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WORKING PAPER

CRISIS BEFORE THE EMERGENCY: EVICTIONS IN DETROIT BEFORE AND AFTER THE ONSET OF COVID-19

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EXECUTIVE SUMMARY

COVID-19 eviction response measures sought to prevent a wave of housing loss brought on by the economic impacts of the pandemic, but also stood to disrupt a status quo of mass eviction that systematically harms Black women and children. This working paper offers insight on eviction filings and outcomes since the onset of the pandemic and related policy changes in Detroit, analyzing trends from a dataset of residential landlord-tenant cases filed in the 36th District Court between January 2019 and March 2022. The findings indicate that COVID-19 eviction response measures reduced the number of evictions in Detroit relative to past years, demonstrating that new levels of eviction prevention are attainable when policymakers treat eviction like a public health crisis rather than a property dispute. Yet even with unprecedented eviction prevention measures in place, eviction remained a persistent and pervasive threat. The most robust eviction prevention measures were short-lived, and large public investments in rental assistance and legal aid programs did not fundamentally alter the power imbalance that characterizes the landlord-tenant relationship and pervades the legal eviction process. Major policy and enforcement gaps meant that landlords and the court still forcibly uprooted thousands of renters from their homes and neighborhoods amid the pandemic. As federal rental aid expires and the affordable housing crisis escalates, a return to the pre-pandemic normal signals a return to mass evictions. However, if policymakers act urgently to enforce existing laws, institutionalize pandemic-era programs, and enact a more just eviction and housing policy platform, we can establish a new normal of housing for all.

KEY FINDINGS

- **EVICTIONS IN DETROIT HAVE BEEN RISING SINCE THE SUMMER OF 2020.**

Since the onset of COVID-19 through March 2022, landlords filed more than 25,500 new eviction cases against tenants. Despite the CDC moratorium and \$72M in COVID Emergency Rental Assistance (CERA) funds paid to Detroit landlords and tenants in 2021, an estimated 1 in 9 Detroit renter households (or 38,400 tenants) faced threat of eviction in 2021. The number of filings rose steadily in 2022.

- **SLOW DISTRIBUTION OF CERA PAYMENTS DISPARATELY IMPACTED DETROIT'S MAJORITY-BLACK RENTERS.**

Distribution of CERA payments was extremely slow across Michigan but especially inadequate in Wayne County, reaching just 36% of applicants in 2021, compared to 50% statewide. Wayne County is home to 18% of Michigan's population but 50% of the state's Black population; it accounted for 32% of statewide CERA applicants between April 2021 and March 2022.

- **NO-CAUSE EVICTIONS INCREASED AFTER THE CERA PROGRAM BEGAN, LEAVING 1 IN 4 TENANTS WHO FACED EVICTION WITHOUT PROTECTION.**

Most evictions filed during the pandemic were for nonpayment of rent, but 24% of filings were no-cause (termination of tenancy) evictions. No-cause evictions increased by 60% after the CERA program began in March 2021, and tenants facing termination of tenancy were twice as likely as tenants facing eviction for nonpayment to receive a judgment.

- **EVICTION FILINGS, JUDGMENTS, AND FORCED REMOVAL BY A BAILIFF DECLINED DURING THE PANDEMIC, BUT THE STRONGEST PROTECTIONS WERE SHORT-LIVED.**

Eviction filings fell to 36% of the pre-pandemic level in 2020 due to short-lived state and local eviction moratoria, then rose to 60% of pre-pandemic levels in 2021. The proportion of cases ending in a judgment fell

greatly. However, judges still authorized more than 600 bailiff evictions during the CDC moratorium and the number of signed orders of eviction increased by 450% in the first 100 days after the moratorium was lifted.

- **THE COURT ENTERED FEWER DEFAULT JUDGMENTS DURING THE PANDEMIC, BUT STILL THE MAJORITY OF TENANTS WHO WERE EVICTED NEVER HAD THEIR DAY IN COURT.**

The proportion of cases ending in a default judgment declined by 40% since the court began holding eviction hearings online and stopped entering judgments at first hearings. Still, one-quarter of all cases closed during the pandemic resulted in a default judgment against tenants who did not appear in court. Default judgments comprised 56% of judgments pre-pandemic and 84% since.

- **NONENFORCEMENT OF THE CITY'S RENTAL CODE REINFORCED THE POWER IMBALANCE BETWEEN LANDLORDS AND TENANTS AND CONTRIBUTED TO MANY UNJUST AND AVOIDABLE EVICTIONS.**

Roughly 9 in 10 pandemic-era evictions involved properties operated unlawfully by landlords in violation of the City of Detroit's rental ordinance, despite the law stating that landlords may not occupy rental units or collect rent without a Certificate of Compliance (CoC).

- **TENANTS' ACCESS TO LEGAL COUNSEL INCREASED DURING THE PANDEMIC, BUT LANDLORDS WERE STILL FOUR TIMES MORE LIKELY THAN TENANTS TO HAVE ATTORNEYS.**

Pandemic relief funds allowed local legal aid organizations to provide free legal advice to all tenants who attended their hearings, but did not enable them to provide full representation to all who needed it. Tenants in 22% of cases closed during the pandemic had lawyers, a proportion seven times higher than before. Still, 92% of landlords had attorneys during the pandemic, up from 84% before.

INTRODUCTION

Mass evictions threatened public health long before the onset of COVID-19.¹ Because the power and property relationships that give rise to eviction are structured by systematic racism, capitalism, and gender-based oppression, eviction is an omnipresent feature of low income tenancy that disparately impacts renters of color, particularly Black women and families with children.² Most poor renters in Detroit receive no housing assistance, spend at least 50% of their incomes on housing, and reside in the private rental market, where eviction can be integral to the business models of large corporate landlords who have increased their property holdings over the last decade.³ Eviction precipitates job loss and school absenteeism and reproduces poverty.⁴ Research shows that safe and stable housing is a foundation for good health, connecting the stress, trauma, and material fallout of eviction with the onset of depression and anxiety, chronic disease development, and premature death.^{1,5}

As the pandemic caused massive disruptions to lives and livelihoods beginning in March 2020, the life or death consequences of eviction could no longer be ignored. To prevent a projected wave of housing loss that would have exacerbated the spread of COVID-19, policymakers at the federal, state, and local levels responded with unprecedented efforts to prevent evictions, instituting moratoria on various stages of the eviction process, modifying court procedures to allow tenants to access resources and exercise their rights, and appropriating nearly \$50B for emergency rental assistance, eviction diversion, and legal aid programs—an amount roughly equal to the entire U.S. Department of Housing and Urban Development (HUD) budget in 2021.⁶

COVID-19 eviction response measures sought to prevent a wave of mass evictions, but Detroit had long endured a flood. Each year between 2000 and 2018, landlords filed about 30,000 eviction cases, threatening the equivalent of 1 in 5 renter households.⁷ These figures signify one of the highest eviction filing rates in the state and among large U.S. cities, but do not capture the fear, disruption, and dehumanization that the legal eviction process caused to roughly 70,000 mostly Black, poor, and unrepresented tenants who experienced it annually—neighbors, mothers, elders, children, disabled people, queer and trans people.⁸ Eviction not only harms the well-being of people and families, but undermines community stability and collective organizing power.⁹

The mere filing of an eviction can have long-term consequences for tenants' housing stability, regardless of a case's merit or whether it proceeds to a judgment or order of eviction (i.e., bailiff eviction). An untold number of informal evictions take place outside the court system, for instance when tenants are forced to move out in response to landlord threats or harassment or to avoid the intimidating and unfair legal process.¹⁰ Further, landlords increasingly rely on data from for-profit tenant surveillance companies to blacklist tenants with eviction records from future housing opportunities, relegating these tenants to housing of last resort at the lowest end of the rental market, where slum housing conditions and landlord practices are common.¹¹

In cities like Detroit, pandemic-era interventions stood not only to thwart a potential wave of pandemic-related evictions, but also to disrupt a status quo of mass displacement. Yet due to a lack of timely, comprehensive, and publicly available eviction court data, evidence on whether governmental responses have been effective in preventing evictions during the pandemic remains scant.¹² This paper offers a first, comprehensive look at eviction filings and outcomes since the onset of the pandemic and related policy changes in Detroit, analyzing trends from a dataset of residential landlord-tenant cases filed in the 36th District Court between January 2019 and March 2022.

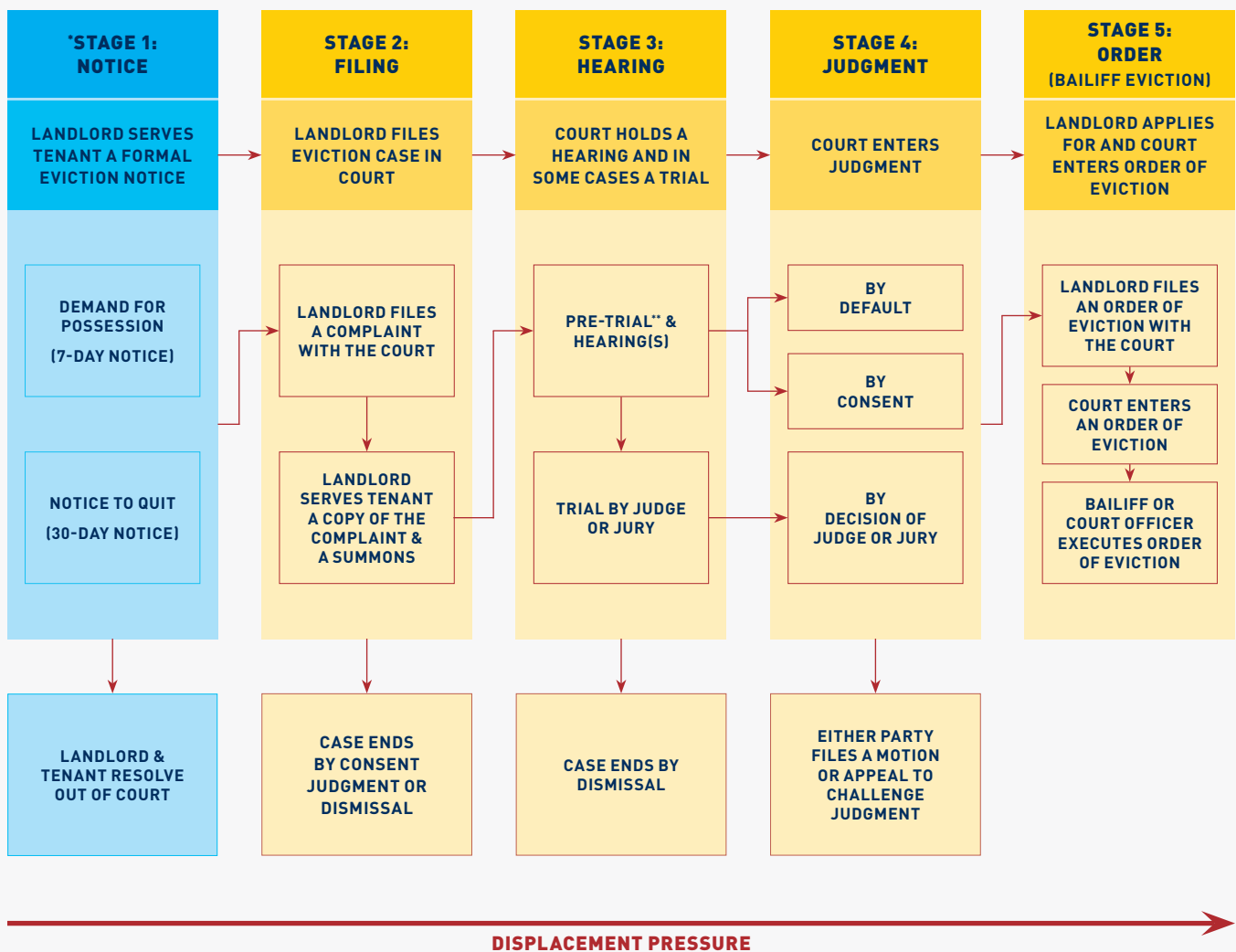
Our findings show that COVID-19 eviction response measures reduced the number of evictions in Detroit relative to past years, demonstrating that new levels of eviction prevention are attainable when policymakers treat eviction like a public health crisis rather than a property dispute. Yet even with a range of eviction prevention measures in place, evictions remained a persistent and pervasive threat. The most robust eviction prevention measures were short-lived, and large public investments in rental assistance and legal aid programs did not fundamentally alter the power, information, and resource asymmetries that characterize the landlord-tenant relationship and pervade the legal eviction process. Major policy and enforcement gaps meant that landlords and the court still forcibly uprooted thousands of renters from their homes and neighborhoods amid the pandemic. As federal rental aid runs out and rental prices in the U.S. reach new highs, trends in cities across the country forecast the return, and likely worsening, of pre-pandemic conditions that normalized mass evictions.¹³ Our findings provide evidence that advocates, organizers, and policymakers can act upon.

ONGOING WORK

This paper uses data from *The Eviction Machine* (www.EvictionMachine.org), an organizing, advocacy, and research tool developed to understand systematic displacement, inform strategies of direct engagement on behalf of tenants, and produce data informed critiques of the policies and actors impacting tenants in Detroit through eviction. This project was developed by the Urban Praxis Workshop with support from Poverty Solutions at the University of Michigan and Data Driven Detroit.

