



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: August 17, 2023  
MOAHR Docket No.: 23-003165  
Agency No.: ██████████  
Petitioner: ██████████

**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 July 20, 2023, from Lansing, Michigan. ██████████, the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-38.

**ISSUE**

Did the Department properly deny Petitioner's ██████████ 2023 request 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. ██████████ 2023, Petitioner applied for SER, in part for assistance with property taxes in the amount of \$1,470.00. (Exhibit A, pp. 7-12)
2. The local Saginaw Treasury department reported that the property had been foreclosed and was no longer owned by the taxpayer, but was owned by the Saginaw County Treasurer's Office as of April 1, 2023. (Exhibit A, pp. 1, 15, and 30)

3. On May 5, 2023, a SER Decision Notice was sent to Petitioner, in part, stating the request for SER for assistance with property taxes was denied. (Exhibit A, pp. 17-20)
4. On May 30, 2023, Petitioner submitted a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5)

### **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.

As discussed during the hearing proceedings, there is no jurisdiction to address the October 3, 2022 SER denial from Petitioner's May 30, 2023 hearing request. Pursuant to BAM 600, a hearing request must be filed within 90 days of the date of the written notice of case action. BAM 600, March 1, 2021, pp. 6-7. Petitioner's May 30, 2023 hearing request was filed well over the 90 days from the October 3, 2022 denial. Therefore, there is only jurisdiction to review the May 5, 2023 SER denial.

State Emergency Relief (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 1, 2021, p. 1.

Home ownership services payments are only issued to save a home threatened with loss due to specific circumstances, including tax foreclosure or sale. The lifetime home ownership services maximum is \$2,000. The lifetime maximum is the combined cumulative total of all home ownership service payments. Individual services (house payments, property taxes, etc.) do not have separate lifetime maximums. ERM 304, pp. 1-2.

The policy addressing eligibility requirements indicates that home ownership services payments can only be issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, or court ordered eviction of a mobile home from land or a mobile home park. ERM 304, October 1, 2021, p. 4. Requirements include:

- An SER group member is an owner or purchaser of the home, or holds a life estate on the home with the responsibility for home repairs. If the

home is co-owned, the cost of the emergency is not split between the co-owners or co-purchasers.

- The home is the SER group's permanent, usual residence.

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- 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.

**Note:** The total tax arrearage amount is the total for every year combined, not just for the tax years which assistance is being requested.

ERM 304, October 1, 2021, pp. 4-5.  
(portions of list omitted by ALJ)

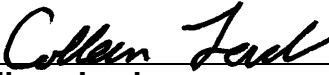
In this case, the Department could not approve Petitioner's [REDACTED] 2023 application for SER for assistance with property taxes. The local Saginaw Treasury department reported that the property had been foreclosed and was no longer owned by the taxpayer, but was owned by the Saginaw County Treasurer's Office as of April 1, 2023. (Exhibit A, pp. 1, 15, and 30). Therefore, no SER group member was an owner or purchaser of the home. Accordingly, the Department's May 5, 2023 denial determination must be upheld.

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] 2023 application for SER for assistance with property taxes.

### **DECISION AND ORDER**

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

CL/ml

  
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**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 Electronic Mail:**

**DHHS**  
Elisa Daly  
Saginaw County DHHS  
411 East Genesee  
Saginaw, MI 48607  
**MDHHS-Saginaw-Hearings@michigan.gov**

**Interested Parties**  
E Holzhausen  
J McLaughlin  
MOAHR

**Via First Class Mail:**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]