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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

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Date Mailed: February 21, 2025
MOAHR Docket No.: 24-013913
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 January 23, 2025, from Lansing, Michigan. The Petitioner was represented by ██████████, sister and Authorized Hearing Representative (AHR). ██████████ Petitioner, was present. The Department of Health and Human Services (Department) was represented by Devona Gilbert, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-22.

ISSUE

Did the Department properly determine Petitioner's eligibility 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 ██████████ 2024, Petitioner submitted an application for SER for assistance with a security deposit of \$██████████ for his new apartment. (Exhibit A, pp. 7-12)
2. On November 21, 2024, a SER Verification Checklist was issued requesting verification of the need for SER for Relocation, such as: court order/judgement/summons; legal notice to vacate condemned housing; MSHDA/HUD statement of residency in transitional facility; fire department report; newspaper article. The due date was December 2, 2024. (Exhibit A, pp. 13-14)

3. On [REDACTED] 2024, Petitioner called the Department's Client Connect number and reported they borrowed the funds for the security deposit to get into the new apartment. Petitioner and his sister were advised that once Petitioner relocated, he resolved his own emergency and the SER request would be denied. (Exhibit A, p. 16)
4. On November 26, 2024, a SER Decision Notice was issued to Petitioner denying the request for SER for the security deposit because the emergency had already been resolved. (Exhibit A, pp. 17-19)
5. On December 6, 2024, Petitioner filed 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.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303, October 1, 2024, p., 1.

ERM 303 addresses eligibility requirements for relocation services:

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.

- The SER group is homeless. The definition of homelessness for SER means that there is no housing that the group can return to. To be considered homeless, the SER group must meet one of the following criteria:
 - Has a primary night-time residence that is a public or private place not meant for human habitation (the group is sleeping in a car or on the streets).

- Is living in an emergency shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels).
 - Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
 - The SER group is at risk of homelessness
Note: Groups who voluntarily leave their home, but can return without a threat to their health or safety, are not homeless.
 - The SER group meets the eligibility requirements for one of the following homeless assistance programs:
 - Family Re-Housing Program (replaces Rapid Re-Housing Initiative which ended 5/31/2015) effective 10/1/2015.
 - Rural Homeless Permanent Supportive Housing Initiative (RPSH).
- Note:** Update the Living Arrangement screen in Bridges to reflect the appropriate homeless assistance program.

ERM 303, October 1, 2024, pp. 1-2.

ERM 303 addresses documentation of need:

DOCUMENTATION OF NEED

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. Verification from an outreach worker or service provider must be on official letterhead, signed and dated.

Persons eligible for one of the homeless assistance programs listed above must have a written referral by the service provider verifying that the SER group is eligible for the program. The verification must be on agency letterhead with the homeless assistance program identified, signed and dated.

Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action.

Legal Notice

A court summons, order, or judgment was issued which will result in the SER group becoming homeless.

Foster Care

The SER group needs adequate housing to avoid a foster care placement or before a child or children can come home from foster care.

Unsafe Housing

A MDHHS services worker or MDHHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children.

Condemned Housing

The SER group receives final written notice to vacate condemned housing from a local public agency authorized to issue such an order.

High Energy

The energy multi-disciplinary team has identified the group as living in high energy housing that cannot be rehabilitated.

ERM 303, October 1, 2024, pp. 3-4.

ERM 101 addresses requirements for SER, which include: (1) having an emergency which threatens health or safety and can be resolved through issuance of SER; and (2) taking action within their ability to help themselves. For example, obtain potential resources and/or apply for assistance. The Department is to deny SER services for applicants who fail to meet any of the above requirements. ERM 101, March 1, 2013, p. 1.

ERM 103 addresses the eligibility determination, including approvals. Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened. The Department is not to issue SER to reimburse expenses incurred or paid without prior Department approval. ERM 103, October 1, 2024, p. 3.

In this case, Petitioner submitted an application for SER on November 17, 2024, for assistance with a security deposit of \$700.00 to move to a new apartment. Petitioner noted that he has medical conditions that make it extremely difficult to climb the 2 steep flights of stairs to his apartment. Petitioner had the opportunity to move to an apartment that has no stairs, which would be better for his health and well-being. (Exhibit A, pp. 7-12).

On November 21, 2024, a SER Verification Checklist was issued requesting verification of the need for SER for Relocation, such as: court order/judgement/summons; legal notice to vacate condemned housing; MSHDA/HUD statement of residency in transitional facility; fire department report; newspaper article. The due date was December 2, 2024. (Exhibit A, pp. 13-14).

Before the due date for the requested verification, Petitioner contacted the Department with an update regarding the apartment status. Specifically, on [REDACTED], 2024, Petitioner called the Department's Client Connect number and reported he borrowed the funds for the security deposit to get into the new apartment. Petitioner and his sister were advised that once Petitioner relocated, he resolved his own emergency and the SER request would be denied. (Exhibit A, p. 16). Accordingly, on November 26, 2024, a SER Decision Notice was issued to Petitioner denying the request for SER for the security deposit because the emergency had already been resolved. (Exhibit A, pp. 17-19).

Petitioner and his sister explained that Petitioner needed the \$[REDACTED] right away because he did not want to lose the chance of getting the apartment without stairs. Petitioner's sister knew the SER process would take time, so she loaned Petitioner the money until the SER application could be approved and he could pay her back. (Petitioner and Sister Testimony).

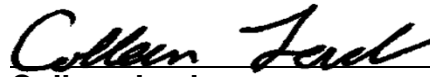
While it is understood that Petitioner's sister only loaned Petitioner the money for the security deposit, the SER process does not allow for the Department to issue SER to reimburse expenses incurred or paid without prior Department approval. See ERM 103, October 1, 2024, p. 3. The Department did not issue any approval. Rather, the Department had not yet determined whether Petitioner even met the eligibility criteria, such as the need requirement, for SER assistance with the security deposit before the emergency was resolved by Petitioner obtaining the funds through other means and moving into the new apartment. Once Petitioner moved into the new apartment there was no risk of homelessness, therefore the emergency was resolved.

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 determined Petitioner's eligibility for SER.

DECISION AND ORDER

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

CL/pt



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
PO Box 5070
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties
BSC2
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail:

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

Authorized Hearing Rep.
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]