

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to orr@michigan.gov.

1. Agency Information:

Agency name:	Health and Human Services
Division/Bureau/Office:	Economic Stability Administration
Name, title, phone number, and e-mail of <u>person completing this form</u> :	Brian Sanborn, Policy Analyst, 517-342-0033, sanbornb2@michigan.gov

2. Rule Set Information:

Title of proposed rule set:	Family Independence Program
Rule number(s) or range of numbers:	Mich Admin Code R 400.3101- 400.3131
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

January 1, 2020.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The rules provide guidance to the program area regarding the eligibility and receipt of Family Independence Program (FIP) funds. In 2018, MCL 400.57a was amended by the Legislature to require a disregard option of the income and assets of a new parent or new stepparent by marriage into a household for a specific period of time, unless the income or assets do exceed twice the income and asset limits set by DHHS. This amended language becomes effective January 1, 2020. There is a conflict with the current administrative rules as the rules do not provide for this income disregard option for current recipient of FIP when bringing the new parent or stepparent into the household.
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5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

By authority conferred on the Department of Health and Human Services by 1939 PA 280, MCL 400.6.
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6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The rules are in conflict with the current state statute, MCL 400.57a, that allows for a disregard of income of the new parent or stepparent into the household. The statute amendment of allowing a disregard of this income and assets is effective January 1, 2020. DHHS would like the rules to align with the statute.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook,

instructional bulletin, form with instructions, or operational memo?

The eligibility and receipt of FIP, in addition to the administrative requirements of the federal and state programs, are contained in both the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

The rules will be promulgated under Section 44 “that is required to make obviously needed corrections to make the rule conform to an amended or new statute.”

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

The rule(s) do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Mary E. Brennan

↓ To be completed by MOAHR ↓

Date RFR received: 8-6-2019

Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-079 HS
Date of approval:	8/7/19

Based on the information in this RFR, MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	