A forthcoming report will provide a comprehensive review of pandemic-eviction response measures in Detroit using data from laws, government documents, and datasets; court watching; interviews with housing advocates, lawyers, public officials, and activists; and the lead author’s experience observing and engaging in housing justice organizing.

FIGURE 1: LEGAL EVICTION PROCESS



Note: * This stage of the legal eviction process takes place out of court
 ** Pre-trial hearings were instituted during the pandemic

KEY TERMS

- **Eviction Notice:** A written notice a landlord must give a tenant before filing an eviction case in court. The type of notice (demand for possession, notice to quit) and time period that must elapse (e.g., 7 days, 30 days) before a landlord can file a lawsuit varies by complaint type.
- **Eviction Filing:** The act of a landlord (plaintiff) filing a complaint to begin a civil lawsuit against a tenant (defendant) to recover possession of a rental property.
- **Complaint Type:** The type of document a landlord files to allege the facts and legal reason (e.g., nonpayment of rent) for seeking to evict a tenant. The complaint also states the legal remedy the landlord is seeking from the court (a judgment for possession, money, or both).
- **Termination of Tenancy (No-Cause Evictions):** An action a landlord takes to end a rental agreement with a tenant. Termination cases are sometimes called “no cause” evictions because a landlord does not have to give a specific or substantive cause (“just cause”) for terminating a tenancy, though a landlord cannot terminate a fixed-term (e.g., one year) tenancy unless a tenant violates a lease term.¹⁴ Landlords must give tenants with periodic (e.g., month-to-month) or “at will” (e.g., verbal/implied consent) tenancies a 30-day notice (i.e., notice to quit).¹⁵
- **Dismissal:** A court action that ends an eviction case.¹⁶ A case may be dismissed by a landlord, by the court, or by consent of both parties. A dismissal entered without prejudice means a landlord has the option to bring the same case again. A conditional dismissal allows a judge to reopen a case and enter a judgment if one party does not follow the agreement.¹⁷ Dismissals are considered the most ideal outcome for tenants given the rarity of judgments in their favor; yet a dismissal does not guarantee that a tenant remains housed and may mean that a tenant has moved or agreed to move.
- **Judgment:** The court’s decision in an eviction case. A judgment of possession entered for a landlord (against a tenant) means a landlord can recover possession of a property and file an order of eviction if a tenant does not pay the amount due (in nonpayment cases) or move out by a set date.
- **Default Judgment:** A judgment entered in favor of a landlord (against a tenant) if a tenant does not file a written answer with the court or appear at their scheduled court hearing.¹⁸
- **Consent Judgment:** A judgment with terms agreed to by both parties and entered by a judge. The agreement may include a range of conditions required by either party, but will usually contain payment terms the tenant must comply with by a certain date, otherwise the landlord can request an order of eviction.¹⁹
- **Bench Trial:** A trial where a judge makes a decision in favor of either the landlord or the tenant, if both parties appear and do not agree to settle the case (either party may alternatively request a jury trial). The landlord has the burden at trial of proving that a lawful reason for eviction exists and that they are entitled to possession of the property. The tenant may offer evidence for a legal defense that protects them from being evicted.
- **Order of Eviction (Bailiff Eviction):** A court document filed by a landlord and signed by a judge after the court has entered a judgment of possession for a landlord. The order gives a court officer or bailiff the authority to physically and forcibly remove the tenant and their belongings from the rental property.²⁰
- **State and Local Moratoria:** Between March 20 and July 15, 2020, Gov. Gretchen Whitmer signed four executive orders prohibiting the exclusion or removal of tenants from residential properties (unless a tenant posed a “substantial risk” to other people or the property) (Executive Orders 2020-19, 2020-54, 2020-85, and 2020-118). Chief Judge William McConico extended the moratorium in the 36th District Court until August 17, 2020.²¹ The 36th District Court again suspended non-emergency evictions from November 18, 2020 to January 3, 2021.²²
- **CDC Moratorium:** The CDC imposed a ban on residential evictions in the U.S. between September 4, 2020, and August 26, 2021, when the moratorium was blocked by the U.S. Supreme Court.²³ Its protections were opt-in, requiring tenants to submit a CDC declaration form to their landlord certifying that they met a set of eligibility criteria. Landlords did not have to inform tenants about the ban, and the CDC took few steps to publicize it.²⁴ In October 2020, the Michigan Supreme Court instructed courts to prohibit only the execution of eviction orders against opt-in tenants subject to the CDC order, which the 36th District Court interpreted only to cover those being evicted for nonpayment of rent (SCAO Administrative Order 2020-17, as amended October 22, 2020).

- **Eviction Diversion Program (EDP):** Between July and December 2020, the State of Michigan’s \$60 million EDP established a judicial process for dismissing eviction actions and delivering rental assistance. The EDP provided payments of up to 90% of past-due rent to landlords who agreed not to evict tenants. Landlord participation was voluntary and required that they forgave late fees, dismissed up to 10% of back rent, and agreed to 12-month payment agreements for any back rent not covered by the EDP. Eligible tenants needed proof that they faced eviction and made less than 100% of the Area Median Income (AMI) (Executive Order 2020-134).²⁵
- **COVID Emergency Rental Assistance (CERA):** The U.S. Treasury distributed emergency rental assistance funds to states and localities in December 2020, but the Michigan legislature did not appropriate the funds until March 2021. After a four-month lapse in state rental assistance after the EDP, the \$1.1 billion CERA program accepted applications between April 9, 2021 and June 30, 2022. CERA offered up to 18 months of past and future rent assistance to tenants making less than 80% of the AMI who experienced a COVID-19 related hardship and who could demonstrate housing instability due to unpaid rent or utilities. Local nonprofits determined eligibility and fund allotments, negotiated settlements, and processed payments to landlords (or tenants, if landlords refused to participate).²⁶ In Detroit, CERA was administered by the United Community Housing Coalition (UCHC) and Wayne Metropolitan Community Action Agency.
- **Certificate of Compliance (CoC):** A document certifying that a rental property is registered with the City of Detroit Buildings, Safety Engineering, & Environmental Department (BSEED) and meets health and safety rental code requirements, including lead clearance. Landlords must have a valid CoC to lawfully occupy rental units and collect rent from a tenant.²⁷
- **Right to Counsel (RTC):** Laws which ensure that tenants facing eviction are guaranteed legal representation even if they cannot afford an attorney. RTC also refers to a national movement advocating for the right to legal representation in any civil procedure where a person’s basic human needs (home, income, healthcare, children) are at stake. In May 2022, Detroit’s RTC Coalition succeeded in convincing the City Council to pass a RTC ordinance, and the Mayor agreed to this (Section 22-8-1 through 22-8-9).²⁸

CONTEXT: SUMMARY EVICTION PROCEEDINGS

Michigan law creates an expedited court process for evictions called a summary proceeding, enabling landlords to quickly bring eviction actions against tenants. Summary eviction procedures exist in every state. While processes differ, they are generally designed to move cases from complaint to trial more rapidly than regular civil matters and place restrictions on key aspects of the civil litigation process (e.g., defense, counterclaims, discovery, motions).

Most summary statutes date back to the 19th century and were intended as an alternative to landlord “self-help” practices (forcible and often violent evictions) by providing landlords a swift legal process for regaining possession of property.²⁹ In 1972, the U.S Supreme Court upheld the summary eviction process as constitutional when it was challenged on due process and equal protection grounds.³⁰ Consequently, summary procedures were never

significantly altered to accommodate the new rights and protections that tenants became entitled to under modern landlord-tenant reforms.³¹

While landlords decry the contemporary eviction process for being too slow and costly, tenants and their advocates argue that summary procedures continue to prioritize a landlord’s claim to possession above all other considerations in the dispute (e.g., habitability, retaliation) and deny tenants—especially poor and unrepresented tenants—fair and meaningful opportunities to defend their rights in court.³² Research shows that the swiftness of summary evictions not only enables landlords to easily displace tenants, but also exploit the court system to collect debts.³³ Hence some legal scholars contend that the maintenance of summary eviction processes is a fundamental barrier to housing justice because it codifies the power inequality between landlords and tenants.³⁴

METHODS

We analyzed a dataset of residential landlord-tenant eviction cases filed in the 36th District Court between January 2019 and March 2022. We retrieved case records from the court’s online Register of Actions (ROA) case inquiry system and partnered with Data Driven Detroit (D3) to translate case-level information into a dataset. Eviction records were cleaned, geocoded, linked to property assessor data from the City of Detroit, and restricted to residential properties.³⁵ Eviction cases filed after March 2020 were linked to the *Currently Valid Certificates of Compliance* dataset from the City of Detroit as of March 15, 2022. The final dataset included 59,704 residential landlord-tenant cases (93% of the 64,259 extracted records).

We analyzed judgments, dismissals, orders of eviction (bailiff evictions), and presence of attorney(s) by case, not individual defendants.³⁶ We counted a case as closed if it had either a judgment or dismissal recorded; if it had both, we analyzed the outcome recorded last. We excluded duplicate case records but did not exclude cases brought against the same tenant

and/or address on different dates. We counted a party as having legal representation if an attorney filed an appearance on their record.

To ensure data quality, we manually confirmed random samples of case records. We could not account for court recorded errors or outcomes entered after case records were retrieved. Due to the timing of data collection, the data undercounts eviction outcomes entered (especially orders of eviction, the last stage of the eviction process (see **Figure 1**)) in cases filed later in the study period where the length of proceedings was more likely to exceed the time period between a case’s filing date and the date the record was extracted.³⁷ About 7,500 cases filed during the pandemic (29% of the total) remained open at the time of data collection.

We also analyzed county-level data on the COVID Emergency Rental Assistance (CERA) program obtained from Michigan State Housing Development Authority (MSHDA).

CONTEXT: THE LIMITS OF COURT DATA

Eviction court data offers a limited perspective on the prevalence of forced displacement and the extent to which tenants’ lives and livelihoods are harmed by the eviction process.

- **COURT DATA DO NOT INCLUDE INFORMAL AND ILLEGAL EVICTIONS.**

We analyze a dataset of court-ordered evictions, but studies suggest that landlords acting outside of the formal legal system prompt the majority of tenants’ forced moves.³⁸ Informal and illegal evictions may be especially common during the pandemic, if used to circumvent measures put in place to prevent or delay eviction proceedings.³⁹

- **COURT DATA FAIL TO QUANTIFY DISPLACEMENT PRESSURES AT EACH STAGE OF THE LEGAL EVICTION PROCESS.**

Eviction case outcomes undercount the number of tenants who move after receiving an eviction notice or court summons; upon deeming the legal process too intimidating or a favorable outcome too unlikely; or after receiving a judgment but before a bailiff executes an eviction order.⁴⁰ Even dismissals—the most ideal outcome for tenants given the rarity of judgments in

their favor—can mean that a tenant has moved or has agreed to move.⁴¹

- **COURT DATA OFFER A LIMITED LENS ON EVICTION INJUSTICE.**

Power, information, and resource inequities characterize tenants’ relationships to landlords, judges, and attorneys, pervading the legal eviction process. Eviction proceedings include minimal procedural safeguards; many tenants do not appear in court and most who do lack legal counsel; and few cases proceed to trial.⁴² Qualitative research shows that court data fail to capture how the eviction process routinely violates or undermines the rights and dignity of tenants, such as when a notice is improperly served, an eviction is retaliatory, a judge denies a tenant the opportunity to speak, or a landlord has breached the warranty of habitability.^{43 44}

- **COURT DATA CONTAINS INACCURACIES AND OVERSIMPLIFIES NUANCE.**

Our analysis of case outcomes glosses over complicated legal procedures, agreements, and courtroom dynamics that have important bearing on the experience and consequences of eviction. Further, eviction records are known to contain a substantial degree of error.⁴⁵

FINDINGS

1. EVICTIONS IN DETROIT HAVE BEEN RISING SINCE THE SUMMER OF 2020.

Past research shows that tenants with an eviction filing on their record struggle to find new housing, may be less likely to qualify for subsidized housing, and are more likely to accept unsafe or uninhabitable units, regardless of the outcome of their case.⁴⁶ State and local moratoria halted new eviction cases and prohibited new eviction filings between March and August 2020 (Figure 2). Rather than a surge of evictions after these moratoria lifted, there was an erratic but increasingly steady flow eviction filings as the State of Michigan created the Eviction Diversion Program (EDP) and the Centers for Disease Control and Prevention (CDC) eviction moratorium took effect in September 2020, followed by a temporary court closure in

December 2020 and the implementation of the CERA program beginning in April 2021.

Eviction filings fell to about 36% of the pre-pandemic level in 2020, then rose to about 60% in 2021 (Figure 3). Still, landlords have filed more than 25,500 new eviction cases against tenants during the pandemic through March 2022. In 2021 alone, landlords filed 11.8 eviction cases per every 100 renter-occupied homes, threatening the equivalent of more than 1 in 9 Detroit renter households. Multiplying the number of eviction filings in 2021 by the average number of people living in renter-occupied homes, landlords threatened an estimated 38,400 renters—105 per day—with court-ordered eviction last year. The number of filings has increased steadily in 2022, rising to about 90% of the 2019 level in March 2022.

