

**DEPARTMENT OF HUMAN SERVICES**  
**FAMILY PROGRAM POLICY ADMINISTRATION**  
**STATE EMERGENCY RELIEF PROGRAM**

(By authority conferred on the department of human services by sections 6 and 14 of 1939 PA 280, MCL 400.6 and MCL 400.14.)

**R 400.7001 Definitions; A.**

Rule 1. As used in these rules:

(a) "Adult" means either of the following:

(i) A person who is 21 years of age or older.

(ii) A person who is less than 21 years of age and who is not a dependent child.

(b) "Adult burial without services allowance" means the maximum amount that may be approved for the burial or cremation of an adult or of a child who is 1 month of age or older if family services are not provided.

(c) "Adult burial with services allowance" means the maximum amount that may be approved for the burial or cremation of an adult or of a child who is 1 month of age or older if family services are provided.

(d) "Affordable housing" means that the total housing obligation is equal to or less than 75% of the State Emergency Relief (SER) group's net countable income. The basic 75% may be increased by the following percentages if heat, electricity, or water/cooking gas is included in the rent:

(i) Heat included adds 15% to the basic 75%.

(ii) Electricity included adds 5% to the basic 75%.

(iii) Water or cooking gas, or both, included adds 5% to the basic 75%.

(e) "Applicant" means a person who has applied for the SER program or on whose behalf an authorized representative has made application for the SER program.

(f) "Application" means a statement, on a form or an online application prescribed by the department, that the client wishes to receive SER which is signed and dated by the applicant or by a person who acts on the applicant's behalf and which is received by the department.

(g) "Asset" means a real or personal, tangible or intangible resource that a client owns or possesses, in that the client has a legal interest, and that the client has the legal ability to use or dispose of.

(h) "Authorization" or "30-day eligibility period" means the 30-day period immediately following the date of the application.

(i) "Authorized representative" or "a person who acts on the applicant's behalf" means a person who applies or provides eligibility information on behalf of a client.

History: 1993 AACCS; 2015 AACCS.

**R 400.7002 Definitions; C, D.**

Rule 2. As used in these rules:

- (a) "Cash assets" means any of the following:
  - (i) Currency and coins.
  - (ii) Amounts on deposit in banks, savings and loan associations, credit unions, and other financial institutions.
  - (iii) Uncashed checks, drafts, and warrants.
  - (iv) Traveler's checks.
  - (v) Stocks, bonds, and other investments, including negotiable instruments.
  - (vi) Individual retirement accounts.
  - (vii) Keogh plans.
  - (viii) Revocable prearranged funeral contracts.
  - (ix) Nonrecurring lump-sum payments that do not represent an accumulation of monthly benefits.
- (b) "Client" means an applicant for, or recipient of, SER and includes all members of the SER group.
- (c) "Department" means the state department of human services.
- (d) "Dependent child" means a person who is under the age of 21 and who is living with any of the following:
  - (i) A parent.
  - (ii) An adult relative.
  - (iii) An unrelated adult who functions as a parent.
- (e) "Director" means the director of the department.
- (f) "Divestment" means the disposition of an asset without receiving its market value with the intent of becoming or remaining eligible for, or increasing the amount of, emergency relief or with the intent of avoiding making reimbursement of emergency relief received.
- (g) "Dwelling unit" means a shelter, such as a house, apartment, or mobile home.

History: 1993 AACCS; 2015 AACCS.

#### **R 400.7003 Definitions; E, F.**

Rule 3. As used in these rules:

- (a) "Earned income" means cash that is received by a person for activities he or she engages in as a self-employed person or as an employee, from renting property, or from providing room and board.
- (b) "Electricity fiscal year cap" means the maximum amount that may be approved for electricity during a fiscal year.
- (c) "Electricity required payment amount" means the amount that a SER group must have paid toward its household electric obligation during each month of the 6-month period before the month in which the SER group applies for energy assistance as a condition of eligibility for emergency relief for energy.
- (d) "Emergency" means a situation in which immediate action is necessary to prevent serious harm or hardship.
- (e) "Emergency relief" means relief that is paid under the SER program.
- (f) "Equity" means the current market value of an asset minus any liens and indebtedness on the asset and minus the reasonable expenses that are necessary to liquidate the asset.

(g) "Federally funded home repairs allowance" means the maximum cumulative amount that may be approved during the lifetime of the client for energy-related home repairs that are wholly funded with federal funds.

History: 1993 AACCS; 2015 AACCS.

**R 400.7004 Definitions; H.**

Rule 4. As used in these rules:

(a) "Heating fuel fiscal year cap" means the maximum amount that may be approved for heating fuel during a fiscal year.

