



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 19, 2022
MOAHR Docket No.: 22-003613
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 14, 2022, from Lansing, Michigan. Petitioner ██████████ self-represented at the hearing. Therapist ██████████ appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by Jennifer Soba, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was residing in the state of Minnesota when she needed to move because her housing was sub-par.
2. Petitioner moved to Michigan.
3. On ██████████, 2022, an application for SER assistance was received by the Department for assistance with moving expenses.
4. On August 5, 2022, the Department denied the application because Petitioner indicated that there was no eviction notice and no longer an emergency.

5. On August 11, 2022, a Request for Hearing was received by local DHS office.
6. On August 17, 2022, the caseworker explained the policy to Petitioner during a pre-hearing conference.

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.

Pertinent Department policy dictates:

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises.

Residence in the state of Michigan is not required. SER serves all persons **physically present** in Michigan. In addition, SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- **Have an emergency which threatens health or safety and can be resolved through issuance of SER.**
- **Take action within their ability to help themselves. For example, obtain potential resources and/or apply for assistance.**
- Not have caused the emergency; see ERM 204, Client-Caused Emergencies.
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home. Deny SER services for applicants who fail to meet any of the above requirements. (SER 101)(Emphasis Added)

Applicants must complete and sign one of the following applications in order to apply for State Emergency Relief (SER):

- DHS-1514, Application for State Emergency Relief.
- MDHHS-1171, Assistance Application, and the MDHHS-1171- SER, State Emergency Relief (SER) supplemental form.

- A MI Bridges online application in which a SER service has been requested. Applicants may file an application for SER in any county in Michigan.

An application submitted through MI Bridges for a SER covered service is considered a complete application, no additional application is required. Incomplete applications may be filed, but must be completed before authorizing SER. An MDHHS-1171, Assistance Application, is considered an application for SER if the client indicates they are applying for State Emergency Relief and the minimum information is provided, even if the MDHHS-1171-SER supplement has not been submitted. In instances where the MDHHS-1171-SER supplement is not received by the department, it should be requested from the client or completed during an interview. Any person has the right to apply for an SER. (ERM 103)

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. Households facing an immediate crisis may also be assisted by the county's Housing Assessment and Resource Agency (HARA).

Accept the decision of the SER group regarding use of the relocation funds authorized. The issuance amount must resolve the group's shelter emergency. Authorize any combination of the following services:

- Moving expenses (to relocate household effects).
- Security deposit (if required).
- First month's rent.
- Rent arrearage.

Mobile home lot rent for owners or purchasers is a home ownership service found in ERM 304. Mobile home lot rent for renters is a relocation service covered by this Item. Note: Court costs and fees included in a judgment is an allowable cost for a rent to prevent eviction request. Example: Group A decides to use their entire relocation services amount for a rent arrearage; Group B wants to use their relocation services amount for the first month's rent on a new apartment; Group C requests first month's rent and rental of a U-Haul trailer. Process payments for these situations as requested.

Authorize relocation services only if one of the following circumstances exists and 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 Note: Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.
- The SER group meets the eligibility requirements for one of the following homeless assistance programs: Family Re-Housing Program (replaces Rapid Re-Housing Initiative which ended 5/31/2015) effective 10/1/2015. Rural Homeless Permanent Supportive Housing Initiative (RPSH). Note: Update the Living Arrangement screen in Bridges to reflect the appropriate homeless assistance program.

Persons at imminent risk of homelessness **must** provide a court summons, order or judgment resulting from an eviction action. A court summons, order, or judgment was issued which will result in the SER group becoming homeless. (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 Petitioner's application for State Emergency Relief for moving expenses because Petitioner resolved her own emergency, using her available resources. Petitioner did not have an eviction notice and did already move into her new housing before application date.

DECISION AND ORDER

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

LL/ml



Landis Lain

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 Electronic Mail :

DHHS
Jamie Dent
Grand Traverse/Leelanau County DHHS
701 S. Elmwood Suite 19
Traverse City, MI 49684
**MDHHS-GrandTraverse-
Hearings@michigan.gov**

Interested Parties

BSC1
T. Bair
E. Holzhausen
MOAHR

Via First Class Mail :

Petitioner

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Authorized Hearing Rep.

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