

# HOUSE BILL No. 6305

December 5, 1990, Introduced by Rep. Jaye and referred to the Committee on Social Services and Youth.

A bill to amend section 14 of Act No. 280 of the Public Acts of 1939, entitled as amended  
"The social welfare act,"  
as amended by Act No. 266 of the Public Acts of 1987, being section 400.14 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of Act No. 280 of the Public Acts of  
2 1939, as amended by Act No. 266 of the Public Acts of 1987, being  
3 section 400.14 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 14. (1) The state department has all of the following  
6 additional powers and duties:

7 (a) To allocate and distribute to the county and district  
8 departments of social services, as provided in section 18, and in  
9 accordance with the rules promulgated by the director, money

1 appropriated by the legislature or received from the federal  
2 government for the relief of destitution or unemployment within  
3 the state, or a political subdivision of the state.

4 (b) To distribute, as provided in this act, subject to fed-  
5 eral rules and regulations, and in accordance with the rules  
6 promulgated by the director, money appropriated by the legisla-  
7 ture or received from the federal government for the granting of  
8 aid to dependent children and supplemental security income; for  
9 medical, dental, optometric, nursing, pharmaceutical, and burial  
10 relief; for services furnished by professions under the public  
11 health code, Act No. 368 of the Public Acts of 1978, as amended,  
12 being sections 333.1101 to 333.25211 of the Michigan Compiled  
13 Laws; and for other relief or welfare services provided by law.

14 (c) To operate a day care program in rural and urban areas  
15 and assist in the development of sound programs and standards for  
16 day care by public organizations throughout the state.

17 (D) TO MONITOR HOUSING FOR WHICH THE STATE DEPARTMENT MAKES  
18 DIRECT PAYMENTS OF RENT. If the director, commissioner, or those  
19 officials responsible for enforcing a state or local building  
20 code determine that a dwelling unit fails to meet the standards  
21 of that code through fault of the landlord, the department may  
22 refuse to pay public assistance grants authorized under this act  
23 for payment of rent on the dwelling unit. A written notice of  
24 the refusal, stating the grounds for the refusal and listing the  
25 defects to be corrected, shall be mailed immediately to the land-  
26 lord by certified mail. During the period of refusal, the  
27 landlord may bring an action against the department in the nature

1 of quo warranto, but may not maintain an action for the rent or  
2 possession of the premises. If the defects have been corrected  
3 or if the department's refusal to pay is determined by a court of  
4 competent jurisdiction to be wrongful, the department shall pay  
5 the rent that is owed, but not more than the amount of the grants  
6 withheld.

7 (E) TO MAINTAIN A RECORD OF PROPERTY DAMAGE COMPLAINTS  
8 BROUGHT BY LANDLORDS AGAINST PUBLIC ASSISTANCE RECIPIENTS ON  
9 WHOSE BEHALF THE STATE DEPARTMENT MAKES DIRECT PAYMENTS OF RENT.  
10 UPON THE REQUEST OF A LANDLORD WITH RESPECT TO A PROSPECTIVE  
11 TENANT, THE STATE DEPARTMENT SHALL INFORM THE LANDLORD IF PROP-  
12 ERTY DAMAGE COMPLAINTS HAVE BEEN FILED AGAINST THE PROSPECTIVE  
13 TENANT.

14 (g) To assist other departments, agencies, and institutions  
15 of the federal and state governments, when ~~so~~ requested, in  
16 performing services in conformity with the purposes of this act.  
17 The director shall act as certifying agent for federal depart-  
18 ments or agencies in determining eligibility of applicants for  
19 aid or service rendered by those departments or agencies. The  
20 rules of the state departments under this subsection shall be  
21 binding upon the county departments of social services.

22 (h) To collect and compile statistics, make special  
23 fact-finding studies, and publish reports in reference to the  
24 field of welfare, including a biennial report as provided in sec-  
25 tion 17.

26 (i) To arbitrate and decide disputed or contested claims  
27 between 2 or more counties relative to the settlement or domicile

1 of a person or family given or in need of any form of public aid  
2 or relief, and to determine and declare the county of settlement  
3 or domicile in any instance when so requested or on the  
4 department's own volition. All decisions and determinations made  
5 under this subdivision shall be binding upon the county depart-  
6 ments of social services.

7 (j) To administer or supervise relief or welfare functions  
8 vested in the department by law, and to provide for the progres-  
9 sive codification of the laws governing relief and welfare  
10 problems.

11 (k) To inspect county infirmaries and places of detention  
12 for juveniles for the purpose of obtaining facts pertaining to  
13 the usefulness and proper management of the infirmaries and  
14 places of detention, and of promoting proper, efficient, and  
15 humane administration of those infirmaries and places of  
16 detention. A reasonable order of the department fixing minimum  
17 standards of sanitation, fire protection, food, and comfortable  
18 lodging may be enforced, through mandamus or injunction in the  
19 circuit court for the county where the county infirmary or place  
20 of detention for the juveniles is located, through proper pro-  
21 ceedings instituted by the attorney general on behalf of the  
22 department. The burden of proof shall be on the department to  
23 establish the reasonableness of the order.

24 (l) To promulgate ~~by~~ rules THAT ESTABLISH a recommended  
25 schedule of payment for care and maintenance, pursuant to the  
26 administrative procedures act of 1969, Act No. 306 of the Public  
27 Acts of 1969, as amended, being sections 24.201 to 24.328 of the

1 Michigan Compiled Laws, to be used, as provided by law, in  
2 determining the amount of payment to be made by patients, their  
3 guardians, or relatives who are liable for the care and mainte-  
4 nance of persons entitled to treatment under the mental health  
5 code, Act No. 258 of the Public Acts of 1974, as amended, being  
6 sections 330.1001 to 330.2106 of the Michigan Compiled Laws. The  
7 department in promulgating the schedule may give consideration to  
8 the person's income, the number of other persons he or she is  
9 obligated to support, his or her estate, medical and other neces-  
10 sary expenses, and other relevant matters.

11 (n) To provide or contract for legal services for persons  
12 receiving assistance under this act in guardianship and support  
13 proceedings.

14 (p) To provide services to adults and aging persons, which  
15 shall include:

16 (i) Services for the blind in accordance with the rehabili-  
17 tation act of 1973, ~~29 U.S.C. 701 to 796i~~ PUBLIC LAW 93-112, 87  
18 STAT. 355.

19 (ii) Services authorized in title XX of the social security  
20 act, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1397 to 1397e.

21 (q) To license and regulate child care organizations and  
22 programs as described in Act No. 116 of the Public Acts of 1973,  
23 as amended, being sections 722.111 to 722.128 of the Michigan  
24 Compiled Laws.

25 (2) Other sections of this act notwithstanding, all powers  
26 and duties of the county social services boards to develop,  
27 implement, and administer a program of general public relief, are

1 transferred to the state department effective beginning with the  
2 first county fiscal year following December 1, 1975. However, in  
3 a county that operates a patient care management system pursuant  
4 to section 66j, the county social services board may change the  
5 eligibility standards and coverages for medical care for persons  
6 eligible for services under a patient care management system  
7 subject to the consent of the county board of commissioners, or,  
8 in a charter county, subject to the consent of the county board  
9 of commissioners and the county executive.