(b) "Heating fuel required payment amount" means the amount that a SER group must have paid toward its heating fuel obligation during each month of the 6-month period before the month in which the SER group applies for energy assistance as a condition of eligibility for emergency relief for energy.

(c) "Homeless" means that there is no housing to which the relief SER group can return. The term applies to all of the following groups:

(i) Groups in emergency shelters.

(ii) Groups sleeping in cars or on the streets.

(iii) Groups living temporarily with others due to a fire or natural disaster that occurred within 60 days before application.

(d) "Home ownership services allowance" means the maximum cumulative amount that may be approved during the lifetime of the client for any or all of the following services:

(i) Mortgage, land contract payments, or mobile home sales contracts, including principal and interest, legal fees, and escrows for taxes and insurance.

(ii) Property taxes and fees.

(iii) House insurance premiums that are required under the terms of a mortgage or land contract.

(iv) Mobile home lot rental.

(e) "Home repairs" means repairs that are necessary to make a home safe for occupancy or that are required by a rule, regulation, or ordinance of a governmental agency or mobile home park. The term includes repairs to any of the following with respect to a house or mobile home:

(i) The basic structure.

(ii) The plumbing system.

(iii) The water supply system.

(iv) The electrical system.

(v) The waste disposal system.

(vi) The heating system.

(f) "Homestead" means a structure that is occupied as a home and is owned, being purchased or held by a life estate. The term includes buildings on leased land, mobile homes, and adjoining land. A SER group may have only 1 exempt homestead at a time.

(g) "Household furniture allowance" means the maximum amount that may be approved per issuance for furniture.

History: 1993 AACCS; 2015 AACCS.

**R 400.7005 Definitions; I to P.**

Rule 5. As used in these rules:

(a) "Income" means all earned or unearned monies that are received by a client.

(b) "Infant burial allowance" means the maximum amount that may be approved for the burial, cremation, or other disposition of a child who is less than 1 month of age, a fetus, or a limb.

(c) "Market value," with respect to an asset, means the price that the owner would receive if he or she disposed of the asset on short notice, possibly without the opportunity to realize the full potential on his or her investment in the asset.

(d) "Noncash assets" means assets that are not cash assets.

(e) "Potential resource" means an asset or income that may be available to a client if action is taken to make the asset or income available.

(f) "Protected cash asset limit" means the maximum total combined cash assets that the members of a relief group which is eligible with respect to cash assets may own.

(g) "Protected noncash asset limit" means the maximum total combined noncash assets that the members of a relief group which is eligible with respect to noncash assets may own.

History: 1993 AACCS.

**R 400.7006 Definitions; R.**

Rule 6. As used in these rules:

(a) "Relocation fiscal year cap" means the maximum amount that may be approved for relocation during a fiscal year.

(b) "Required payment amount" means a payment by the client of his or her obligation for any of the following in an amount specified in these rules:

(i) Rent.

(ii) The purchase of a home.

(iii) Mandatory house insurance premiums required under the terms of a mortgage or land contract.

(iv) Heating fuel.

(v) Electricity.

(vi) Water or cooking fuel, or both.

(vii) Utility deposit.

(c) "Resource" means income or assets that are owned by, and are under the control of; a client and that may be used to achieve a level of subsistence.

History: 1993 AACCS; 2015 AACCS.

**R 400.7007 Definitions; S to W.**

Rule 7. As used in these rules:

(a) "State-funded home repairs allowance" means the maximum cumulative amount that may be approved during the lifetime of the client for home repairs that are wholly or partially funded with state funds.

(b) "SER group" means all persons who live together in the same dwelling unit except for the following entities:

(i) Renters who live in the same dwelling unit and who pay a fair market rent to the SER group.

(ii) Landlords who live in the same dwelling unit if the SER group pays the landlord fair market rent to live in the home.

(iii) Any person who claims and verifies that he or she will not be adversely affected by the emergency situation for which the SER group is requesting SER and will not benefit if the SER group's application is approved.

(c) "State Emergency Relief Program" or "SER program" assists individuals and families who meet the established eligibility criteria with safe, decent, affordable housing and other essential needs when an emergency situation arises that may result in serious harm to individuals and families.

(d) "Total housing obligation" means the total monthly amount the SER group must pay for all of the following:

(i) Rent.

(ii) House payment.

(iii) Mobile home lot rent.

(iv) Property taxes.

(v) Required insurance premiums.

(e) "Unearned income" means any income, other than earned income, and includes all of the following:

(i) Money received in the form of public assistance.

(ii) Pensions.

(iii) Benefits.

(iv) Interest.

