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## MICHIGAN'S EVICTION CRISIS

*Robert Goodspeed, Margaret Dewar, University of Michigan  
Jim Schaafsma, Michigan Poverty Law Program*

The project team can be contacted at [michiganevictions@umich.edu](mailto:michiganevictions@umich.edu)

### INTRODUCTION

Each year, landlords file nearly 200,000 eviction cases in Michigan and around 40,000 Michigan households lose their homes as a result of court-ordered evictions.<sup>1</sup> A growing body of national research has documented detrimental effects of eviction on individuals, households, and neighborhoods. This evidence suggests that eviction is not merely a symptom of poverty but also a cause of it.<sup>2</sup> People who experience eviction are more likely to lose their jobs,<sup>3</sup> experience increased rates of depression,<sup>4</sup> and rate their health as fair or poor.<sup>5</sup> Households who move as a result of an eviction, instead of through choice, move to poorer, higher-crime neighborhoods,<sup>6</sup> and are more likely to experience problems with their new housing like broken appliances, exposed wires, or lack of heat.<sup>7</sup> Even eviction cases that do not result in evictions are harmful to tenants. These filings can result in additional costs and fees to the tenant and leave records that make it more difficult for households to find future housing.<sup>8</sup> Moreover, the consequences of eviction are felt most acutely by already-disadvantaged groups, deepening social inequality. Compared to other groups, African-American women,<sup>9</sup> families with children,<sup>10</sup> and Hispanic households in mostly white neighborhoods experience a disproportionately high number of evictions.<sup>11</sup> Victims of domestic violence also appear to face elevated rates of eviction after controlling for household and neighborhood factors, due to nuisance citations generated by incidents of domestic violence.<sup>12</sup>

This brief, which accompanies a detailed full report, uses statewide case filing data and data collected from a random sample of eviction case records in Washtenaw and Lenawee counties to understand

the prevalence, patterns, and causes of evictions in Michigan, and provide policy recommendations for local courts, municipalities, funders, and state government.

### KEY TAKEAWAYS:

**In Michigan, tenants face frequent threats of eviction.** In 2018 more than 191,500 eviction cases were filed — the equivalent of 1 eviction case for every 6 rental units (17%).<sup>13</sup> Cities and counties with the highest eviction filing rates were concentrated in southeast Michigan and Michigan's urban areas, but 32 Michigan counties (or about 37% of counties) had eviction filing rates of over 9.5% — the equivalent of 1 eviction case for every 10 rental units.

**Eviction filings in Michigan vary greatly by neighborhood.** Statewide, factors that increase the likelihood of eviction at the census tract level are the number of mortgage foreclosures, the percent of the population living in mobile homes, and the percent of single-mother households.

