Notice was sent to Petitioner informing her that her SER application was denied due to the amount of all past due property taxes exceeding \$2,000.
4. On ██████████ ██████████ Petitioner requested hearing disputing the denial of SER.

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.

The total amount of tax arrearage for **all** years does not exceed \$2,000. (This only applies to home ownership for taxes.) Pay only the minimum amount required to resolve the tax emergency. Do not pay until loss of the home is imminent; see Verification below. ERM 304, p.5 (October 2021)

In this case, Petitioner had outstanding property tax obligations totaling \$[REDACTED] at the time of application. At hearing, Petitioner did not dispute the amount of outstanding tax obligation. Department policy states that individuals requesting property tax assistance cannot have total arrearage of more than \$2,000 in order to be eligible for SER. Therefore, the denial of SER for having total property tax obligation over \$2,000 was proper and correct and consistent with Department policy. ERM 304


Petitioner testified that she needed less than \$2,000 to get her home out of foreclosure and believed that she should be eligible for the benefit. It was explained that the total amount of arrearage is considered and not just the amount needed to avoid foreclosure.

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 exceeding the limit of total property tax obligation.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

DHHS

Elisa Daly
411 East Genesee
PO Box 5070
Saginaw, MI 48607

Saginaw County DHHS- via electronic
mail

BSC2- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

██████████ - via first class mail
██████████
██████████, MI ██████████