(v) Dividends.

(vi) Support.

(vii) Compensation.

(f) "Utility deposit cap" means the maximum amount that may be approved for a utility deposit.

(g) "Verification" means documentation or collateral proof that is used to confirm the validity of a relief group's reported circumstances.

(h) "Water or cooking gas, or both, fiscal year cap" means the maximum amount that may be approved for water or cooking gas, or both, during a fiscal year.

(i) "Water or cooking gas, or both, required payment amount" means the amount that a relief group must have paid toward its obligations for water or cooking gas, or both, during each month of the 6-month period before the month in which the SER group applies for water or cooking gas, or both, assistance as a condition of eligibility for emergency relief for water or cooking gas, or both.

History: 1993 AACCS; 2015 AACCS.

**R 400.7008 Application; completing required forms and providing relevant documentation to department; eligibility determination based on conditions and resources existing during emergency period; request for emergency relief after authorization period.**

Rule 8. (1) Any person may apply for the SER program for himself or herself and the SER group of which he or she is a member or as an authorized representative of another person or persons. The right to apply shall not be limited or denied due to any of the following:

- (a) Age.
- (b) Race.
- (c) Nationality.
- (d) Ethnic background.
- (e) Sex.
- (f) Political opinions.
- (g) Religious beliefs.
- (h) Physical or mental handicaps.
- (i) Marital status.

(2) All members of the SER group shall be listed on the application form.

(3) An application is considered completed when all of the following provisions have been complied with:

- (a) The application form prescribed by the department has been filled out.
- (b) The application has been signed by the applicant or by the applicant's authorized representative.
- (c) The application has been received by the department.

(4) To assist the department in determining eligibility for emergency relief, a client shall complete forms that are required by the department or that provide information needed for the completion of such forms. When required by the department, a completed form shall include signatures of all adult members of the SER group.

(5) A client shall cooperate in the eligibility determination process by providing any available documentation requested by the department regarding to any of the following matters:

- (a) Identity.
- (b) The existence and nature of the emergency.
- (c) Income.
- (d) Assets.
- (e) Social security number.
- (f) The cost of resolving the emergency.
- (g) Liability for shelter, heat, non-heat electric and utility costs.
- (h) The amount of shelter costs.

(i) Payment by the relief group of a required payment amount that is established by these rules as a condition of eligibility for relief.

(6) Eligibility shall be determined on the basis of conditions and resources as they exist during the emergency period. If emergency relief is requested after the end of the authorization period, a new application and determination of eligibility are required.

History: 1993 AACCS; 2015 AACCS.

**R 400.7009 Verification of information.**

Rule 9. (1) All of the following items shall be verified:

- (a) The existence of an emergency.
- (b) The sources and amounts of income and the dates received.
- (c) The identity of the client.
- (d) The cost of resolving the emergency.
- (e) The ownership and market value of assets.

(f) Payment by the SER group of a required payment amount that is established by these rules as a condition of eligibility for relief.

(2) Failure on the part of the client to cooperate in obtaining proof of eligibility shall be reason to deny relief.

(3) If verification of the information specified in subrule (1) of this rule cannot be obtained after the client has made reasonable efforts to obtain it, the department may waive verification and base the determination of eligibility on the best available evidence.

History: 1993 AACCS; 2015 AACCS.

**R 400.7010 General requirements for relief.**

Rule 10. Relief shall not be granted until all of the following requirements are satisfied:

- (a) An application has been completed.
- (b) A face-to-face interview has been conducted by an employee of the department with an adult member of the SER group, if required by the department.
- (c) The application is signed. The department may require the application to be signed in the presence of a department worker and be witnessed by the worker.
- (d) Information and verification that are required by the department have been obtained.

History: 1993 AACCS; 2015 AACCS.

**R 400.7011 Determination of eligibility within 10 business days required.**

Rule 11. Eligibility for the SER program shall be determined within 10 business days from the date the application is completed.

History: 1993 AACCS; 2015 AACCS.

**R 400.7012 Divestment of resources by client.**

Rule 12. A client who sells or otherwise disposes of an asset or other resource within 90 days before applying for the SER program without receiving the market value of the asset or resource shall be ineligible for the SER program if the reason for the sale or disposition is to become eligible for, or remain eligible for, the SER program, to

increase the amount of emergency relief, or to avoid repayment of emergency relief that has been granted.

History: 1993 AACCS; 2015 AACCS.

**R 400.7013 Relief; issuance; form; standard rates; approval by department.**

Rule 13. (1) The department may issue emergency relief for which a client has been determined eligible in the form of vendor payments to the provider.