FIGURE 2: NUMBER OF EVICTION FILINGS IN RELATION TO MAJOR PANDEMIC EVICTION PREVENTION MEASURES

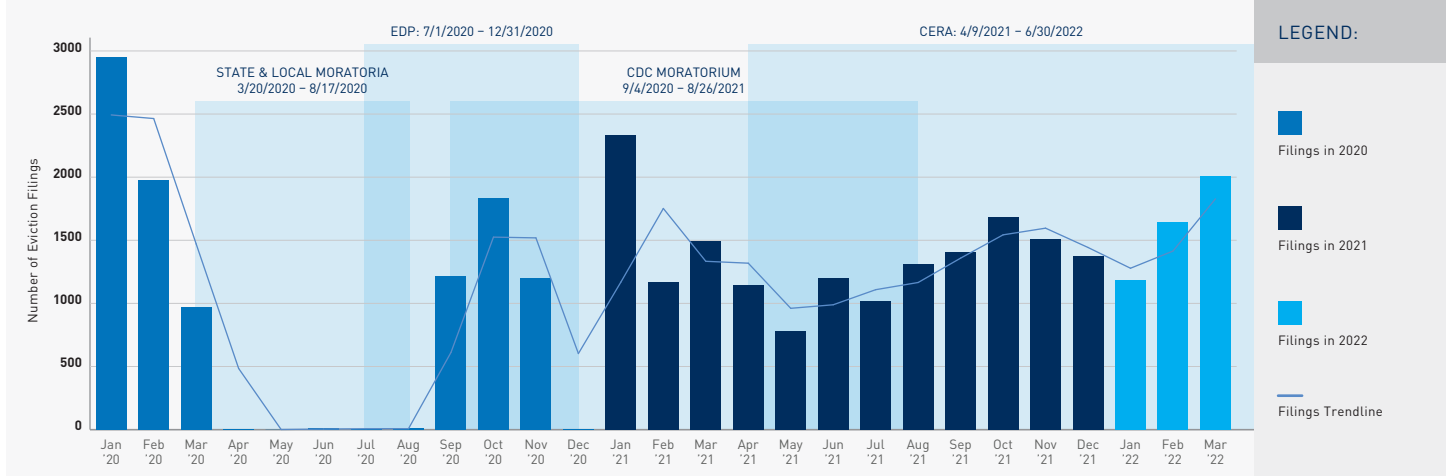


FIGURE 3: ANNUAL EVICTION FILING RATES (PER 100 RENTER HOUSEHOLDS) AND ESTIMATED NUMBER OF RENTERS THREATENED WITH EVICTION, 2019-2021

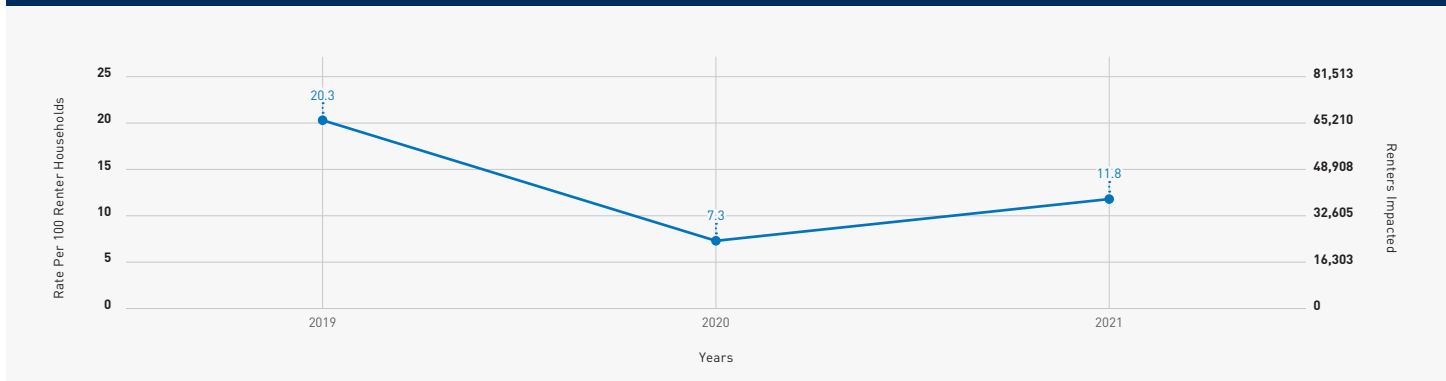
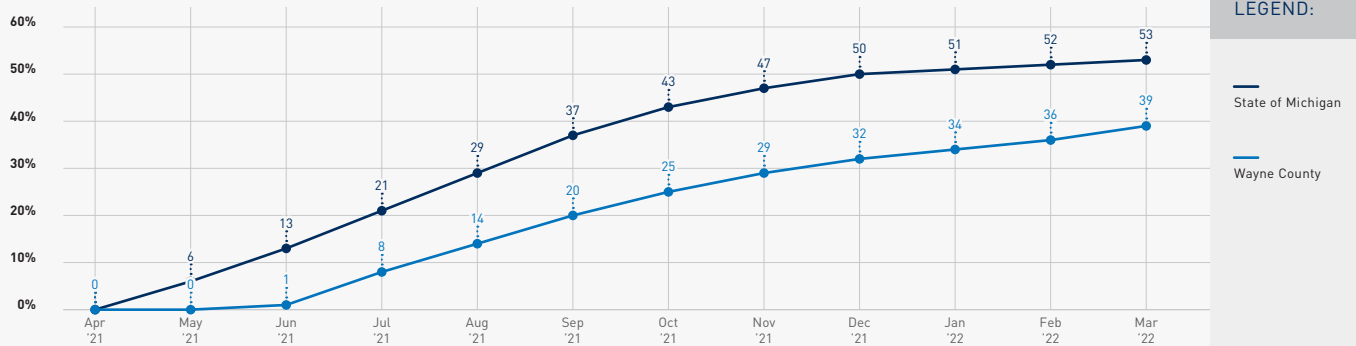


FIGURE 4: CERA APPROVALS AS A PERCENTAGE OF APPLICATIONS RECEIVED, APRIL 2021 TO MARCH 2022



2. SLOW DISTRIBUTION OF CERA PAYMENTS DISPARATELY IMPACTED DETROIT’S MAJORITY-BLACK RENTERS.

The process of distributing CERA payments was extremely slow across Michigan but especially inadequate in Wayne County, with just 36% of applicants approved in 2021, compared to 50% statewide (Figure 4). Through March 2022, just 25,066 of 64,847 Wayne County applicants (39%) were approved for CERA and the average application processing time was 90 days.⁴⁷

Long processing times may help to explain why eviction filing rates remained relatively high despite the presence of eviction prevention measures. Slow distribution of emergency rent relief and an increasingly competitive rental market has led landlords in Detroit and across the U.S. to refuse participation, evict before payouts, or resort to illegal self-help tactics (outside of the court system) to displace tenants instead of enduring long periods of nonpayment.⁴⁸

Slow distribution of CERA payments in Wayne County is especially problematic given that the need for rental assistance is disproportionately high, and the consequences

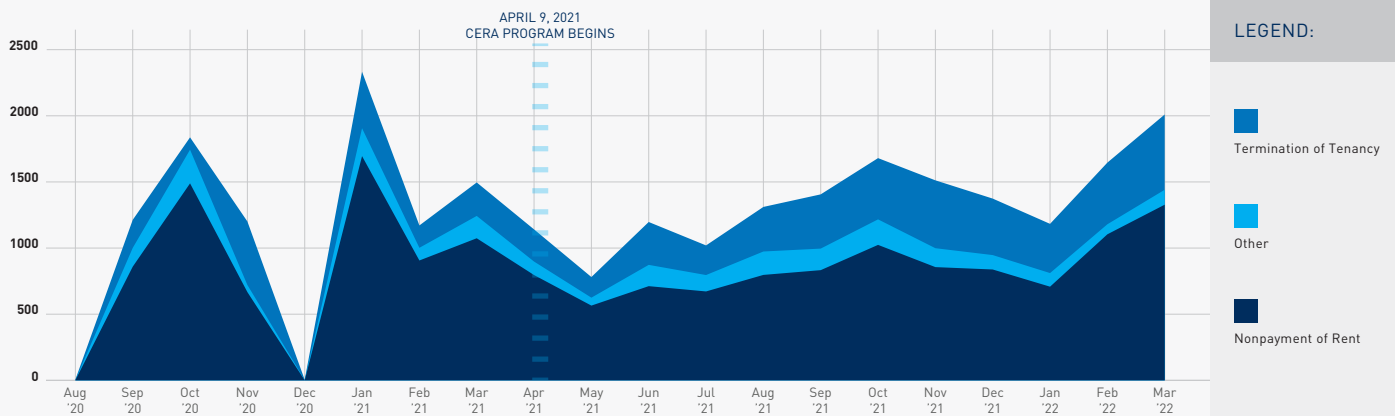
of administrative delays disparately impact Detroit’s majority-Black renter population. Wayne County is home to 18% of Michigan’s population but 50% of the state’s Black population; it accounted for 32% of statewide CERA applicants between April 2021 and March 2022.⁴⁹

3. NO-CAUSE EVICTIONS INCREASED AFTER THE CERA PROGRAM BEGAN, LEAVING 1 IN 4 TENANTS WHO FACED EVICTION WITHOUT PROTECTION.

Policymakers relied primarily on rental assistance programs to prevent evictions after state and local moratoria lapsed in August 2020. Similar to 2019, most evictions filed during the pandemic through March 2022 (66%) were for nonpayment of rent. Yet one-quarter of new eviction cases filed during the pandemic were for causes that could not be prevented through the provision of rental assistance: the majority were no-cause (termination of tenancy) evictions.

No-cause evictions were not covered by the CDC moratorium, which the 36th District Court interpreted to prohibit only the execution of bailiff evictions in nonpayment cases. They

FIGURE 5: NEW EVICTION FILINGS BY COMPLAINT TYPE SINCE THE LAPSE OF STATE AND LOCAL MORATORIA



also offer a legal alternative for landlords who elect not to participate in the CERA program (due to program delays or requirements) and provide a loophole for landlords seeking higher paying tenants amid the tightening pandemic-era housing market, for instance. No-cause eviction cases rose in general during the pandemic, but increased 61% since the start of the CERA program in April 2021, comprising 17% of all cases filed before and 28% after (Figure 5).

Because of the lack of protections for tenants facing no-cause eviction, termination of tenancy cases closed during the pandemic were twice as likely as nonpayment of rent cases to result in a judgment (Figures 6B and 6C). This disparity existed despite similar levels of legal representation in each group, indicating that the provision of legal aid was not sufficient to prevent tenants' displacement by no-cause evictions during the pandemic.

4. EVICTION JUDGMENTS AND BAILIFF EVICTIONS DECLINED SIGNIFICANTLY DURING THE PANDEMIC, BUT THE STRONGEST PROTECTIONS WERE SHORT-LIVED.

Prior to the onset of COVID-19, 77% of closed cases resulted in a judgment and 23% ended in a dismissal; these patterns largely reversed during the pandemic when 29% of cases ended in a judgment and 71% were dismissed (Figure 6A). The provision of rental assistance resulted in a lower likelihood of judgments for tenants facing eviction for nonpayment of rent (71% reduction) compared to those facing eviction for termination of tenancy (45% reduction).

Due to the reduced number of filings and the greater likelihood of dismissals among cases filed during the pandemic, the number of judgments fell by 83% in 2021 compared to 2019. Yet even with this substantial decline, judges still entered more than 5,400 judgments during the pandemic, impacting an estimated 12,800 tenants.

