



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

TIA PEARCE
753 CHAMPAIGN RD
LINCOLN PARK, MI 48146

Date Mailed: March 30, 2023
MOAHR Docket No.: 23-000837
Agency No.: 124811342
Petitioner: Tia Pearce

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 March 29, 2023, via conference line. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Raven Douthard, Hearing Facilitator.

ISSUE

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

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 February 1, 2023, Petitioner submitted an application for SER benefits for assistance with delinquent property taxes.
2. On February 13, 2023, Petitioner submitted an application for SER benefits for assistance with delinquent property taxes.
3. On February 14, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was denied (Exhibit A, pp. 8-10).
4. On February 16, 2023, Petitioner submitted a request for hearing disputing the Department's actions.

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, Petitioner submitted an application for SER benefits on February 1, 2023, for assistance with delinquent property taxes. Petitioner's application was denied, as her delinquent taxes were in excess of \$2,000. The total amount of tax arrearage for all years cannot exceed \$2,000. ERM 304, p. 5. Subsequent to the denial, Petitioner paid a portion of her delinquent property taxes to decrease the total to less than \$2,000. Petitioner reapplied for SER benefits on February 13, 2023. Petitioner's application was denied. The Department testified that Petitioner did not submit evidence that her home was in tax foreclosure or sale.

SER helps to prevent loss of a home if no other resources are available, and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304 (October 2018), p. 1. Home ownership services includes property taxes and fees. ERM 304, p. 1. Home ownership payments are only issued to save a home threatened with loss due to (i) mortgage foreclosure; (ii) land contract forfeiture; (iii) tax foreclosure or sale; (iv) court-ordered eviction of a mobile home from land or a mobile home park; or (v) repossession for failure to meet an installment loan payment for a mobile home. ERM 304, pp. 1-2. The Department will only pay tax arrearages when the home is in imminent loss. ERM 304, p. 5. The client must submit verification. For a foreclosure/forfeiture/eviction the client must submit: (i) a court order or a written statement from the contract holder or mortgagee that there is a payment arrearage and failure to correct the deficiency may result in foreclosure or forfeiture proceedings or (ii) a court summons, order or judgment that will result in the SER group becoming homeless. ERM 304, p. 6. For property tax sale, the client must submit (i) a statement from the taxing authority verifying the total tax arrearage; and (ii) notice scheduling a judicial foreclosure hearing. ERM 304, p. 7. First, taxes become delinquent, then, a year later forfeiture occurs, and interest and fees increase, and 1 year later, a circuit court hearing is held, and foreclosure occurs. ERM 304, p. 7. Payment of taxes may be made once the client provides a notice scheduling the judicial foreclosure hearing. ERM 304, p. 7.

Petitioner testified that she received a Notice of Property Tax Delinquency/Forfeiture for the tax period of 2021 and 2020 (Exhibit 1, p. 4). Petitioner paid her taxes from 2020, to reduce her total arrearage amount to less than \$2,000. Petitioner received verification

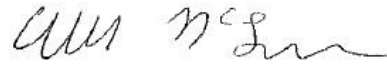
from Wayne County that if she did not pay her 2021 taxes prior to March 1, 2023, the property would be forfeited.

Per policy, Petitioner is not eligible for SER benefits for delinquent taxes. Petitioner's property is in forfeiture, but policy requires that a foreclosure hearing must be scheduled prior to issuing benefits, which generally happens one year after forfeiture. Therefore, the Department acted in accordance with policy when it denied Petitioner's SER application.

DECISION AND ORDER

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

EM/tm



Ellen McLemore
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
Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180
**MDHHS-Wayne-18-
Hearings@michigan.gov**

Interested Parties
J. McLaughlin
E. Holzhausen
BSC4

Via-First Class Mail :

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