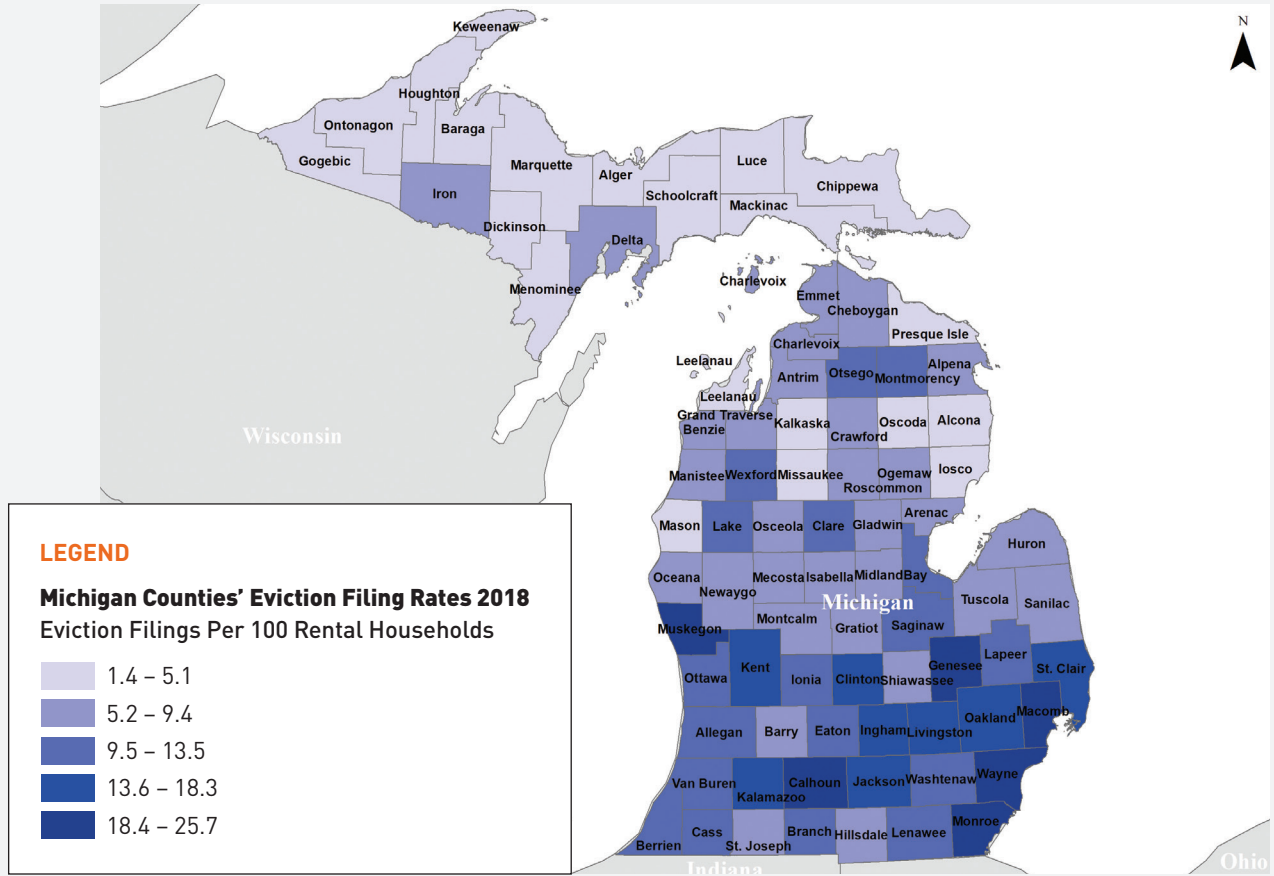
**Tenants in Michigan lack legal representation in eviction cases.** Statewide, only 4.8% of tenants were represented by an attorney in eviction cases filed 2014-2018, compared to 83.2% of landlords.

**Access to legal representation leads to better outcomes for tenants.** In Washtenaw County, tenants with representation were more likely to receive a positive outcome for their cases with 56% of cases dismissed and 11% receiving a judgment in their favor. By comparison, among tenants who lacked representation, only 45% of cases were dismissed and no judgments were in their favor.

**FIGURE 1**

**EVICTON FILING RATES BY COUNTY, 2018**

Michigan State Court Administrative Office; U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013–2017



Data Source: U.S. Census Bureau Geography 2010, 2013–2017 American Community Survey, Michigan State Court Administrative Office

**STATEWIDE PATTERNS OF EVICTION FILINGS**

In 2018, there were 191,512 eviction cases filed in Michigan. This places the states eviction filing rate<sup>14</sup> at 17% — or roughly 1 eviction case filed for every 6 rental housing units in the state.

- Michigan’s filing rate appears to be much higher than those reported elsewhere: eviction filing rates in Chicago, Philadelphia, and the Cincinnati area during a similar time period, for example, were 3.9%, 7.8%, and 8.7%, respectively.<sup>15</sup>
- Cities and counties with high eviction filing rates were concentrated in southeast Michigan and Michigan’s urban areas. The six counties with the highest eviction filing rates (18.4% to 25.7%) are Genesee, Macomb, Monroe, Calhoun, Wayne and Muskegon.
- Though eviction filing rates in Michigan vary greatly by county, from just 1.4% in Keweenaw County to 25.7% in Genesee County in 2018, over one-third of Michigan counties (37%) have eviction filing rates greater than 9.5% — the equivalent of 1 eviction case for every 10 rental units.
- Although the exact number of court-ordered, physical evictions is not contained in statewide data, if we apply Washtenaw County’s eviction rate of 20.8% to the total cases filed in Michigan in 2018, we estimate there were about 39,834 court-ordered, physical evictions.
- Only 4.8% of tenants were represented by an attorney in eviction cases filed in 2014 to 2018, while 83.2% of landlords were represented.