(2) Prior authorization from the department for relief is required, except when the emergency need occurs before or after regular office hours of the department, in which case payment may be made if the client files an application within 5 business days of the emergency. Prior authorization is required for burial unless the department is closed for the entire period between death and burial or cremation, in which case payment may be made if an application is filed on the first business day following the occurrence.

(3) Payment may be made only for the services that are approved during the authorization period.

History: 1993 AACCS; 2015 AACCS.

**R 400.7014 Eligibility; exempt income; available earned and unearned income.**

Rule 14. (1) Income that is exempt from consideration in determining eligibility for the SER program shall be income from the following sources:

(a) Income in kind.

(b) Food assistance program.

(c) Michigan homestead property tax credit.

(d) Money given to the SER group by a person or organization as reimbursement for past, current, or future training-related expenses, medical care expenses, or expenses incurred as a volunteer.

(e) Reimbursement of medicare premiums.

(f) Michigan department of mental community health family support subsidy payments.

(g) Compensation that is awarded for a particular use.

(h) Child care payments and allowances that are made by the department.

(i) Disaster relief assistance.

(j) Benefits that are received from any of the following programs:

(i) Women, infants, and children program.

(ii) Title VII nutrition program for the elderly.

(iii) Energy assistance that is received from any of Michigan's low income energy assistance grant programs.

(iv) Child nutrition and school lunch programs and subsidies.

(k) Housing assistance that is paid under any state or federal law.

(l) Educational grants and scholarships.

(m) The earnings of a member of the SER group who is a dependent child when both of the following conditions are met:



(i) The accumulated earnings are held in a savings account of which the dependent child who earned the money is the sole tenant.

(ii) The accumulated earnings are not commingled with money obtained from any source except the earnings of the dependent child.

(2) Unearned income shall be counted in determining the amount of emergency relief that a SER group is eligible to receive. Such income includes all of the following:

(a) Assistance that is paid by the department pursuant to the family independence program or the state disability assistance program.

(b) Retirement, survivors, and disability insurance benefits that are paid by the social security administration.

(c) Supplemental security income that is paid by the social security administration.

(d) Alimony.

(e) Child support.

(f) Veterans administration benefits.

(g) Unemployment benefits, including unemployment compensation benefits, railroad unemployment benefits, and other governmental unemployment benefits.

(h) Payments from private sick and accident insurance plans.

(i) Workers' compensation benefits.

(j) Pensions and retirement benefits.

(k) Strike benefits.

(l) Income that is received by a client from the sale of property on a land contract or mortgage, including principal and interest.

(m) Military allotments.

(n) Investment income, such as dividends, interest, and royalties.

(o) Income from annuities, bonds, stocks, and trusts.

(3) Net unearned income shall be determined by deducting all of the following from the gross amount received:

(a) Mandatory taxes.

(b) Court-ordered child support paid, but not more than the amount ordered by the court.

(c) Payments for health insurance.

(4) Net income from employment or self-employment shall be determined by deducting the expenses of employment from the gross amount received. Expenses of employment shall be limited to the following:

(a) Mandatory taxes.

(b) Deductions required by the employer as a condition of employment.

(c) Deductions for health insurance.

(d) Court-ordered child support paid, but not more than the amount ordered by the court.

(e) The cost of dependent care for either of the following:

(i) A dependent child who is less than 13-years-old.

(ii) A person who is 13-years-old or older and who needs care due to a mental or physical impairment.

(5) The amount deducted for dependent care under the provisions of subrule (4)(e) of this rule shall be the actual cost of care or \$200.00, whichever is less, for each person who receives dependent care. The cost of dependent care for a person shall not be allowed as a deduction from the earnings of more than 1 member of the SER group. A deduction for the cost of dependent care shall not be allowed if the caregiver is any of the following persons:

(a) A member of the SER group.

(b) A legally responsible relative of the employed person or of the person who needs care.

(c) A dependent relative of the employed person.

(d) A person who is not a member of the SER group, if the care can reasonably and safely be provided by 1 of the following persons who lives in the home:

(i) A member of the SER group.

(ii) A responsible relative of the employed person or the person who needs care.

(iii) A dependent relative of the employed person.

History: 1993 AACCS; 2015 AACCS.

#### **R 400.7015 Basic monthly income need standards; determining amount of relief.**

Rule 15. (1) A SER group shall be eligible with respect to income if the total combined monthly net income that is received or expected to be received by all members of the SER group in the 30-day period after the date of application for emergency relief is not more than the monthly basic income need standard for the number of members in the SER group.

