



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED], MI

Date Mailed: October 10, 2024  
MOAHR Docket No.: 24-009550  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

### **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 via telephone conference line on October 2, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Cathy Burr, supervisor, and Erin Clifford, specialist.

### **ISSUE**

The issue is whether MDHHS properly denied 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. On [REDACTED] [REDACTED] 2024, Petitioner applied for SER seeking payment for a rent arrearage.
2. As of August 2024, Petitioner was responsible for a lot rent of \$550 and an obligation for all utilities.
3. As of August 2024, Petitioner received no more than \$612 in ongoing biweekly unemployment compensation benefits (UCB).
4. As of August 2024, Petitioner was responsible for a child support obligation of no less than \$641 per month.

5. On August 13, 2024, MDHHS denied Petitioner's SER application due to Petitioner's housing not being affordable.
6. On August 20, 2024, Petitioner requested a hearing to dispute the denial of SER.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER seeking assistance with a rent arrearage (aka SER- Relocation). Exhibit A, pp. 3-4. A State Emergency Relief Decision Notice dated August 13, 2024, stated that Petitioner's application was denied due to housing not being affordable. Exhibit A, pp. 7-9.

SER- Relocation assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2022) p. 1. Housing affordability is a condition of eligibility for SER- Relocation. ERM 207 (October 2020) p. 1. MDHHS is to approve SER-Relocation only if the SER group has sufficient income to meet ongoing housing expenses. *Id.* An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. *Id.* MDHHS is to deny SER if the group does not have sufficient income to meet their total housing obligation. *Id.* The total housing obligation cannot exceed 75 percent of the group's total net countable income.

The SER budget computation period is 30 days. ERM 206 (April 2024) p. 1. This is referred to as the countable income period. *Id.* The first day of the countable income period is the date the local office receives a signed application for SER. *Id.* UCB is countable income. *Id.*, p. 2. Countable net income for SER required deducting any child support paid, including arrears. *Id.*, p. 5.

Respondent applied for SER on [REDACTED] 2024. The countable income period of 30 days would continue through September 12, 2024. UCB documentation indicated Respondent received no income during the countable income period. Exhibit A, pp. 12-17. Nevertheless, MDHHS counted Petitioner's biweekly UCB payments of \$612 from July 2024 which resulted in a total income of \$1,224 during the 30-day countable income period. Petitioner's child support verified monthly child support payments of \$645, though MDHHS counted only \$641 in payments. Exhibit A, p. 18. As both MDHHS errors were favorable in determining Petitioner's housing affordability, it will be accepted that MDHHS properly calculated Petitioner's net income to be \$583 (\$1,224 - \$641).

If no utilities are included in the rent obligation, the total housing obligation cannot exceed 75% of the group's total net countable income *Id.* When heat (15%), water (5%),

and/or electricity (5%) obligations are included in the rent, the percentage is increased up to 100 percent. *Id.*, p. 3.

It was not disputed that Petitioner's lot rent was \$550 and did not include heat, electricity, or water. Multiplying the group's income of \$583 by 75% renders Petitioner's rent unaffordable if over \$437.25. Thus, Petitioner's monthly rent of \$550 is not affordable.

Given the evidence, MDHHS properly determined that Petitioner's housing was unaffordable. Thus, MDHHS properly denied Petitioner's application for SER seeking rent arrearage. As discussed during the hearing, Petitioner is encouraged to reapply if his income has since increased.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application dated [REDACTED] 2024 for a rent arrearage. The actions taken by MDHHS are **AFFIRMED**.

CG/nr

  
\_\_\_\_\_  
**Christian Gardocki**  
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**

Trista Waishkey  
Washtenaw County DHHS  
22 Center Street  
Ypsilanti, MI 48198

**MDHHS-Washtenaw-Hearings@michigan.gov**

**Interested Parties**

BSC4

J. McLaughlin

E. Holzhausen

MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]