**TABLE 1**
**TOP COUNTIES AND MEDIUM-TO-LARGE CITIES BY EVICTION FILING RATE, 2014–2018**

Rank	Place Name	Average Annual Eviction Filings (2014–2018)	Total Rental Households (2013–2017)	Average annual filings per 100 rental households (2014–2018)
<b>COUNTIES</b>				
1	Genesee	13,435	49,804	27.0
2	Macomb	22,600	92,688	24.4
3	Wayne	59,843	254,229	23.5
4	Monroe	2,630	11,633	22.6
5	Calhoun	3,489	16,182	21.6
5	Muskegon	3,619	16,750	21.6
<b>MEDIUM AND LARGE CITIES (POPULATION OF 20,000 OR MORE)</b>				
1	Romulus	1,419	3,022	47.0
2	Inkster	1,947	4,892	39.8
3	Taylor	3,049	8,243	37.0
4	Southfield	5,524	16,817	32.8
5	Pontiac	4,248	13,628	31.2
6	Westland	4,314	14,306	30.2
7	Burton	838	3,112	26.9
8	Oak Park	1,312	4,899	26.8
9	Flint	4,395	16,950	25.9
10	Battle Creek	2,053	8,244	24.9
11	Eastpoint	1,100	4,625	23.8
12	Lansing	5,593	24,227	23.1
13	Kentwood	1,916	8,710	22.0
14	Detroit	29,330	134,022	21.9

**UNDERSTANDING EVICTION IN NEIGHBORHOOD CONTEXT**

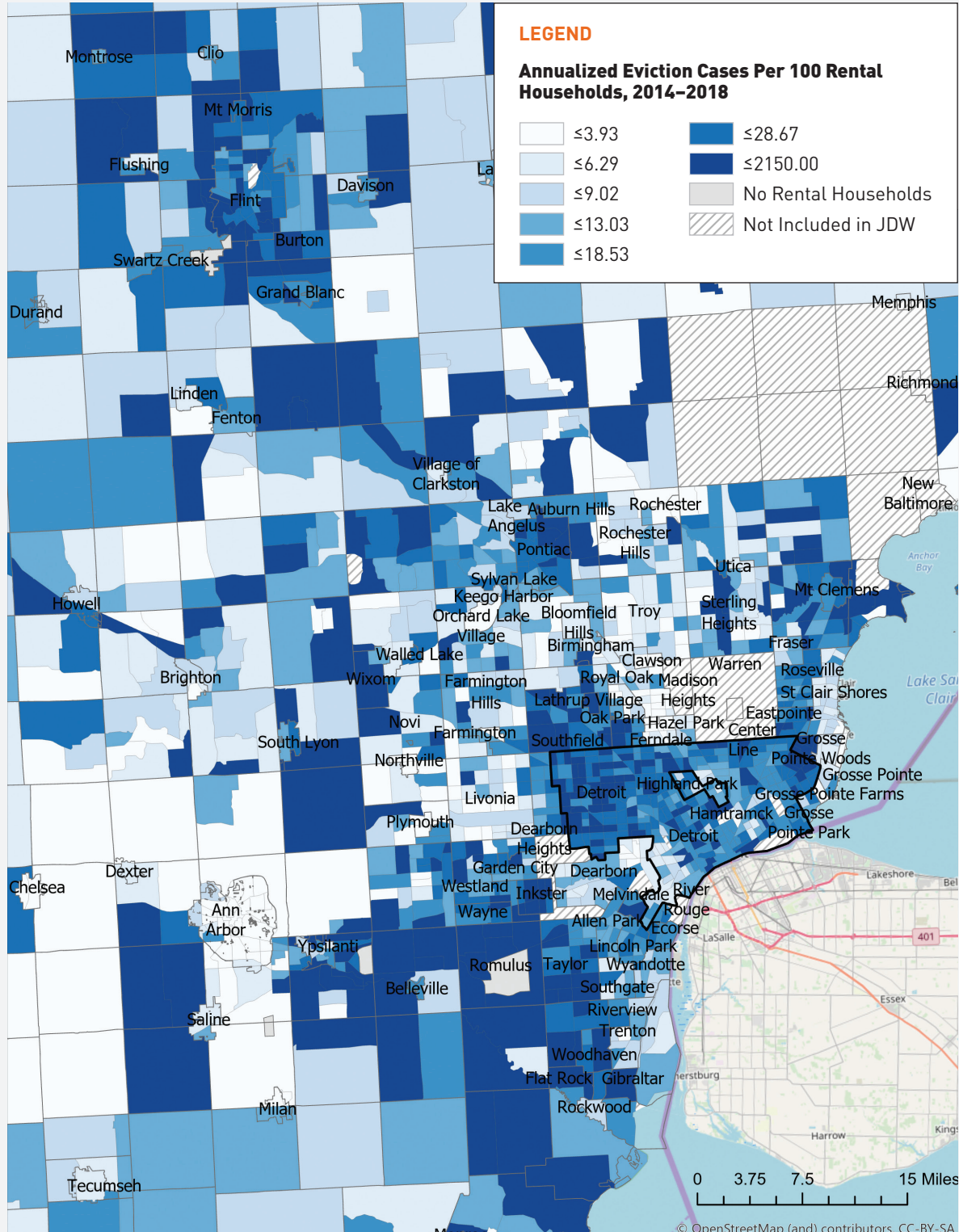
Our data showed that eviction filing rates varied not only between cities and counties but also between neighborhoods within these communities. In order to better understand what types of people