(2) Income that is more than the basic monthly income need standard for the number of members in the SER group shall be deducted from the cost of resolving the emergency to determine the amount of emergency relief to be issued by the department, except that the department may require that the client execute a reimbursement agreement in the amount of the client's share of the cost of meeting the emergency or reduce or waive the client's share of the cost of meeting the emergency when the department determines that the client's share is not immediately available to meet the cost of the emergency and the service is necessary to remove a threat to life or health.

(3) The basic monthly income need standards shall be established by the department based on available actual appropriations. The standards shall be published in department policy and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

#### **R 400.7016 Eligibility; assets.**

Rule 16. (1) If the total combined cash assets that are not exempt from consideration of all members of the SER group are more than the protected cash asset limit, the amount in excess of the protected cash asset limit shall be deducted

from the cost of resolving the emergency to determine the amount of emergency relief to be issued by the department.

(2) A SER group composed solely of recipients of any of the following shall have automatic eligibility on the basis of noncash assets:

- (a) Family independence program.
- (b) State disability assistance.
- (c) Medical assistance.
- (d) Food assistance program.
- (e) Supplemental security income paid by the social security administration.

(3) A SER group whose members' equity in noncash assets is more than the protected noncash asset limit for the number of members in the SER group is not eligible for the SER program.

(4) To be relevant to a determination of eligibility, the assets in question shall be legally available to, and under the control of, the client and shall be salable.

(5) In determining the equity in an asset, the department shall deduct all of the following from the market value of the asset:

- (a) Any encumbrances against the asset.
- (b) The costs incurred in selling the asset.
- (c) An amount to which a person who is not a member of the SER group is equitably entitled.

(6) All of the following assets are exempt from consideration in determining eligibility for emergency relief:

- (a) One homestead.
- (b) Household goods.
- (c) Personal goods.
- (d) One burial space per SER group member.
- (e) Assets that are essential to employment or self-employment, including all of the following:
  - (i) Farm livestock and farm equipment.
  - (ii) Farmland.
  - (iii) Tools, equipment, and machinery.
- (f) One motor vehicle that is used as the primary means of transportation.

(g) The accumulated earnings of a member of the relief group who is a dependent child when both of the following conditions are met:

(i) The accumulated earnings are held in a savings account of which the dependent child who earned the money is the sole tenant.

(ii) The accumulated earnings are not commingled with money obtained from any source except the earnings of the dependent child.

- (h) Educational grants and scholarships.
- (i) The total cash surrender value of life insurance policies.
- (j) Irrevocable prepaid burial contracts.

(7) The protected cash asset limit shall not exceed the maximum limit set by the department. The protected cash asset limit shall be published in department policy and be made available to the public.

(8) The protected noncash asset limit shall not exceed the maximum limit set by the department. The protected noncash asset limit shall be published in department policy and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

**R 400.7017 Eligibility; reimbursement repayment of certain SER grants.**

Rule 17. As a condition of eligibility for the SER program, the department may require an applicant to sign a repay agreement for any of the following:

(a) The relief that is granted to the extent of any lump-sum payment or potential resources expected to be received, except for those benefits that are unattachable by law.

(b) The relief that is granted pending the reissuance of a lost or stolen assistance warrant.

(c) The relief that is issued pursuant to under a waiver of any of the eligibility requirements established by these rules.

History: 1993 AACCS; 2015 AACCS.

**R 400.7018 Eligibility; evaluating need and resources of SER group members.**

Rule 18. The need and resources of each member of the SER group shall be evaluated in determining eligibility for relief to meet emergency relief needs. All assets and income of each member of the SER group shall be counted in determining the eligibility of the group and the amount of relief to be issued.

History: 1993 AACCS; 2015 AACCS.

**R 400.7019 Agreement by client to make potential resources available.**

Rule 19. A client shall agree to take all feasible reasonable action to make potential resources, as described in department policy, available before emergency relief is issued.

History: 1993 AACCS; 2015 AACCS.

**R 400.7020 Client actions contributing to emergency as basis for denial of relief; required payments.**

Rule 20. (1) Failure, without good cause, on the part of any member of the SER group to meet required payments for any of the following shall be a basis for the denial of an application for the SER program if the department determines that the failure to meet required payments contributed to the emergency situation for which relief is requested:

(a) Rent.

(b) Purchase of a home.

(c) Mandatory house insurance premiums required under the terms of a mortgage or land contract.

(d) Heating fuel.

(e) Electricity.

(f) Water or cooking gas, or both.

(g) Utility deposits.

(2) The required payments for rent or the purchase of a home are the total amount of the SER group's monthly obligations for these needs during each of the 6 months before the month during which the SER group applies for emergency relief.

