



Date Mailed: April 4, 2025

Docket No.: 25-005414

Case No.:

Petitioner:

«RECIP_FULL_NAME»
«RECIP_ADD0»
«RECIP_ADD1»
«RECIP_ADD2»
«RECIP_CITY», «RECIP_SPCODE»
«RECIP_POSTAL»

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 on March 6, 2025. Petitioner appeared for the hearing and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Priya Johnson, Assistance Payments Supervisor. Petitioner and the Department representative participated in the hearing in person while present together at the Department's local office.

As a preliminary matter, while Petitioner initially appeared for the hearing and presented testimony, Petitioner abruptly exited the hearing room prior to the conclusion of the hearing. Because the parties had largely completed their case presentations and sufficient evidence was presented on the record, a Hearing Decision will be issued, despite Petitioner's abandonment of the hearing.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) assistance with rent 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 or around [REDACTED] 2024, Petitioner submitted an application for SER requesting assistance with rent to prevent eviction and non-heat electricity services. On the application, Petitioner reported that she is not employed and does not have any income. (Exhibit A, pp. 6-12)
2. The Department failed to timely process the SER application.
3. On or around January 27, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the SER application. (Exhibit a, pp. 3-5)
4. After receiving Petitioner's request for hearing, the Department processed the SER application.
5. In connection with the application, Petitioner submitted verification that her past due rent is \$4,473.35 and her monthly rental obligation is \$847. (Exhibit A, pp. 5-12)
6. On or around January 31, 2025, the Department sent Petitioner a State Emergency Relief Decision Notice advising that her request for assistance with electricity services is denied because she had previously been approved and is no longer eligible. The State Emergency Relief Decision Notice also advises Petitioner that her request with relocation/rent to prevent eviction is denied because her shelter is not affordable according to SER requirements. (Exhibit A, pp. 13-15)

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 requested a hearing to dispute the Department's actions regarding the denial of her request for SER assistance. Petitioner confirmed that at issue is the denial of her request for SER assistance with rent to prevent eviction.

SER assists individuals and families to resolve or prevent homelessness with relocation services by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2024), p. 1. The Department will determine whether the SER group's rental housing is affordable and will approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in ERM 207. Housing affordability is a condition of eligibility for SER assistance with relocation services. ERM 303, p. 4; ERM 207 (October 2020), p. 1. SER is only approved if the group has sufficient income to meet its ongoing housing obligation, which includes the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. Renters can have a higher total housing obligation if heat, electricity and/or water/cooking gas are included. ERM 207, p. 1. To determine whether an SER group meets the housing affordability requirement, the Department will multiply the group's total net countable income by 75%. The result is the maximum total housing obligation the group can have based on their income and be eligible for SER housing services. The Department will then refer to the table in ERM 207 for any increases in the basic 75% test if the group is renting and heat, electric, or water/cooking gas is included in the rent and will multiply the resulting percentage by the group's total net countable income. This result is the absolute total housing obligation the group can have and be eligible for SER services. ERM 207, pp. 1-3.

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. The Department will deny the SER application if the group does not have sufficient income to meet their total housing obligation, which cannot exceed 75% of the group's total net countable income. ERM 207, pp. 1-3.

At the hearing, the Department representative testified that Petitioner's [REDACTED] 2024, application for SER assistance with rent to prevent eviction in the amount of \$4,473.35 was denied because Petitioner's housing was not affordable according to the SER requirements identified above. The Department sent Petitioner a SER Decision Notice on January 31, 2025, advising her of the denial decision. The Department representative testified that because Petitioner has no income, she is unable to meet her ongoing housing obligations. The Department representative testified that Petitioner's housing obligation includes her monthly rent of \$847, and monthly utility expenses for heat and electric services. Therefore, the Department asserted that Petitioner would be unable to retain her housing even if SER assistance was to be authorized.

Petitioner argued that she has an active personal protection order against the previous primary tenant/lease holder, as well as an abuse history with this person. Petitioner testified that she is deaf and suffers from complex post-traumatic stress disorder due to the loss of both of her parents. Petitioner offered documentation in support of her testimony for admission into the record as evidence, specifically, hundreds of pages documenting her personal protective order with abuse details, death certificates for her parents, and proof of her disabilities, among other documents. Because the documents offered were not relevant to the housing affordability determination, they were rejected by the Administrative Law Judge.


Notwithstanding Petitioner's testimony and the arguments offered, Petitioner did not dispute that she is not employed and currently has no income. Petitioner testified that she is disabled and that she has submitted an application for disability benefits through the Social Security Administration (SSA). As of the hearing date, Petitioner had not received a decision from the SSA and was not receiving unearned income from either SSI or RSDI/Social Security. Petitioner testified that as a hobby, her friends sometimes purchase her homemade jewelry; however, Petitioner testified that it is not substantial and there was no evidence that this was reported to the Department at the time of the application. Petitioner further testified that she does not receive any financial assistance from an individual outside of her household.

Upon review, the Department established that Petitioner does not have sufficient income to meet her total housing obligation. Thus, Petitioner's housing is not affordable according to the SER requirements.

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 request for SER assistance with rent to prevent eviction.

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



ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

OAKLAND COUNTY DHHS - SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033

MDHHS-OAKLAND-6303-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4
E HOLZHAUSEN
J MCLAUGHLIN
MOAHR

Via First Class Mail:

Petitioner

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