Bailiff evictions are often traumatic events which indicate that a tenant was unable to secure other housing by their court-ordered move-out date or did not know about their eviction. When bailiff evictions occur, tenants' belongings (e.g., furniture, clothes, medicine, toys) are thrown into a dumpster and they are forcibly unhoused by a court officer.⁵⁰ A staggering thirty-one percent of cases closed before the pandemic resulted in bailiff evictions; nearly 8,000 orders of eviction were entered in 2019 alone, impacting an estimated 18,500 tenants (50 per day). Since March 2020, about 9% of closed cases ended in a bailiff eviction, amounting to the forced removal of at least 1,700 households amid the pandemic, or an estimated 4,000 tenants.⁵¹

FIGURE 6A: JUDGMENTS AS A PERCENTAGE OF CLOSED CASES, BEFORE AND AFTER THE ONSET OF COVID-19

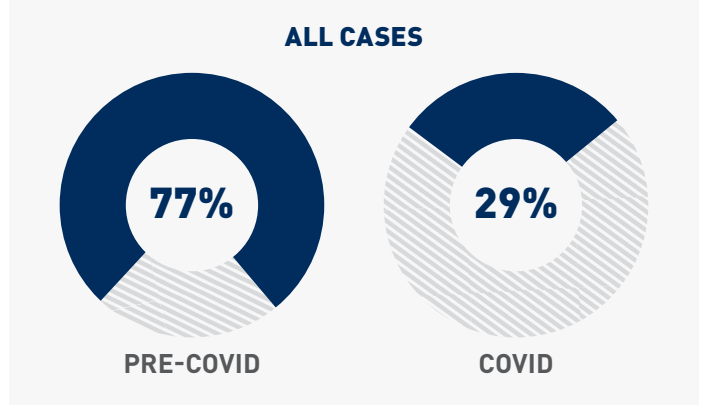


FIGURE 6B: JUDGMENTS AS A PERCENTAGE OF CLOSED CASES, BEFORE AND AFTER THE ONSET OF COVID-19

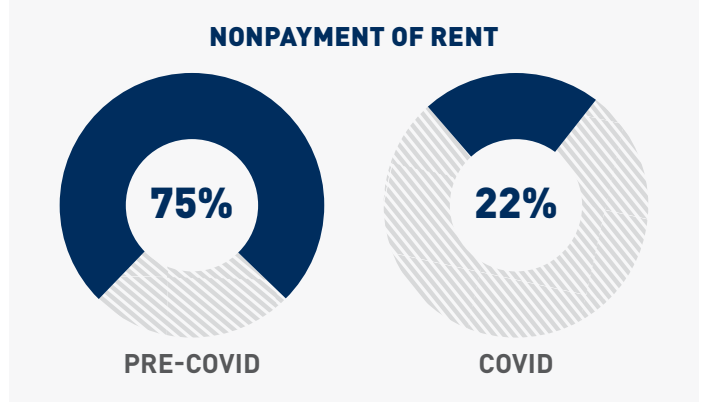


FIGURE 6C: JUDGMENTS AS A PERCENTAGE OF CLOSED CASES, BEFORE AND AFTER THE ONSET OF COVID-19

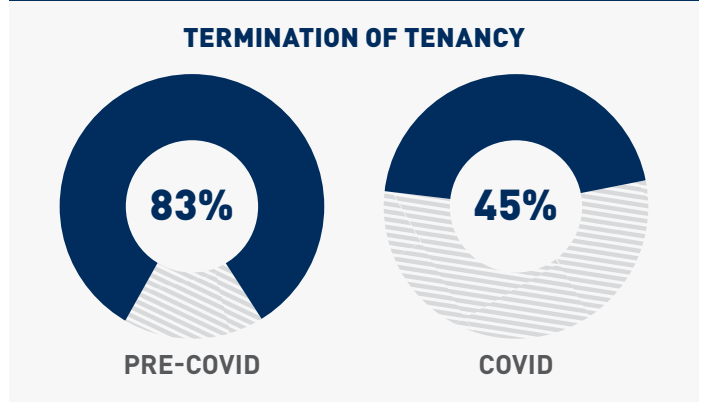
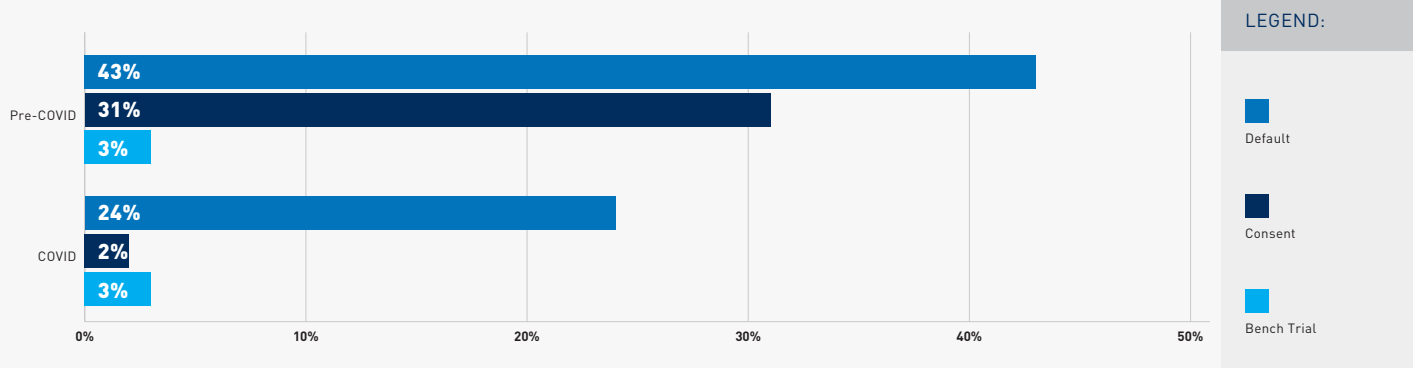


FIGURE 7: JUDGMENTS BY TYPE AS A PERCENT OF CLOSED CASES, BEFORE AND AFTER ONSET OF COVID-19



Pandemic-era judgments and bailiff evictions demonstrate major policy and enforcement loopholes in the range of measures meant to keep tenants housed and protect public health. For instance, the CDC moratorium was intended to prevent tenants from entering homeless shelters, doubling up, or being forced into other congregate living spaces dense with COVID-19 transmission.⁵² Yet judges signed more than 600 bailiff evictions during the moratorium, likely due the court’s interpretation that the moratorium only covered nonpayment evictions, the requirement that tenants submit a declaration form to their landlords, and the high rate of default judgments (see next section).⁵³ The number of bailiff evictions increased by 450% in the first 100 days after the CDC eviction moratorium was lifted, compared to the 100 days prior. Roughly 570 bailiff evictions were ordered by judges during the winter months of the pandemic, when extreme weather and high rates of COVID-19 infection, hospitalization, and death presented an imminent threat the health and survival of unhoused tenants.⁵⁴

The recent rise in eviction filings (especially no-cause evictions) (Figure 5) indicates that prevention measures are waning and more tenants are entering the eviction process unprotected by remaining rent relief funds. For 1 in every 20 cases dismissed during the pandemic, the court later reinstated the case and entered a judgment.

5. MOST TENANTS WHO WERE EVICTED DURING THE PANDEMIC NEVER HAD THEIR DAY IN COURT.

Default judgments are emblematic of how the legal eviction process obscures tenants’ rights and empowers landlords.⁵⁵ Systemic barriers work in concert to exclude poor tenants from the courtroom: logistical barriers (e.g., childcare, transportation) preclude access to hearings,⁵⁶ tenants’ experiences with and perceptions of the legal system discourage participation,⁵⁷ and institutional factors (e.g., no civil

right to counsel, “cattle call” courtroom culture) render tenants functionally voiceless.⁵⁸ In the absence of tenants being in court to raise defenses, landlords win cases often without strict scrutiny over whether they had the legal right to possession, adhered to due process requirements, or had standing to evict.⁵⁹ Default judgments are particularly unjust in Detroit, where many landlords are operating fraudulently and/or illegally.⁶⁰

During the pandemic, default judgments imply that tenants were unable to access novel programs and protections that could have delayed if not prevented their eviction, including emergency rent relief, enhanced legal aid, and information on how to invoke the CDC eviction moratorium.⁶¹ In June 2020, the State Court Administrative Office required courts to turn first hearings in eviction cases into pretrial hearings and to inform tenants about the rights and resources available to them; if a tenant failed to appear, the court was required to reschedule the hearing and send notice to the tenant of the new hearing date.⁶² Since its reopening, the 36th District Court has conducted all eviction hearings remotely, and attorneys from three Detroit legal aid organizations have been present in Zoom courtrooms to provide free legal advice, connect tenants to rental assistance programs, and in some cases offer legal representation.

Before COVID-19, 43% of closed cases resulted in a default judgment (Figure 7), comprising the majority of judgments entered (56%). Consent judgments were also common, accounting for 31% of closed cases, followed by a relatively small proportion of judgments entered by bench trial (3%). Since the onset of COVID-19, the proportion of cases ending in a default judgment declined by about 40%, indicating that pandemic-era interventions were somewhat effective in reducing this negative outcome. However, default judgments still resulted in about 1 of every 4 closed cases. Due to the far lower likelihood of judgments among tenants who attended court hearings during the pandemic (consent judgments

declined 90%), the vast majority (84%) of pandemic evictions were entered against tenants who never had their day in court.

Prior research suggests that the 4,600 default judgments entered during the pandemic mostly impacted Black and Latino tenants living in low-cost housing in the city’s poorest neighborhoods. Despite the public health necessity of remote hearings and their potential to reduce logistical barriers to court attendance, still 1 in 3 low-income households in Detroit lacks broadband internet access.⁶³ Systemic exclusion of marginalized tenants from the courtroom means that those in the greatest need of housing support during the pandemic were also the least able to access it.

6. NONENFORCEMENT OF THE CITY’S RENTAL CODE REINFORCED THE POWER IMBALANCE BETWEEN LANDLORDS AND TENANTS AND CONTRIBUTED TO UNJUST AND AVOIDABLE EVICTIONS.

The legal relationship between a landlord and tenant is a two-way obligation: a tenant pays rent in exchange for a landlord providing a safe and decent place to live. When the court enforces the laws governing the tenant’s obligation (through eviction) but not those governing the landlord’s obligation to keep rental properties safe and habitable, it codifies an unjust power dynamic between landlords and tenants where one party’s rights are privileged over the other’s.⁶⁴

The City of Detroit rental ordinance states that landlords may not occupy rental units or collect rent unless they register their properties and obtain a Certificate of Compliance (CoC) from the Buildings, Safety, Engineering, and Environmental Department (BSEED). The law also states that tenants living in properties that lack a CoC may withhold their rent in escrow and that landlords shall not evict such tenants for reason of nonpayment.⁶⁵ As of July 16, 2021, the city’s rental

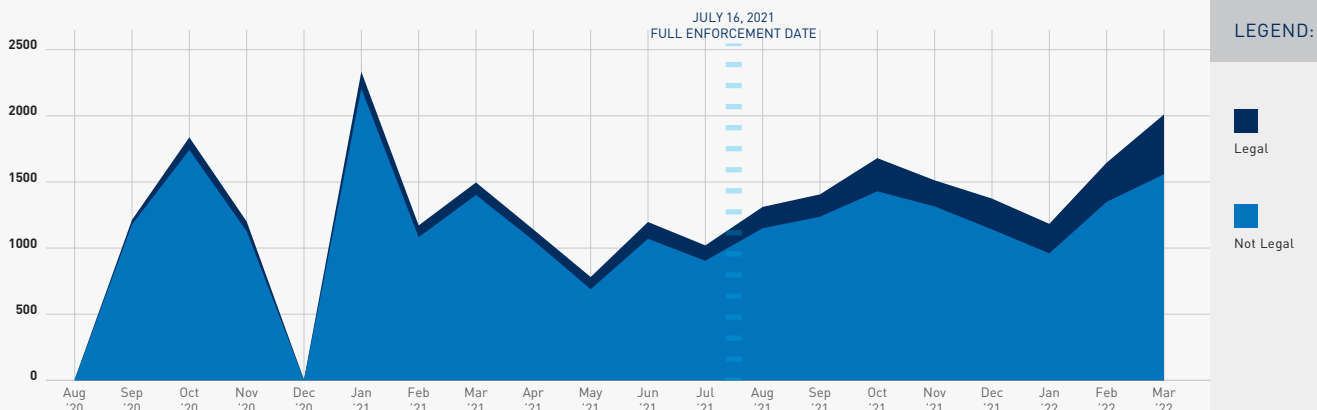
code was enforced in all zip codes.⁶⁶ Yet as of March 15, 2022, about 5,600 (6%) of Detroit’s approximately 87,000 rental properties had a CoC.⁶⁷

During the pandemic, city and court officials made statements and enacted policies indicating that landlords’ ability to evict tenants and collect rental assistance would be conditioned on whether their units were code compliant.⁶⁸ According to the landlord-tenant filing checklist on the 36th District Court’s website, landlords are required to file a copy of their CoC with their complaint.⁶⁹ On August 4, 2021, the 36th District Court issued a notice stating that applications and orders of eviction must be accompanied by a CoC.⁷⁰ Mayor Mike Duggan affirmed this policy when announcing his administration’s Detroit Eviction Assistance and Prevention Program in September 2021.⁷¹

Despite these stated compliance efforts, enforcement policies were not implemented by the court and landlords who operated their properties in violation of Detroit’s rental ordinance continued to evict tenants. During the pandemic, 89% of eviction cases filed involved properties that lacked a CoC.⁷² Some increase in the proportion of eviction cases filed at code-compliant properties took place in recent months (**Figure 8**), still just 16% of cases filed after the citywide enforcement date were filed by code-compliant landlords.

Roughly equivalent rates of noncompliance were observed among cases where a judge authorized a bailiff eviction. Judges authorized about 1,170 bailiff evictions after the 36th District Court announced that it would require landlords to have a CoC in order to apply for an order of eviction. Of these, 13% had a CoC as of the date the judge signed the order. The rate of compliance was slightly higher (23%) among cases exclusively filed for nonpayment of rent.

FIGURE 8: EVICTION FILINGS BY COC STATUS SINCE THE LAPSE OF STATE AND LOCAL MORATORIA



7. TENANTS’ ACCESS TO LEGAL COUNSEL INCREASED DURING THE PANDEMIC, BUT LANDLORDS WERE STILL FOUR TIMES MORE LIKELY THAN TENANTS TO HAVE ATTORNEYS.