(3) The required payments for mandatory house insurance premiums required by the terms of a mortgage or land contract are the total amount of the SER group's obligations for mandatory house insurance premiums that fell due, or were overdue, during the 6 months before the month during which the SER group applies for emergency relief.

(4) The required payments for electricity, heat, and heat and electric deposits are met if, during each month of the 6-month period before the month in which the SER group applies for electricity, heat, or heat and electric deposit assistance, the group paid the combined electricity and heat required payment amounts for the number of persons in the group.

(5) The required payments for a non-energy utility deposit, water, cooking gas, or water and cooking gas are met if, during each month of the 6-month period before the month in which the SER group applies for a non-energy utility deposit, water, cooking gas, or water and cooking gas assistance, the group paid the water or cooking gas, or both, required payment amount for the number of persons in the group.

(6) Good cause shall exist for a failure to meet required payments if the SER group's net countable income from all sources during each month that the group failed to pay shelter, energy, or utility obligations was not reduced under the provisions of R 400.7021 and was less than the amounts specified by group size and established by the department and published in department policy.

(7) Electricity required payment amounts shall be established by the department and published in department policy.

(8) Heating fuel required payment amounts shall be established by the department and published in department policy.

(9) Water or cooking gas, or both, required payment amounts shall be established by the department and published in department policy.

History: 1993 AACCS; 2015 AACCS.

**R 400.7021 Action to obtain other governmental program resources required.**

Rule 21. A SER group shall not be eligible for relief under the SER program if a member of the SER group has been denied assistance under any of the following programs for failure to comply, when able, with a procedural requirement of those programs:

(a) The family independence program administered by the department.

(b) The state disability assistance program administered by the department.

(c) The supplemental security income program administered by the social security administration.

History: 1993 AACS; 2015 AACS.

**R 400.7022 Expanded services for individual SER groups.**

Rule 22. The director, or a person who is designated by the director, may, within limits established by the department, make exceptions in individual cases to these rules to accomplish any of the following purposes:

(a) To expand services to meet a particular SER group's emergency.

(b) To increase the standard rates established by the department for the covered services needed to meet a particular SER group's emergency.

(c) To approve payment for a service that did not have the required prior approval when, in the judgment of the director or the director's designee, the service provided under the exception is necessary to remove a threat to life or health.

History: 1993 AACS; 2015 AACS.

**R 400.7023 Exemption from rules in individual cases.**

Rule 23. The director, or a person who is designated by the director, may, within limits established by the department, grant an exemption from these rules in an individual case if there is evidence that the rule prevents the resolution of a threat to life or health or a condition of hardship.

History: 1993 AACS.

**R 400.7024 Eligibility; presence of client.**

Rule 24. To be eligible for benefits of the SER program, a client shall be in this state at the time of application or at the time the application is approved.

History: 1993 AACS; 2015 AACS.

**R 400.7025 Rescinded.**

History: 1993 AACS; 2015 AACS.

**R 400.7026 Relocation services.**

Rule 26. (1) Relocation services may be approved for any of the following reasons:

(a) To establish a dwelling unit for a homeless SER group.

(b) To reestablish a dwelling unit for a client who is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the client files an application for emergency relief.

(c) A dwelling unit that meets acceptable standards of health and safety is needed to accomplish either of the following purposes:

(i) To prevent the removal of children from parental care.

(ii) To enable children to be returned to parental care.

(d) To prevent eviction of a SER group when a member of the group has received a summons to appear in court as a defendant in an eviction action or a judgment of eviction has been issued by the court.

(e) To relocate a SER group that has received a final notice to vacate condemned housing from a local public agency authorized to issue such an order.

(2) Payment for relocation services under this rule may be made for any of the following needs:

(a) First month's rent.

(b) Rent arrears.

(c) Moving expenses to relocate household effects.

(3) Payment for relocation services shall not be made unless the income of the SER group is sufficient to meet the total housing obligation of the dwelling unit, thereby assuring that the same emergency will not recur in the immediate future.

(4) Payment for relocation services shall not be more than the relocation services payment maximum for the number of members in the SER group.

(5) The relocation fiscal year cap shall be established by the department, published in department policy, and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

#### **R 400.7027 Home ownership services.**

Rule 27. (1) The department may issue payment for home ownership services, which include any of the following services that are necessary to maintain a homestead:

(a) Mortgage, land contract payments, or mobile home sales contracts, including principal and interest, legal fees, and escrow accounts for taxes and insurance.

(b) Property taxes and fees.

(c) Home insurance premiums that are required under the terms of a mortgage or land contract.

(d) Mobile home lot rental.

