



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: August 16, 2024
MOAHR Docket No.: 24-006976
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on July 17, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Shaton Mason, Family Independence Supervisor, and Corlette Brown, Hearings Facilitator.

ISSUE

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

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 [REDACTED] [REDACTED] 2022, the Department received an application for SER from Petitioner, requesting rental assistance in the amount of \$3,086 to prevent eviction of Petitioner and her two adult children. (Exhibit A, pp. 4 – 10).
2. On December 2, 2022, the Department spoke with Petitioner regarding her SER application.
3. On December 2, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice (SERDN), denying Petitioner's application because Petitioner did not provide a court order eviction notice to the Department. (Exhibit A, pp. 26 – 28).

4. On December 5, 2022, Petitioner submitted a document to the Department related to her SER application. (Exhibit B, p. 2).
5. On January 25, 2023, the Department received a rent ledger regarding Petitioner's past due rent and reflecting Petitioner's last balance prior to November 30, 2022 was \$3,386.75. (Exhibit A, p. 15).
6. On January 27, 2023, the Department received a Complaint for Non-Payment of Rent which includes a demand for possession from Petitioner. The Complaint was filed by Petitioner's landlord against Petitioner on August 16, 2022. Petitioner also provided the Department with a Notice to Appear directing Petitioner to appear in the 36th District Court for hearing on the Complaint. (Exhibit A, pp. 11 – 12).
7. On February 27, 2023, the Department received a request for hearing from Petitioner, disputing the Department's denial of her application for SER. Petitioner also disputed the Department's actions regarding her request for Emergency Services (ES) funding. (Exhibit A, p. 3).

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.

Petitioner was denied SER assistance to prevent eviction. The Department denied Petitioner's November 30, 2022 application because Petitioner did not provide a court order eviction notice to the Department.

The SER program provides assistance to applicants to secure or maintain safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. For housing issues, the SER program may provide funds for past due rent and may be authorized when the SER group is at risk of homelessness. ERM 303 (October 2022), pp. 1 – 2. To establish an imminent risk of homelessness, the SER group must provide the Department verification of the emergency in the form of an issued judgment, eviction order, or court summons regarding eviction. ERM 303, pp. 3, 6. A demand for possession for non-payment of rent or a notice to quit is not sufficient. ERM 303, p. 6.

As related to the Department's decision giving rise to the instant hearing, Petitioner most recently applied for SER on [REDACTED] [REDACTED] 2022, for assistance to prevent eviction

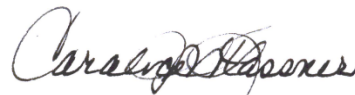
of Petitioner and her two adult children. (Exhibit A, pp. 4 – 10). Petitioner testified that, as of the date of the hearing, she continues to be delinquent in her rent. While Petitioner testified that she provided eviction documents to the Department multiple times, the Department testified that it did not receive a court ordered eviction or judgment and concluded, as evidenced by the SERDN it issued December 2, 2022, that Petitioner did not have a court ordered eviction notice. The only evidence introduced at the hearing regarding a possible eviction was a Complaint for Non-Payment of Rent which included a demand for possession, which was provided to the Department on January 27, 2023. (Exhibit A, p. 11). The Complaint is dated August 16, 2022. (Exhibit A, p. 11). Because a demand for possession for non-payment of rent or a notice to quit is not sufficient verification of an imminent risk of homelessness and Petitioner did not offer evidence of any other issued judgment, eviction order, or court summons regarding eviction, the Department properly denied Petitioner's [REDACTED] 2022 SER application. This conclusion is further supported by the fact that Petitioner continued to reside in the residence at the time of the instant hearing.

Petitioner also raised an issue regarding ES funding during the hearing. ES is a funding source, not a program that the client can apply for directly. ERM 209 (October 2022), p. 1. Individuals may be eligible for ES funding in conjunction with the submission of a SER application when unusual circumstances exist that cannot be resolved through SER. ERM 209, p. 1. Allocation of a local office's ES funds are at the local office's discretion. ERM 209, p. 1. Because potential eligibility for ES funding is within the Department's discretion, it is not subject to review.

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 her [REDACTED] 2022 SER application based on its conclusion that she did not have a court ordered eviction.

DECISION AND ORDER

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



Caralyce M. Lassner
Administrative Law Judge

CML/nr

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
Keisha Koger-Roper
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227
MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov

Interested Parties
BSC4
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED], MI [REDACTED]