Wide disparities in access to legal counsel in eviction court are perhaps the most glaring evidence of the power imbalance that overwhelmingly favors landlords.⁷³ In Michigan, no right to counsel exists for tenants facing eviction who cannot afford lawyers, and legal aid organizations are chronically underfunded.⁷⁴ This creates a dynamic where most landlords are represented by attorneys, while the vast majority of tenants are forced to navigate complex landlord-tenant laws, defend their rights, and fight for their housing without legal representation.

Research, including a study conducted in Detroit,⁷⁵ consistently shows that tenants with attorneys are more likely to avoid eviction judgments and forced displacement compared to unrepresented tenants.⁷⁶ Attorneys may also help keep evictions off tenants’ records; negotiate settlements that compel landlords to complete repairs or reduce the amount of money owed to landlords; extend the length of time tenants have to move; and help tenants apply for rental assistance or arrange alternative housing.⁷⁷ Guaranteeing tenants a right to counsel may also make it more difficult for landlords to use the legal eviction process to collect debts or harass tenants, and has been associated with declines in eviction filings and default judgments.⁷⁸

Pandemic relief measures brought millions in federal funding for local legal aid providers to dramatically increase their staff, and remote hearings eased attorneys’ access to the courtroom. Legal aid organizations were funded to provide free legal advice to all tenants who attended their hearings but were not funded at the level necessary to offer full legal representation to all who needed it.

Among eviction cases closed prior to the pandemic, about 3% of tenants were represented by an attorney, compared to about 85% of landlords (Figure 9). Since the onset of the pandemic and associated public funding for legal aid, tenants had legal representation in about 22% of closed cases.⁷⁹ Still, landlords were more than four times as likely as tenants to have legal representation, and landlords’ access to counsel also increased during the pandemic.

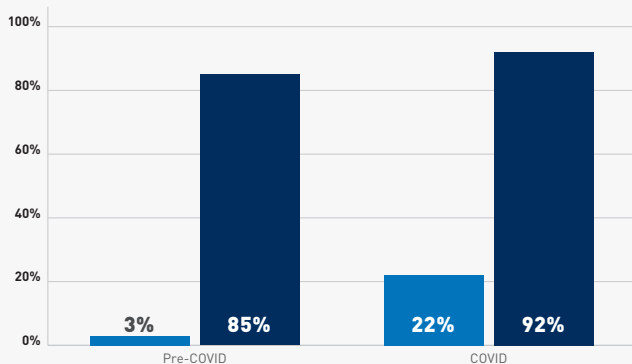
CONTEXT: LANDLORD-TENANT POWER RELATIONS

Landlords have power over tenants by virtue of their property ownership and significant U.S. housing shortages, which afford landlords wide control over who has access to housing, the cost and condition of housing, and tenants’ ability to remain in housing and in their communities.⁸⁰ This relationship is especially unequal in low income housing markets like Detroit’s where tenants’ choice of housing is severely restricted.⁸¹ In such contexts, landlords have a virtual monopoly in the power relationship because tenants lose their main point of leverage—the threat to move—and are often forced either to endure unsafe and uninhabitable conditions or risk being unhoused.⁸²

Despite the success of the U.S. tenants’ rights movement in challenging the law’s traditional favoritism toward landlords, the power imbalance between landlords and tenants remains rooted in a constitutional regime that enshrines the rights of private property owners but not tenants’ human right to housing.⁸³ These property relations are fundamentally racialized due to the legacy of slavery and the continuation of White supremacy and anti-Black racism in the U.S..⁸⁴ Women, children, queer and trans people, disabled people, and other socially oppressed groups are further subordinated in this relationship due to their greater vulnerability to discrimination, exploitation, and harassment.⁸⁵

These dynamics all relate to the fundamental injustice of eviction: whereas a tenant’s shelter, health, and well-being are at risk in an eviction, a landlord faces the interruption or loss of investment income. Both of these interests may be important, but justice tells us they are not equivalent.⁸⁶ The findings documented in this working paper help demonstrate how formal legal processes (e.g., judges’ selective enforcement practices) and resource disparities (e.g., inequitable access to legal counsel) mirror and magnify unjust power relations between landlords and tenants.

FIGURE 9: PROPORTION OF TENANTS AND LANDLORDS WITH LEGAL REPRESENTATION AMONG CASES CLOSED BEFORE AND AFTER THE ONSET OF COVID-19



LEGEND: ■ Tenants ■ Landlords

Photo by Amy K. Senese



POLICY IMPLICATIONS

The past two years have demonstrated that mass evictions are a policy choice. Our findings show that COVID-19 eviction response measures reduced the scale of Detroit's eviction crisis relative to 2019 and prevented many cases from reaching the most violent and disruptive stages of the legal eviction process. While the level of eviction prevention attained during the pandemic is unprecedented, it exists only in contrast to a status quo where roughly 70,000 mostly Black and poor tenants lived under threat of eviction each year; the vast majority of tenants were unrepresented and entirely unassisted throughout the legal process; cattle-call style courtrooms entered default judgments against tenants in 4 of every 10 cases; and an estimated 50 renters were evicted by a bailiff each day.

Eviction filings in the 36th District Court show a steady upward trend in 2022 even as major eviction prevention measures remain in place. This raises significant concerns for Detroit tenants and the public as a whole as the CERA program comes to a close after reaching just a fraction of those in need and the city's affordable housing crisis deepens with rising rents, inflation, and supply chain shortages.⁸⁷ Before COVID-19, Detroit had a shortage of roughly 30,000 affordable housing units for renters making less than 50% of the AMI (\$38,150 for a family of four), and median asking rents in metro Detroit have since risen at least 10%.⁸⁸ Without political action, the long-anticipated wave of evictions will not be brought on by the pandemic itself, but by a return—and likely worsening—of pre-pandemic conditions that normalized mass evictions.

It is the responsibility of lawmakers to secure the right of all people to safe and stable housing during the pandemic and beyond. We acknowledge that solving the U.S.'s racially

unjust eviction crisis will require the federal government taking bold and reparative actions to create permanently affordable housing outside the speculative rental market, but state and local officials have the opportunity and obligation to act immediately. We conclude this paper with concrete steps that state and local policymakers can take in the short-term to learn from pandemic-era interventions and bring about a more just eviction and housing policy platform. As researchers, we strongly urge decision-makers to prioritize working alongside Detroit tenants, poor people, Black-led organizations, and experienced housing advocates and housing justice organizers to bring about their visions for a new normal of housing for all.

ENFORCE RENTAL CODE.

Courts enforcing only one side of the rental agreement is unjust. Pandemic era policies demonstrated that the most effective eviction prevention measures are those that prevent filings from occurring in the first place. In Detroit, 9 in 10 pandemic evictions could have been avoided if the court enforced Detroit's rental code, including its own requirements that a valid CoC be provided when filing a case or applying for an order of eviction. Code enforcement is habitual in other large courts; for example, Cleveland's housing court requires landlords to comply with the city's Lead-Safe Certification at filing.⁸⁹ Chief Judge McConico can enforce the CoC as a filing requirement not only to prevent unjust evictions, but also to reduce caseloads for judges and legal aid attorneys alike, allowing them more time to focus on cases with merit. Leveraging case law,⁹⁰ legal aid attorneys made available through the right to counsel ordinance can mobilize collectively to bring about judges' meaningful enforcement of rental code.

ENACT JUST CAUSE POLICIES.

No-cause evictions empower landlords to evict arbitrarily and render many tenants virtually defenseless against displacement. Just cause policies establish a list of valid reasons for eviction, placing the burden of proof on landlords to show that they are evicting for a justifiable cause. Given the high number and rising rate of no-cause evictions in Detroit, just cause policies could reduce sudden and unjust displacement and blunt the power landlords have over their tenants.⁹¹ Just cause requirements have been established at the state level (e.g., New Jersey⁹²), and local ordinances have been implemented in several municipalities in the U.S. with strong housing justice movements, often in conjunction with rent controls (e.g., San Francisco, Seattle, and Washington, D.C.).⁹³ Some research indicates that these laws lower eviction filings and displacement without a significant loss of rental units, decrease in property values, or diminished housing quality.⁹⁴ Proponents of just cause emphasize the importance of limiting the number of just causes identified; with too many acceptable reasons to evict, just cause can be abused and will fail to adequately prevent displacement.⁹⁵

FULLY FUND THE RIGHT TO COUNSEL (RTC).

Ensuring the right to counsel for tenants in eviction court is a mechanism for enforcing existing laws and tenants' rights, but the effort is limited in its ability to mitigate the power imbalance between landlords and tenants and prevent unjust evictions at scale. In May 2022, the Detroit RTC Coalition successfully advocated for City Council to pass an RTC ordinance.²⁸ However, just \$6 million in ARPA dollars have been allocated to fund Detroit's RTC out of the estimated \$16.7 million it will cost to fully implement the program.⁹⁶ This means that the right to full legal representation will remain out of reach for many tenants, and legal aid attorneys will continue to experience high caseloads that impact the quality of legal representation they provide.⁹⁷ The absence of sustained, scaled funding for the RTC stems from a legal opinion from the Duggan administration that general funds cannot be used for this purpose, despite other cities using general funds to do so (e.g., New York City).⁹⁸ Unless laws and court practices are changed to provide stronger tenant protections (e.g., code enforcement, just cause), the court will be overwhelmed with tenants seeking legal aid while providers will be poorly equipped to prevent displacement. A thorough and transparent evaluation of the ordinance that centers the perspectives of tenants facing eviction should be conducted to monitor whether the RTC in Detroit is guaranteed in practice, not only in policy.

ADDRESS RACIAL INEQUITIES IN CERA DISTRIBUTION BEFORE FUNDS EXPIRE.

The failure of the CERA program to provide rapid rental assistance at scale has disparately harmed Black renters in Detroit. Not only has Detroit tenants' housing stability been jeopardized by longer application processing times than the rest of the state, but large application backlogs mean that the city's renters will be least likely to access rent relief before funds expire in the very near future. State and city officials should take urgent steps (e.g., conduct reviews, deploy additional personnel, transfer cases) to speed the delivery of CERA funds in Detroit and use alternative COVID-19 relief funds to ensure that all tenants awaiting aid receive it. In the absence of more federal emergency rental assistance, the state should overhaul the Michigan Department of Health and Human Services' State Emergency Relief (SER) program to remove the bureaucratic demands on tenants in crisis that make funds inaccessible and leave the most vulnerable without aid.⁹⁹

CONTINUE AND IMPROVE EFFORTS TO REDUCE DEFAULT EVICTIONS.

Eviction prevention interventions that begin in the courtroom (such as RTC) can only prevent evictions for tenants who appear. Pandemic-era interventions increased tenants' access to the courtroom but the high rate of default judgments shows need for improvements. The State Court Administrative Office (SCAO) issued several administrative orders during the pandemic that required eviction courts to hold hearings remotely via Zoom, institute pre-trial hearings, prohibit default judgments when a tenant was not personally served, and inform tenants of available resources during hearings. In July 2021, SCAO codified a rule requiring eviction courts to use remote participation technology as much as possible until further order.¹⁰⁰ The SCAO should make landlord-tenant pre-trials, remote hearings, and other procedural changes permanent and seek to evaluate and improve them. Furthermore, meaningful evention-prevention strategies must involve pre-court outreach to tenants at risk for eviction, similar to the door-to-door outreach campaigns conducted by legal aid groups during the pandemic. Tenant outreach strategies and procedural improvements should be directly informed by renters who have been systematically excluded from the legal process.

BAN COLD WEATHER BAILIFF EVICTIONS.

COVID-19 brought the life and death consequences of eviction to the forefront of housing policy considerations. Even after the pandemic subsides, moratoria on evictions during the winter can save lives.¹⁰¹ Policies banning cold weather evictions exist across Europe¹⁰² and in several U.S. municipalities—for example, Washington, D.C., tenants are not evicted when it is precipitating or the temperature

is below freezing, and qualifying Seattle tenants are not evicted between December and March.¹⁰³ Given the severity of Michigan’s winters, the City of Detroit should adopt an ordinance banning bailiff evictions during winter months.

AUTOMATICALLY SEAL EVICTION RECORDS.

Landlords increasingly rely on for-profit screening services and other tenant surveillance technologies to blacklist tenants from the rental market.¹⁰⁴ In Detroit, the summary eviction process, low filing fee, and no right to counsel have made it easy for landlords to unlawfully file evictions, and default judgments remain the primary means of eviction. Tenant screening gives staying power to unjust case outcomes and reinforces structural racism in the housing system; sealing eviction records and combatting tenant screening would advance racial equity in housing.¹⁰⁵ A bill introduced in the state Senate would allow courts to seal eviction judgments after 5 years, cases where no judgment of possession was entered, and cases filed during the pandemic or where a landlord received emergency rental aid.¹⁰⁶ This bill is inadequate and gives considerable discretion to local courts; instead, the legislature should automatically seal eviction filings from public view, restrict landlords’ ability to consider eviction history in rental applications, and strengthen protections against discriminatory and retaliatory evictions.¹⁰⁷ Until then, the 36th District Court can remove tenants’ names from the register of action (not only the final judgment) and enforce its existing filing requirements. In 2020, Chief Judge McConico indicated that the court could accept mass motions from legal aid attorneys to set aside default judgments on a monthly basis.¹⁰⁸

USE ARPA FUNDS TO BUILD AND PRESERVE AFFORDABLE HOUSING.