and neighborhoods are most affected by evictions and help policymakers craft and target policies to reduce evictions across the state, we mapped these neighborhood filing rates and analyzed how over 15 neighborhood characteristics affect eviction filing rates.

**FIGURE 2**

**EVICTON FILING RATES BY CENSUS TRACT, 2018**

Michigan State Court Administrative Office, Judicial Data Warehouse; U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017



- Eviction filing rates vary widely within cities and regions. In Detroit, for example, eviction rates range from 170% in a census tract in Southwest Detroit, to 2.6% for a tract in the Poletown East neighborhood.
- Tracts with high eviction rates exist in urban, suburban, and rural areas across Southeast Michigan.
- A statewide analysis shows that the number of eviction cases filed within a census tract is positively related to the percent of **single mother households**, number of **mortgage foreclosures**, and percent of **population living in mobile homes** in the census tract.
- In urban areas, the number of cases is positively related to additional factors, including the percent of the population that is **African American**, percent of the **population under 18**, and percent of **housing units vacant** in the census tract.
- Compared to urban areas, eviction filings in rural areas are positively related to fewer factors. These include the prevalence of **single-mother households**, **job accessibility**, number of **mortgage foreclosures**, and the prevalence of **mobile homes** in the census tract.

### A CLOSER LOOK AT EVICTION IN WASHTENAW AND LENAWEE COUNTIES

Because the available statewide data on eviction cases does not include information on case outcomes, including whether a case resulted in a court-ordered eviction, we gathered more detailed data from a random sample of cases filed in two counties to try to gain a fuller understanding of what happened in these cases. We selected Washtenaw and Lenawee counties because they were in LSSCM's service area and provided a comparison between more rural and urban areas of the state.

### OVERVIEW

- In 2018, there were **6,252** eviction cases filed in Washtenaw County and **904** in Lenawee County.
- In 2018, Washtenaw County's eviction filing rate was **11.3%**, placing it 25th among Michigan's 83 counties. Lenawee County's rate was similar, at

**10.6%**, placing it 29th. This means landlords filed about **1 eviction case for every 9 rental housing units in both counties**.

- Eviction filing rates varied widely within the county in 2018: the City of Ann Arbor's eviction filing rate was 2.2%, the City of Ypsilanti's was 20.8%, and Ypsilanti Township's was 33.6%. Rates were also high in several townships that have a high proportion of housing units in mobile home parks.