(2) Home ownership services may be approved only to prevent foreclosure or the initiation of a foreclosure or eviction action or loss of a homestead due to unpaid taxes. Emergency relief shall not be approved for home ownership services if there is no plan to ensure that the home will continue to provide safe and affordable shelter for the SER group.

(3) Payment for home ownership services shall not be made unless the income of the SER group is sufficient to meet the total housing obligation of the dwelling unit, thereby assuring that the same emergency will not recur in the immediate future.

(4) Payment for home ownership services shall not be approved if the payment would cause the home ownership services allowance to be exceeded.

(5) The home ownership services allowance shall be determined by the department and shall be published in department policy and be made available to the public. The allowance is for the lifetime of the client.

(6) Payment for home ownership services shall not be approved unless all of the following provisions are satisfied:

(a) A member of the SER group is the owner or purchaser of the home.

(b) The home is the SER group's permanent, usual place of residence.

(c) The home is in livable condition or can be brought to livable condition within the remaining home repairs allowances.

(d) The home is not currently listed for sale.

(7) Payment for property taxes under home ownership services shall not be approved if the total tax arrearage for all years is more than the ownership services maximum \$2,000.00.

History: 1993 AACS; 2015 AACS.

#### **R 400.7028 Rescinded.**

History: 1993 AACS; 2015 AACS.

#### **R 400.7029 Payment for home repairs.**

Rule 29. (1) Payment for home repairs may be made only if all the following conditions are met:

(a) The home is owned, being purchased, or held under a life estate by a member of the SER group and is the group's permanent, usual place of residence.

(b) The SER group is living in the home, unless the members are absent due to the condition of the home or the health of a member.

(c) The home is not for sale.

(d) The home is not in jeopardy of loss due to unpaid property taxes or foreclosure of a mortgage or land contract.

(e) The repairs are necessary to remove a direct threat to the health or safety of the SER group members.

(2) Repairs shall restore the home to a livable condition.

(3) The most cost-effective repair or replacement of the defect is authorized.

(4) The client may be required to obtain or assist in obtaining an estimate of the costs of repairs.

(5) The client may be required to use a licensed contractor.

(6) If the department authorizes furnace replacement, the client may be required to purchase an energy-efficient unit.

(7) Emergency relief shall not be approved for home repairs if there is no plan to ensure that the home will continue to provide shelter for the SER group in the future.

(8) Payment for home repairs shall not be made unless the income of the SER group is sufficient to meet the total housing obligation of the dwelling unit, thereby assuring that the homestead will provide shelter for the SER group in the foreseeable future.



(9) Payment for home repairs shall not be approved if the payment would cause the federally funded home repairs allowance or the state-funded home repairs allowance to be exceeded.

(10) The federally funded home repairs allowance shall be determined by the department based upon available federal funding. The allowance shall be published in department policy and be made available to the public.

(11) The state-funded home repairs allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

**R 400.7030 Payment for water or cooking gas services; payment for utility deposits.**

Rule 30. (1) Payment may be made to prevent the shutoff of water service or cooking gas service, or both, or to restore the service, including reconnect or hookup fees and other charges necessary to provide service.

(2) Payment for water or cooking gas services, or both, shall not be made unless such payment will assure continuation of water or cooking gas services, or both, or restoration of such services, for a minimum of 30 calendar days.

(3) A payment for water or cooking gas services, or both, shall not be approved if the payment would cause the water or cooking gas, or both, fiscal year cap to be exceeded.

(4) Payment of a utility deposit may be made to commence utility service or to prevent discontinuance of utility service. Payment for a utility deposit shall not be more than the lesser of the following:

(a) The amount charged by the utility company.

(b) The utility deposit cap.

(5) The water or cooking gas, or both, fiscal year cap shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

(6) The utility deposit cap shall be established by the department based on available actual appropriations. The issuance shall be published in department policy and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

**R 400.7031 Payment for electricity.**

Rule 31. (1) Payment may be made to prevent the shutoff of electricity or to restore the service.

(2) Payment for electricity shall not be made unless the payment will assure the continuation of electricity service, or the restoration of such service, for a minimum of 30 calendar days.

(3) A payment for electricity shall not be approved if the payment would cause the electricity fiscal year cap to be exceeded.

(4) The electricity fiscal year cap shall be established by the department based on available actual appropriations. The cap shall be published in department policy and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

**R 400.7032 Payment for heating fuel.**

Rule 32. (1) Payment may be made to prevent the shutoff of heating fuel or to restore the service.

(2) Payment for heating fuel shall not be made unless the payment will assure the continuation of heating fuel service, or the restoration of such service, for a minimum of 30 calendar days.

(3) A payment for heating fuel shall not be approved if the payment would cause the heating fuel fiscal year cap to be exceeded.