Detroit’s shortage of affordable low-income housing is poised to worsen and intensify the eviction crisis. Flexible American Rescue Plan Act (ARPA) funds can be used to create long-term housing stability by expanding Detroit’s affordable housing stock.¹⁰⁹ Yet of the \$826 million in ARPA funding available, Mayor Duggan and the Detroit City Council have appropriated \$95 million for commercial property demolition, roughly \$7 million for an affordable housing locator and housing counseling services, and nearly \$5 million for a landlord repair program, but \$0 to construct or rehabilitate new affordable rental units.¹¹⁰ Some City Council members have expressed interest in reallocating ARPA funds to address homelessness in response to the organizing efforts of evicted tenants living in hotels paid for by the CERA program whose stays were set to expire.¹¹¹ Detroit officials still have the opportunity to leverage this unprecedented funding to increase the supply of affordable rental housing for the lowest income households, as modeled in other U.S. cities.¹¹²

LISTEN TO AND SUPPORT TENANTS AND TENANTS’ ORGANIZATIONS.

Tenants whose lives and communities are systematically impacted by eviction and the larger affordable housing crisis are best suited to provide solutions, yet their perspectives are ignored or otherwise marginalized in policy discussions concerning their human right to shelter. Evictions during the pandemic highlight the failure of government officials, academics, and nonprofit professionals to craft policies that adequately protect tenants’ health and safety over landlords’ investment interests. Lessons from this time period signal the need to move eviction prevention resources upstream (i.e., before tenants enter the courts) and value community-based infrastructure for tenants to support tenants. During the pandemic, organizing pressure and local control of housing was associated with stronger eviction protections and lower filing rates.¹¹³ Across the U.S., tenants’ groups using tactics ranging from electoral advocacy to property lawbreaking have paved the way for RTC, just cause, and rent stabilization policies as well as laws and funding mechanisms that allow tenants to purchase and transfer distressed buildings to non-speculative forms of affordable housing. Contestation between lawmakers and tenants’ movements can help forge new policy configurations that are consistent not only with the right to equal housing for non-property owners, but also rights to equal dignity, opportunity, and citizenship.¹¹⁴

ABOUT THE AUTHORS

Alexa (Lex) Eisenberg, PhD, MPH is a postdoctoral research fellow with Poverty Solutions. Their research has focused on the injustice of racialized housing policies, financialization, and austerity—especially as these structures manifest through mass tax foreclosures, evictions, speculative bulk-buying, and slum-lording. They have years of experience integrating interview data, administrative property records, and community-based knowledge to understand how the implementation and enforcement of housing policies impacts housing and health justice in Detroit. Their current work seeks to provide evidence, interactive data tools, and public education materials for housing advocates and organizers to resist systematic displacement and make housing a human right.

Katlin (Kate) Brantley is a graduate student research assistant at Poverty Solutions. They have recently supported projects focusing on housing policy implementation in Detroit, specifically related to evictions, rental housing quality, and code enforcement. Brantley is particularly interested in the relationship between housing stability, mental health, and community well-being. They are currently a master’s student at the University of Michigan School of Social Work, focusing on interpersonal practice in integrated health, mental health, & substance abuse, and have a bachelor’s degree in sociology and political science from the University of Michigan.

ENDNOTES

- 1 Vázquez-Vera, H., Palència, L., Magna, I., Mena, C., Neira, J., & Borrell, C. (2017). The Threat of Home Eviction and its Effects on Health Through the Equity Lens: A Systematic Review. *Social Science & Medicine*, 175, 199-208.
- 2 Desmond, M. (2012). Eviction and the Reproduction of Urban Poverty. *American Journal of Sociology*, 118(1).
- 3 Seymour, E., & Akers, J. (2019). Building the Eviction Economy: Speculation, Precarity, and Eviction in Detroit. *Urban Affairs Review*, 57(1), 35-69. Joint Center for Housing Studies of Harvard University. (2020). *The State of the Nation's Housing 2020*.
- 4 Desmond, M., & Gershenson, C. (2016). Housing and Employment Insecurity Among the Working Poor. *Social Problems*, 63(January), 46-67. <https://doi.org/10.1093/socpro/spv025>; Lundberg, I., & Donnelly, L. (2019). A Research Note on the Prevalence of Housing Eviction Among Children Born in US Cities. *Demography*, 56(1), 391-404. <https://doi.org/10.1007/s13524-018-0735-y>
- 5 Burgard, S. A., Seefeldt, K. S., & Zelter, S. (2012). Housing instability and health: Findings from the Michigan recession and recovery study. *Social Science and Medicine*, 75(12), 2215-2224.
- 6 Treskon, M., Greene, S., Fiol, O., & Junod, A. (2021, April). *Eviction Prevention and Diversion Programs: Early Lessons from the Pandemic*. The Urban Institute. <https://www.urban.org/sites/default/files/publication/104148/eviction-prevention-and-diversion-programs-early-lessons-from-the-pandemic.pdf>
- 7 The Eviction Lab. (n.d.) National Eviction Map. <https://evictionlab.org/>; Goodspeed, R., Slugg, K., Dewar, M., & Benton, E. (2020, May). *Michigan Eviction: Trends, Data Sources, and Neighborhood Determinants*. University of Michigan Poverty Solutions, Taubman College of Architecture and Urban Planning, and Michigan Poverty Law Program. <https://poverty.umich.edu/files/2020/06/Michigan-Eviction-Project-working-paper.pdf>; MacDonald, C. (2017, October 5). Persistent Evictions Threaten Detroit Neighborhoods. *The Detroit News*. <https://www.detroitnews.com/story/news/special-reports/2017/10/05/detroit-evictions-threaten-neighborhoods-rentals/106315064>
- 8 The Eviction Lab. (n.d.). *Top Evicting Large Cities in the United States*. <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>; Goodspeed, R., Slugg, K., Dewar, M., & Benton, E. (2020, May). *Michigan Eviction: Trends, Data Sources, and Neighborhood Determinants*. University of Michigan Poverty Solutions, Taubman College of Architecture and Urban Planning, and Michigan Poverty Law Program. <https://poverty.umich.edu/files/2020/06/Michigan-Eviction-Project-working-paper.pdf>; We derived this figure by multiplying the average number of eviction filings between 2014-2018 (29,330, Goodspeed et al., 2020) by the average number of people per renter households according to 2019 1-year ACS (2.34, Table SE:A10003B).
- 9 Hare, R. (2020). Mitigating Power Imbalance in Eviction Mediation: A Model for Minnesota. *Minnesota Journal of Law & Inequality*, 38(1), 135-164.
- 10 Gromis, A., & Desmond, M. (2021). Estimating the Prevalence of Eviction in the United States: New Data from the 2017 American Housing Survey. *Cityscape: A Journal of Policy Development and Research*, 23(2).
- 11 McElroy, E., & So, W. (2021, March 30). Landlord Tech in Covid-19 Times. *Metropolitcs*. <https://metropolitcs.org/Landlord-Tech-in-Covid-19-Times.html>
- 12 U.S. Department of Housing Office of Policy Development & Research. (2021, October). Report to Congress on the Feasibility of Creating a National Evictions Database. <https://www.huduser.gov/portal/publications/Eviction-Database-Feasibility-Report-to-Congress-2021.html>; Panfil, Y., Zainulbhai, S., & Robustelli, T. (2021, April). Why is Eviction Data so Bad? *New America*. <https://www.newamerica.org/future-land-housing/reports/why-is-eviction-data-bad/>
- 13 Ludden, J. (2022, May 4). Eviction filings are up sharply as pandemic rental aid starts to run out. NPR. <https://www.npr.org/2022/05/04/1095559147/eviction-filings-are-up-sharply-as-pandemic-rental-aid-starts-to-run-out>
- 14 Tenants Union of Washington State. (n.d.). *Termination of Tenancy*. <https://tenantsunion.org/rights/termination-of-tenancy1>
- 15 Mich. Comp. Laws § 554.134.
- 16 Goodspeed, R., Slugg, K., Dewar, M., & Benton, E. (2020, May). *Michigan Eviction: Trends, Data Sources, and Neighborhood Determinants*. University of Michigan Poverty Solutions, Taubman College of Architecture and Urban Planning, and Michigan Poverty Law Program. <https://poverty.umich.edu/files/2020/06/Michigan-Eviction-Project-working-paper.pdf>
- 17 Consent Order for Conditional Dismissal [form]. <https://www.courts.michigan.gov/4a253c/siteassets/forms/scao-approved/dc508.pdf>
- 18 Mich. Ct. R. 4.201(F).
- 19 Mich. Ct. R. 4.201(I).
- 20 Mich. Ct. R. 3.106.
- 21 36th District Court. (2020, July 16). *36th District Court announces extension of eviction moratorium*. [Press release]. <https://www.36thdistrictcourt.org/about-us/announcements/2020/07/16/36th-district-court-announces-extension-of-eviction-moratorium>
- 22 36th District Court. (2020, November 17). *36th District Court Announces Temporary Closure Due to COVID-19* [Attached image of press release] [Status update]. Facebook. <https://www.facebook.com/36th-District-Court-104016582993252/photos/a.991122007616034/3559386090789600>; 36th District Court. (2020, November 5). *Temporary suspension of in-person matters*. [Press release]. <https://www.36thdistrictcourt.org/about-us/announcements/2020/11/05/temporary-suspension-of-in-person-matters>
- 23 Calamur, K., & Arnold, C. (2021, August 26). The Supreme Court Will Allow Evictions To Resume. It Could Affect Millions Of Tenants. NPR. <https://www.npr.org/2021/08/26/1024668578/court-blocks-biden-cdc-evictions-moratorium>
- 24 Detroit Eviction Defense, Detroit Renter City, Detroit Will Breathe, Detroit Action, & Moratorium NOW! Coalition. (2020, November 6) *Demands for 36th District Court Chief Judge William C. McConico*. https://drive.google.com/file/d/1LCZY6NdRPVsnrB_00f8qUfy0SvZGBYS6/view
- 25 Rahman, N. (2020, September 4). CDC Eviction Ban: What Tenants Should Know About New Guidance from the State, Detroit Court. *Detroit Free Press*. <https://www.freep.com/story/news/local/michigan/2020/09/04/cdc-eviction-ban-how-work-michigan/5708995002/>
- 25 Detroit Regional Chamber. (n.d.). *New Michigan Eviction Diversion Program Helps With Rent Payments*. <https://www.detroitchamber.com/covid19/new-michigan-eviction-diversion-program-helps-you-stay-in-your-home/>
- 26 City of Detroit. (n.d.). *Eviction, Rent, And Utility Payment Help*. <https://detroitmi.gov/node/45541#eligibility>; State of Michigan. (2022, June 6). *COVID Emergency Rental Assistance Program application period to end June 30, 2022*. [Press release] <https://www.michigan.gov/mshda/about/press-releases/2022/06/06/covid-emergency-rental-assistance-program-application-period-to-end-june-30-2022>
- 27 Detroit City Code, § 8-15-81 & 82.
- 28 The ordinance amends the Detroit City Code to include the Right to Counsel in Eviction Proceedings (Section 22-8-1 through 22-8-9). The law establishes an Office of Eviction Defense within the Housing and Revitalization Department and a coordinator to designate qualified nonprofit organizations to begin providing full legal representation to covered individuals by October 1, 2022. City residents at 200% FPL will qualify for representation “in residential eviction cases in 36th District Court and in housing-related administrative proceedings which threaten occupancy” (including eviction proceedings, mortgage and property tax foreclosures, land forfeiture, threats to rent subsidies, as well as actions related to illegal self-help evictions). Through 2026, funding for RTC will be limited to “legally available” county, state, or federal funds, including those provided by the American Rescue Plan Act (ARPA), and private funds. The Law Department has argued that spending general fund dollars on RTC would be unconstitutional. Despite its intent to ensure the right to counsel, the ordinance identifies a prioritization process for providing legal representation if annual funding is insufficient to meet demand. See Herberg, L. (2022, May 17). A new Detroit ordinance will pay for lawyers for low-income people facing housing issues in court. *WDET 101.9 FM*. <https://wDET.org/2022/05/17/a-new-detroit-ordinance-will-pay-for-lawyers-for-low-income-people-facing-housing-issues-in-court/>

