



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: February 23, 2023
MOAHR Docket No.: 23-000162
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 February 16, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Susan Derseweh. Department Exhibit 1, pp. 1-26 was received and admitted.

ISSUE

Did the Department properly deny Petitioner State Emergency Relief (SER) application for not meeting need requirement?

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 ██████████ ██████████ 2022, Petitioner applied for SER for relocation assistance. (Ex. 1, pp. 4-7)
2. On October 21, 2022, an Application Notice was sent to Petitioner informing him that his SER application was denied because there was no court ordered eviction and he was not homeless.
3. On ██████████ ██████████ 2022, Petitioner applied for SER for relocation assistance.
4. On October 31, 2022, a State Emergency Relief Decision Notice was sent to Petitioner informing him that his application was denied for failing to meet program requirements.

5. On October 31, 2022, Petitioner was contacted, and he informed the Department that he was moving on that day.
6. On January 11, 2022, Petitioner requested hearing disputing the denial of SER. (Ex. 1, pp. 19-22)

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.

DEPARTMENT POLICY

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses.

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

In this case, Petitioner decided to move because his rent was increasing. Petitioner had not received an eviction notice and was not behind on his rent. Petitioner was not homeless or potentially homeless according to Department definitions. ERM 303 Some issues were raised whether Petitioner could be eligible for relocation services because he was moving into subsidized housing. However, Petitioner was not moving from subsidized housing, he was moving into subsidized housing, so those issues were not relevant.

Petitioner alleged that a Department worker told him he would be eligible for relocation services based on his circumstances. Petitioner could not identify who the Department worker was. Petitioner was not eligible for relocation services because he was not


facing eviction, he was not homeless, and he was not potentially homeless. Therefore, the Department denial of Petitioner's SER application for relocation services was proper and correct and consistent with Department policy. 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 SER application for not meeting need requirements.

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