(4) The heating fuel fiscal year cap if natural gas or wood is the heat source shall be established by the department based on available actual appropriations. The cap shall be published in department policy and be made available to the public.

(5) The heating fuel fiscal year cap if fuel oil, liquefied propane gas, or coal is the heat source shall be established by the department based on available actual appropriations. The cap shall be published in department policy and be made available to the public.

History: 1993 AACCS; 2015 AACCS.

**R 400.7033 Payment for inpatient or outpatient hospitalization of migrant families.**

Rule 33. (1) Inpatient hospitalization or outpatient services for migrant families may be provided for a period of up to 30 consecutive days in any 12-month period if all of the following provisions are satisfied:

(a) Members of the migrant family have not received migrant hospitalization services from the SER program in the 12-month period preceding the date of hospital admission.

(b) The person applying for inpatient hospitalization or outpatient services is ineligible for medicaid, and medicaid ineligibility did not result from any of the following:

(i) Excess income.

(ii) The applicant's failure to meet a procedural requirement of medicaid.

(iii) The applicant's entrance into this state for reasons other than employment.

(c) No member of the household quit or refused employment or training without good cause within the 30 days prior to application.

(2) A migrant family is a family that meets all of the following requirements:

(a) Works primarily in agriculture or a related seasonal industry.

(b) Moves from place to place to find work.

(c) Lives in a temporary residence during the work season.

(d) Has a child who is less than 21-years-old and who is living with, or has lived with, a specified relative during the last 6 months.

(e) The household members are nonresidents of this state.

(3) Exclusions, payment rates, and conditions of coverage for inpatient hospitalization shall be based on medicaid payment rates and covered services. Elective hospitalization is not a covered service.

(4) Exclusions, payment rates, and conditions of coverage for outpatient services shall be based on medicaid payment rates and covered services subject to the following provisions:

(a) Services which are a follow-up to inpatient services and which are performed within 30 days of the hospital admission will be covered.

(b) Services which are normally performed as inpatient services, but which the attending physician and the client have decided to have performed on an outpatient basis will be covered.

History: 1993 AACCS; 2015 AACCS.

#### **R 400.7034 Payment for burial or cremation of deceased person.**

Rule 34. (1) Payment may be made for burial or cremation of a deceased person when sufficient resources from the deceased person's estate and expected contributions from responsible relatives are not available.

(2) Payment may be made for any of the goods and services that are customarily provided for the burial or cremation of a deceased person, including all of the following:

(a) Goods and services that are provided by a funeral director.

(b) An outside receptacle that is required by the cemetery and that consists of a metal or concrete rough box.

(c) A single burial space.

(d) Opening and closing the grave.

(e) The use of cemetery equipment.

(f) Transportation.

(g) Clothing.

(h) Clergyman's honorarium.

(i) Cremation.

(3) Payment may be approved for burial or cremation in any of the following locations:

(a) The county where the deceased had lived.

(b) The county where the deceased died.

(c) A county of a relative's choice in this state or in another state.

(d) A location stipulated in a prearranged burial agreement.

(4) Friends or relatives may supplement the SER payment in any amount up to that shall be determined by the department and shall be published in department policy and be made available to the public for additional services. Responsible relatives may designate a maximum amount designated by the department of a required copayment for this purpose.

(5) An application for emergency relief shall be denied if the total amount contributed for additional services is more than the maximum amount determined by the department and published in department policy to be made available to the public.

(6) The amount of an expected lump-sum death benefit from the social security administration shall be deducted from the state payment if the surviving spouse resided with the deceased person at the time of death.

(7) The department shall determine the availability of benefits from veterans' programs, life insurance, fraternal or social organizations, and prearranged funeral agreements. Such benefits may reduce the amount paid by the department by an amount equal to the benefits.

(8) Payment for the burial or cremation of an adult or of a child who is 1 month of age or older shall not be more than the adult burial with services allowance if family services are provided.

(9) Payment for the burial or cremation of an adult or of a child who is 1 month of age or older shall not be more than the adult burial without services allowance if family services are not provided.

(10) The payment for the burial, cremation, or other disposition of a child who is less than 1 month of age, a fetus, or a limb shall not be more than the infant burial allowance.

(11) The adult burial with services allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

(12) The adult burial without services allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

(13) The infant burial allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

History: 1993 AACS; 2015 AACS.

**R 400.7049 Rescission.**

Rule 49. R 400.3501 to R 400.3540 of the Michigan Administrative Code, appearing on pages 3132 to 3143 of the 1979 Michigan Administrative Code, are rescinded.

History: 1993 AACS.