- 29 Glendon, M. (1982). The Transformation of American Landlord-Tenant Law. *Boston College Law Review*, 23(3), 503-576.
- 30 Lehrer, J.D. (1973). Housing and Land Use—Lindsey v. Normet: A Supreme Court Refusal to Federalize Oregon’s Landlord-Tenant Procedure. *Urban Law Annual*, 309.
- 31 31 Glendon, M. (1982). The Transformation of American Landlord-Tenant Law. *Boston College Law Review*, 23(3), 503-576. Clocksin, D. E. (1974). Alaska’s Summary Eviction Law: A Confused Anachronism. *UCLA Alaska Law Review*, 4(1), 56-91. Mosier, M., & Soble, R. A. (1973). Modern Legislation, Metropolitan Court, Miniscule Results: Study of Detroit’s Landlord-Tenant Court. *University of Michigan Journal of Law Reform*, 7(1), 8-70. MCL 600.5701 et seq., revised in 1961 and later amended and recodified, authorizes summary proceedings as a mechanism to recover possession of premises in Michigan. A package of statutes [MCL 554.601, et seq.] were passed by the Michigan legislature in 1968 establishing basic rights for tenants and altering residential leases to include the warranty of habitability and covenants of repair, while also establishing these, in addition to retaliatory eviction, as defenses in summary proceedings. These changes and subsequent legal decisions (e.g., Rome v. Walker in 1972), established the landlord’s covenants as mutual with the tenant’s duty to pay rent, meaning that any breach of a lease by a landlord can be raised as a defense by a tenant in a summary non-payment proceeding.
- 32 Mason, K. R. (2021). Housing Injustice and the Summary Eviction Process: Beyond Lindsey v. Normet. *Oklahoma Law Review*, 74 forthcoming. Sudell, L., & Pasciuti, D. (2021). Praxis and Paradox: Inside the Black Box of Eviction Court. *Vanderbilt Law Review*, 74(5).
- 33 Garboden, P., & Rosen, E. (2019). Serial Filing: How Landlords Use the Threat of Eviction. *City & Community*, 18(2).
- 34 Spector, M. (2000). Tenants’ Rights, Procedural Wrongs: The Summary Eviction and the Need for Reform. *Wayne Law Review*, 46(1). Mason, K. R. (2021). Housing Injustice and the Summary Eviction Process: Beyond Lindsey v. Normet. *Oklahoma Law Review*, 74 forthcoming.
- 35 We defined residential properties based on assessor class and use codes and excluded cases where the defendant name indicated an LLC or other business. To include mixed-used multi-unit buildings that the assessor may have coded commercially, we matched the remaining records to a dataset of multi-family properties compiled by students at the University of Michigan Dearborn and confirmed these matches visually.
- 36 If two or more defendants had outcomes recorded on different dates, we used the one recorded last.
- 37 Records for cases filed between January 2019 and September 2021 were retrieved between December 2021 and January 2022. To capture more complete records for cases filed towards the end of the study period, records filed between October 2021 and March 2022 were retrieved in May 2022. Outcomes were not analyzed for 2022 filings.
- 38 Gromis, A., & Desmond, M. (2021). Estimating the Prevalence of Eviction in the United States: New Data from the 2017 American Housing Survey. *Cityscape: A Journal of Policy Development and Research*, 23(2).
- 39 Choi, J. H., Goodman, L., & Pang, D. (2022, March 11). *The Real Rental Housing Crisis Is on the Horizon*. The Urban Institute. <https://www.urban.org/urban-wire/real-rental-housing-crisis-horizon>
- 40 Hartman, C., & Robinson, D. (2003). Evictions: The Hidden Housing Problem. *Housing Policy Debate*, 14(4), 461-501.
- 41 Goodspeed, R., Slugg, K., Dewar, M., & Benton, E. (2020, May). *Michigan Eviction: Trends, Data Sources, and Neighborhood Determinants*. University of Michigan Poverty Solutions, Taubman College of Architecture and Urban Planning, and Michigan Poverty Law Program. <https://poverty.umich.edu/files/2020/06/Michigan-Eviction-Project-working-paper.pdf>
- 42 Lawyers’ Committee for Better Housing. (2003). *No Time for Justice: A Study of Chicago’s Eviction Court*. <https://www.lcbh.org/sites/default/files/resources/2003-lcbh-chicago-eviction-court-study.pdf>
- 43 The William E. Morris Institute for Justice. (2005). *Injustice in No Time: The Experience of Tenants in Maricopa County Justice Courts*. <https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/4-final-eviction-report/file>; Bezdek, B. (1992). Silence in the court: Participation and subordination of poor tenants’ voices in legal process. *Hofstra Law Review*, 20(3), 533-608.
- 44 The implied warranty of habitability establishes a landlord’s responsibility to maintain habitable living conditions in their rental property. In Rome v. Walker, the Michigan Court of Appeals upheld the state’s habitability statute and ruled that the tenant’s responsibility to pay rent and the landlord’s responsibility to provide habitable living conditions are mutual covenants [Rome v. Walker, 1972 and MCL 554.139].
- 45 Porton, A., Gromis, A., & Desmond, M. (2021). Inaccuracies in Eviction Records: Implications for Renters and Researchers. *Housing Policy Debate*, 31(3-5), 377-394.
- 46 Detroit Housing Commission. (n.d.). *Housing Choice Voucher Program Landlord Reference Guide*. <https://www.dhcmi.org/uploads/page/LandlordGuideBook.pdf>; Desmond, M. (2012). Eviction and the Reproduction of Urban Poverty. *American Journal of Sociology*, 118(1).
- 47 Rahman, N. (2022, April 27). Detroit City Council Wants Statewide Housing Agency to Speed Up Rent Aid Applications. *Bridge Detroit*. <https://www.bridgedetroit.com/detroit-city-council-wants-statewide-housing-agency-to-speed-up-rent-aid-applications/>
- 48 Mondry, A. (2021, December 15). Wayne Lags Behind All Michigan Counties Processing Emergency Rent Help Requests. *Outlier Media*. <https://outliermedia.org/wayne-county-lags-behind-every-michigan-county-for-processing-emergency-rent-assistance-requests/>; Fiol, O., Hariharan, A., & Su, Y. (2021). *Perceptions of Eviction Likelihood Among Renters of Color*. The Urban Institute. <https://www.urban.org/sites/default/files/publication/104823/perceptions-of-eviction-likelihood-among-renters-of-color.pdf>
- 49 U.S. Census Bureau. (2022). QuickFacts: Michigan; Wayne County, Michigan. <https://www.census.gov/quickfacts/fact/table/MI.waynecountymichigan/PST045221>
- 50 Akers, J., & Seymour, E. (2018). Instrumental exploitation: Predatory property relations at city’s end. *Geoforum*, 91, 127-140.
- 51 This total refers to orders of eviction signed after March 20, 2020; it does not include orders of eviction signed before the pandemic that may have been executed later on or cases where orders of eviction were followed by a dismissal. Our data do not indicate whether or when eviction orders were executed.
- 52 Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19, 85 Fed. Reg. 55292. (2020, September 4). <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>
- 53 Over half of bailiiff evictions ordered during the CDC moratorium were against tenants with complaint types the court did not interpret as being covered by the policy. At least 250 bailiiff evictions were ordered against potentially covered tenants (i.e., nonpayment of rent cases); nearly 90% of these eviction orders followed a default judgment, suggesting that tenants did not have the opportunity to learn about or invoke the protections they were likely eligible for. 32 of 602 orders of eviction signed during the CDC moratorium were followed by a case dismissal, likely indicating an intervention by legal aid.
- 54 The 36DC has reported that 2,428 orders of eviction were signed in 2020. Our dataset counts 2,219 signed orders of eviction during the same time period, suggesting that the methods we used to geocode and restrict the dataset to residential properties may undercount the true toll of bailiiff evictions. See Rahman, N. (2022, April 6). Evictions Make it Harder for Michigan Families to Find Housing, Advocates Say. *Bridge Detroit*. <https://www.bridgedetroit.com/evictions-make-it-harder-for-michigan-families-to-find-housing-advocates-say/>
- 55 Bezdek, B. (1992). Silence in the court: Participation and Subordination of Poor Tenants’ Voices in Legal Process. *Hofstra Law Review*, 20(3), 533-608.
- 56 Sheller Center for Social Justice. (2020, June). Reducing Default Judgments in Philadelphia’s Landlord-Tenant Court. Temple University Beasley School of Law. <https://law.temple.edu/cs/publication/reducing-default-judgments-in-philadelphias-landlord-tenant-court/>; Nelson, K., Garboden, P., McCabe, B. J., & Rosen, Eva. (2021). Evictions: The Comparative Analysis Problem. *Housing Policy Debate*, 31(3-5), 696-716.
- 57 Nelson, K. (2021). The Microfoundations of Bureaucratic Outcomes: Causes and Consequences of Interpretive Disjuncture in Eviction Cases. *Social Problems*, 68(1), 152-167. Fiol, O., Hariharan, A., & Su, Y. (2021). *Perceptions of Eviction Likelihood Among Renters of Color*. The Urban Institute. <https://www.urban.org/sites/default/files/publication/104823/perceptions-of-eviction-likelihood-among-renters-of-color.pdf>

- 58 Bezdek, B. (1992). Silence in the court: Participation and subordination of poor tenants' voices in legal process. *Hofstra Law Review*, 20(3), 533-608.
- 59 The William E. Morris Institute for Justice. (2005). *Injustice in No Time: The Experience of Tenants in Maricopa County Justice Courts*. <https://morrisingstituteforjustice.org/helpful-information/landlord-and-tenant/4-final- eviction-report/file>; Bezdek, B. (1992). Silence in the court: Participation and subordination of poor tenants' voices in legal process. *Hofstra Law Review*, 20(3), 533-608. Lawyers' Committee for Better Housing. (2003). *No Time for Justice: A Study of Chicago's Eviction Court*. <https://www.lcbh.org/sites/default/files/resources/2003-lcbh-chicago-eviction-court-study.pdf>
- 60 Einhorn, E., & Mondry, A. (2021, November 10). The 'Fake Landlord' Scam Destroys Lives in Detroit. But Culprits Rarely Face Consequences. NBC News. <https://www.nbcnews.com/news/us-news/fake-landlord-home-rental-scam-detroit-rcna4941>
- 61 Prior to the pandemic, research showed that tenants' appearance in court had virtually no impact on whether they won their case, but did extend the length of time tenants had to move. See Lawyers' Committee for Better Housing. (2003). *No Time for Justice: A Study of Chicago's Eviction Court*. <https://www.lcbh.org/sites/default/files/resources/2003-lcbh-chicago-eviction-court-study.pdf>
- 62 Michigan Supreme Court Administrative Order No. 2020-17. https://www.courts.michigan.gov/4a71a8/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2020-08_2020-06-09_formattedorder_ao2020-17withamendments.pdf
- 63 U.S. Census Bureau. (2021). ACS19:B28004. Household Income In The Last 12 Months (In 2019 Inflation-Adjusted Dollars) By Presence And Type Of Internet Subscription In Household.
- 64 King, C. J. (1994). Are Justice and Harmony Mutually Exclusive—A Response to Professor Nader. *Ohio State Journal on Dispute Resolution*, 10(1), 65-98. Keller, S. (1988). Does the Roof Have to Cave In: The Landlord/Tenant Power Relationship and the Intentional Infliction of Emotional Distress. *Cardozo Law Review*, 9(6), 1663-1698.
- 65 Detroit City Code, § 8-15-82(d), Chastity R. Rodgers vs. Stephen Rosman, 3rd Circuit Court—Wayne County. https://drive.google.com/file/d/1ik9qpBisq4_vkQljfh9A7FWsvf8K0MOP/view
- 66 Detroit Mayor's Office. (2021, July 16). *Rental Code Will be Enforced Citywide Beginning Immediately; No Longer Scheduled by Zip Code*. <https://detroitmi.gov/news/rental-code-will-be-enforced-citywide-beginning-immediately-no-longer-scheduled-zip-code>
- 67 As of March 15, 2022, the BSEED recorded 6,137 valid CoCs on the City of Detroit Open Data Portal; of the 5,947 (97%) that were successfully geocoded, 5,636 were unique. We use the American Community Survey (ACS) to estimate the total number of rental units. The ACS does not report the number of rental structures, only the number of rental units categorized by units in structure. In 2019 there were an estimated 139,338 renter-occupied housing units in Detroit. Based on the median number of units in each category, there are an estimated 87,163 rental structures excluding mobile homes and informal units (ACS 5-year estimate, 2019, Table B23031).
- 68 The city's 80/20 CERA Rental Compliance program requires that 20% of allocated CERA funding is held in escrow for landlords who lack a CoC, until a landlord satisfies the code or complete repairs equal to or greater than the escrowed amount. See City of Detroit. (2021, June 29). *COVID19 Emergency Rental Assistance (CERA) Rental Compliance Guidance*. https://detroitmi.gov/sites/detroitmi.localhost/files/2021-06/CERA%20Rental%20Compliance%20Public%20Facing_final%20Rev%2006-29.pdf
- 69 36th District Court. (n.d.). *Landlord-Tenant / Summary Proceedings*. <https://www.36thdistrictcourt.org/divisions-departments/general-civil-and-landlord-tenant/landlord-tenant>
- 70 Aisha C. Davis on behalf of Tera Jackson-Davis, Civil Division Director, personal communication, August 4, 2021. https://docs.google.com/document/d/1XRsr_qruqAMiYbeASKjzZY2hLUkN4Yvb6/edit
- 71 City of Detroit. (2021, September 17). *Update to Residents from Mayor Mike Duggan* [email]. <https://drive.google.com/file/d/1VkvfgPzgKhNTbRoepsNI2JAGv2SU3ZRH/view?usp=sharing>
- 72 Of the more than 22,000 filings that lacked a CoC at the date of eviction filing, about 82% involved properties located in zip code where the ordinance's enforcement date had already passed.
- 73 Kitaba-Gaviglio, B. (2021, September 15). Why Detroit needs a 'right to counsel' ordinance for tenants facing eviction. Detroit Free Press. <https://www.freep.com/story/opinion/contributors/2021/09/15/eviction-moratorium-detroit-tenants-right-counsel/5497536001/>
- 74 State Bar of Michigan & Michigan's Legal Service Corporation Funded Providers. (2017). *Documenting the Justice Gap in Michigan (update)*. <https://evawintl.org/wp-content/uploads/JusticeGap.pdf>
- 75 Stout Risius Ross. (2022). *The Estimated Economic Impact of an Eviction Right to Counsel in Detroit*. <https://qlcf.app.box.com/s/qz9d8nqe2aha75klodigf81rsrphbnj>
- 76 Pattanayek, C. W., Greiner, D. J., & Hennessy, J. (2013). The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future. *Harvard Law Review*. <https://harvardlawreview.org/2013/02/the-limits-of-unbundled-legal-assistance-a-randomized-study-in-a-massachusetts-district-court-and-prospects-for-the-future/>; Boston Bar Association Task Force on the Civil Right to Counsel. (2012). *The Importance of Representation in Eviction Cases and Homelessness Prevention*. <https://bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>; Grundman, L., & Kruger, M. (2018). *Legal Representation in Evictions—Comparative Study*. <https://www.minnpost.com/wp-content/uploads/2018/11/2018-Eviction-Representation-Results-Study-with-logos.pdf>; Stout Risius Ross. (2018). *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants*. <https://legallaidresearch.org/2020/01/30/economic-return-on-investment-of-providing-counsel-in-philadelphia-eviction-cases-for-low-income-tenants>
- 77 Capps, K. (2017, August 14). New York City Guarantees a Lawyer to Every Resident Facing Eviction. *Bloomberg*. <https://www.bloomberg.com/news/articles/2017-08-14/new-york-ensures-right-to-counsel-for-all-eviction-cases>; National Law Center on Homelessness & Poverty. (2018). *Protect Tenants, Prevent Homelessness*. <https://homelesslaw.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>
- 78 NYC Human Resources Administration. (2019). *NYC Office of Civil Justice 2019 Annual Report*. https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2019.pdf
- 79 It is not uncommon for lawyers, and especially legal aid attorneys representing tenants, to file an appearance well into legal proceedings and sometimes after a judgment is entered. Our data cannot account for appearances that were filed after data collection or that were never entered by court clerks. Hence our analysis likely underestimates the presence of tenants' attorneys, especially for cases filed closer to the end of the study period.
- 80 Tester, G. (2008). An Intersectional Analysis of Sexual Harassment in Housing. *Gender & Society*, 22(3). Zalesne, D. (1997). Intersection of Socioeconomic Class and Gender in Hostile Housing Environment Claims under Title VIII: Who is the Reasonable Person. *The Boston College Law Review* 38(5), 861-902.
- 81 Kurtzberg, J., & Henikoff, J. (1997). Freeing the Parties from the Law: Designing an Interest and Rights Focused Model of Landlord/Tenant Mediation. *Journal of Dispute Resolution*, 1997(1), 53-118.
- 82 Vaughan, T. R. (1968). The Landlord-Tenant Relation in a Low-Income Area. *Social Problems*, 16(2).
- 83 Alexander, L. T. (2015). Occupying the constitutional right to housing. *Nebraska Law Review*, 94(2).
- 84 Harris, C. I. (1993). Whiteness as Property. *Harvard Law Review*, 106(8), 1707-1791.
- 85 Tester, G. (2008). An Intersectional Analysis of Sexual Harassment in Housing. *Gender & Society*, 22(3). Zalesne, D. (1997). Intersection of Socioeconomic Class and Gender in Hostile Housing Environment Claims under Title VIII: Who is the Reasonable Person. *The Boston College Law Review* 38(5), 861-902.
- 86 Martin, F. J. (2018). Eviction: How Expedited Process and Underfunded Legal Aid Contribute to Our Housing Crisis. *California Law Review Online*, 9, 35-39.

- 87 Arnold, C. (2022, March 29). There's Never Been Such a Severe Shortage of Homes in the U.S. Here's Why. NPR. <https://www.npr.org/2022/03/29/1089174630/housing-shortage-new-home-construction-supply-chain>
- 88 Williams, C. (2022, March 18). \$1,200 for 900 square feet in Harper Woods. Metro Detroit Renters Feel Squeeze. *The Detroit News*. <https://www.detroitnews.com/story/business/2022/03/18/metro-detroit-renters-being-squeezed/6977303001/?gnt-cfr=1>. ACS 5-year estimates [B25056, B25061, B25074, B25118] were used to estimate the total units affordable to this subpopulation of renters.
- 89 Heisig, E. (2022, February 16). Cleveland Housing Court judge's requirement that landlords attest to lead-safe status brings legal challenge, praise. <https://www.cleveland.com/real-estate-news/2022/02/cleveland-housing-court-judges-requirement-that-landlords-attest-to-lead-free-status-brings-legal-challenges-praise.html>; Cleveland Municipal Court. (n.d.). Affidavit of Lead-Safe Certification Status. <https://www.clevelandmunicipalcourt.org/docs/default-source/cleveland-housing-court/affidavit-of-lead-safe-certification-status.pdf>
- 90 Chastity R. Rodgers vs. Stephen Rosman, 3rd Circuit Court—Wayne County. https://drive.google.com/file/d/1ik9gpBisq4_vkQljfh9A7FWsVf8K0MOP/view
- 91 Werner, F. E. (1989). Requiring Just Cause for Eviction from Private Housing: A Survey of Litigation Strategies and Legislative Approaches. *Clearinghouse Review*, 22(9), 1088-1097.
- 92 The Constitutional Development of Rent Control and the Good Cause Eviction Requirement. (1981). *Urban Law Annual*, 21, 342-349. https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1513&context=law_urbanlaw
- 93 Urban Habitat. (2018). Strengthening Communities through Rent Control and Just-Cause Evictions: Case Studies from Berkeley, Santa Monica, and Richmond. https://urbanhabitat.org/sites/default/files/UH%202018%20Strengthening%20Communities%20Through%20Rent%20Control_0.pdf
- 94 Cuellar, J. (2019, May 21). Effect of "Just Cause" Eviction Ordinances on Eviction in Four California Cities. *Journal of Public & International Affairs*, 30. <https://jpiia.princeton.edu/news/effect-just-cause-eviction-ordinances-eviction-four-california-cities>
- 95 All-In Cities. (n.d.). *Just cause*. <https://allincities.org/toolkit/just-cause>; BondGraham, D. (2017, July 11). Oakland Looks to Close Owner Move-In and Occupancy Loopholes, Reduce Evictions and Harmful Rent Increases. *East Bay Express*. <https://eastbayexpress.com/oakland-looks-to-close-owner-move-in-and-occupancy-loopholes-reduce-evictions-and-harmful-rent-increases-2-1/>
- 96 On April 14, 2022, the Fiscal Year 2022-2023 Budget Administration Closing Resolution from Deputy CFO and Budget Director, Steven Watson, authorized "an amount up to \$6,000,000 for the purpose of establishing a program that provides legal representation for eligible individuals in eviction proceeds, subject to enactment of an ordinance authorizing such a program." https://drive.google.com/file/d/1VcJ9BffiyJn6MLnS604p8Jx4_p2456Gv/view?usp=sharing
The estimated cost of fully implementing the RTC comes from: Stout Risius Ross. (2022). *The Estimated Economic Impact of an Eviction Right to Counsel in Detroit*. <https://qlcf.app.box.com/s/qz9d8nqe2aha75klodigf81rsrphpbnj>.
- 97 Kleinman, R. (2003). Housing Gideon: the right to counsel in eviction cases. *Fordham Urb. LJ*, 31, 1507.
- 98 Rahman, N. (2022, May 11). Free legal help on the way for low-income Detroiters facing eviction. *Detroit Free Press*. <https://www.freep.com/story/news/local/michigan/detroit/2022/05/10/detroit-city-council-proposal-lawyers-tenants-facing-eviction/7220192001/>
- 99 Brady, M., Crowley, N., Duvisac, S., Carlson, H. J., & Baiocchi, G. (2021). *Not Just a Landlord Bailout: Choosing Emergency Relief and Long Term Impact. Unequal Cities*. <https://unequalcities.org/2021/03/31/not-just-a-landlord-bailout>
- 100 Michigan Supreme Court Administrative Order No. 2020-17. https://www.courts.michigan.gov/4a71a8/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2020-08_2020-06-09_formattedorder_ao2020-17withamendments.pdf
- 101 Zhang, P., Wiens, K., Wang, R., Luong, L., Ansara, D., Gower, S., Bassil, K., & Hwang, S. W. (2019). Cold Weather Conditions and Risk of Hypothermia Among People Experiencing Homelessness: Implications for Prevention Strategies. *International journal of environmental research and public health*, 16(18), 3259.
- 102 Kenna, P., Benjaminsen, L., Busch-Geertsema, V., & Nasarre-Aznar, S. (2018). Pilot Project—Promoting Protection of the Right to Housing—Homelessness Prevention in the Context of Evictions. *European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Luxembourg*, 2016.
- 103 D.C. Code § 42–3505.01. (Perm); Beekman, D. (2020, February 25). Seattle Mayor Durkan allows winter eviction ban to become law, proposes more funding for prevention. *The Seattle Times*. <https://www.seattletimes.com/seattle-news/politics/seattle-mayor-durkan-allows-winter-eviction-ban-to-become-law-proposes-more-funding-for-prevention/>
- 104 Polk, K. (2020). Screened Out of Housing: The Impact of Misleading Tenant Screening Reports and the Potential for Criminal Expungement as a Model for Effectively Sealing Evictions. *Northwestern Journal of Law & Social Policy*, 15(3). <https://scholarlycommons.law.northwestern.edu/njls/vol15/iss3/3/>
- 105 Beiers, S., Park, S., & Morris, L. (2020). Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color. ACLU. <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color>
- 106 Rahman, N. (2022, April 6). Evictions make it harder for Michigan families to find housing, advocates say. *Bridge Detroit*. <https://www.bridgedetroit.com/evictions-make-it-harder-for-michigan-families-to-find-housing-advocates-say/>; S.B. 949, 2022 Reg. Sess. (Mich. 2022).
- 107 Lake, J., & Tupper, L. (2021). *Eviction Record Expungement Can Remove Barriers to Stable Housing*. Center for American Progress. <https://www.americanprogress.org/article/eviction-record-expungement-can-remove-barriers-stable-housing/>
- 108 Detroit Eviction Defense, Detroit Renter City, Detroit Will Breathe, Detroit Action, & Moratorium NOW! Coalition. (2020, November 6). *Demands for 36th District Court Chief Judge William C. McConico*. https://drive.google.com/file/d/1LCZY6NdRPVsnrB_00f8qUfU0SvZGBYS6/view
- 109 National Low Income Housing Coalition. (2022). *Coronavirus State and Local Fiscal Recovery Funds: Affordable Housing Investments*. https://nlhlc.org/sites/default/files/ARPA_State-Local-Housing.pdf
- 110 Rahman, N. (2021, June 29). Detroit City Council Approves Duggan's Plan to Spend \$826 Million in Federal Funds. *Detroit Free Press*. <https://www.freep.com/story/news/local/michigan/detroit/2021/06/29/detroit-city-council-approves-duggans-plan-spend-federal-dollars/7793724002/>; Office of the Chief Financial Officer (n.d.). *How Detroit's ARPA Funds are Being Spent*. City of Detroit. <https://detroitmi.gov/departments/office-chief-financial-officer/how-detroits-arpa-funds-are-being-spent>
- 111 Barrett, M. (2022, June 8). City Council Members Discuss Shifting \$100M in Federal Aid to Housing. *Bridge Detroit*. <https://www.bridgedetroit.com/city-council-members-discuss-shifting-100m-in-federal-aid-to-housing/>
- 112 City of St. Paul. (2021, December 13). *City of Saint Paul and Ramsey County to Invest \$74 Million in Federal ARPA Funding for Deeply Affordable Housing*. [Press release]. <https://www.stpaul.gov/news/city-saint-paul-and-ramsey-county-invest-74-million-federal-arpa-funding-deeply-affordable>
- 113 Huntley, E.R., Almeida, L., Heaton, S., Park, A.M. (2022). *Housing Justice Beyond the Emergency: An Analysis of Racial Inequity in Eviction Filings across Massachusetts*. Homes for All Massachusetts. <https://www.homesforallmass.org/covid-evictions-report/hfamass-covid-evictions-report-short-03-22-screen-rfs.pdf>
- 114 Alexander, L. T. (2015). Occupying the constitutional right to housing. *Nebraska Law Review*, 94(2). Peñalver, E. M., & Katyal, S. (2010). *Property outlaws: How squatters, pirates, and protesters improve the law of ownership*. Yale University Press.