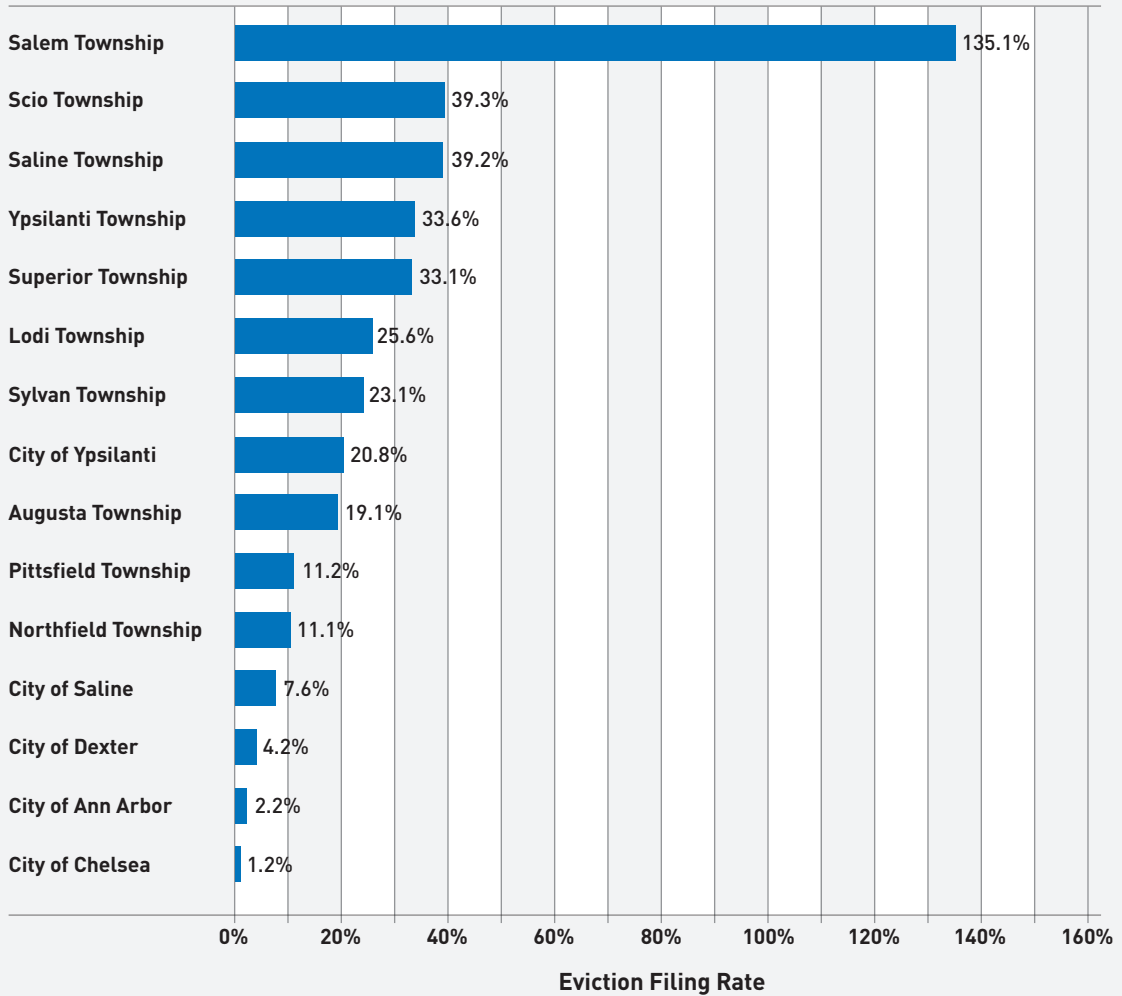
### CASE DETAILS AND EVICTIONS

- In a sample of Washtenaw County cases from 2014 and 2018, only **2.3% of tenants were represented by an attorney**, compared to 90.5% of landlords. In Lenawee County from 2013 to 2018, **4% of tenants were represented**, compared to 71% of landlords.
- In the Washtenaw County sample, **92% of cases were filed for non-payment of rent** and tenants owed an average of **\$1,110** in back rent and other charges at the time their landlord filed the case. In Lenawee County, 76% of cases were for non-payment of rent.
- In the Washtenaw County sample, tenants with representation were more likely to receive a positive outcome — 56% of cases were dismissed and 11% received a judgment in their favor, versus 45% of cases dismissed and no judgments in their favor among tenants without representation.
- In the Washtenaw County sample, at least **20.8% of cases resulted in evictions**. This means that in Washtenaw County in 2018 approximately 1,300 households were evicted from their homes (or 25 households/week or 3.5 households/day).
- In Lenawee County, at least **37% of cases resulted in evictions**. This means that in Lenawee County between 2013 and 2018 approximately 329 households were evicted from their homes each year (or 6 households per week).

**FIGURE 3**

**EVICTION FILING RATES BY MINOR CIVIL DIVISION IN WASHTENAW COUNTY, 2014-2018**

Michigan State Court Administrative Office; U.S. Census Bureau, American Community Survey 5-Year Estimates, 2013-2017



**WHAT CAN BE DONE TO REDUCE EVICTIONS?**

Given Michigan’s high eviction filing rate and the harm these filings impose on tenants, we recommend that advocates, service providers, the courts, and state government take immediate steps to tackle this problem. Our full report contains detailed policy recommendations to jump start this work, based on findings from our analysis and other social science research on evictions, best practices from other states, and feedback received during our stakeholder engagement process. Some of the most important recommendations are:

**POLICY RECOMMENDATIONS:**

- Establish and fund a guaranteed right to counsel for tenants in eviction cases statewide;
- Establish and fund eviction diversion programs in every district court;
- Increase funding for affordable housing operation and emergency rental assistance;
- Remove the Michigan Department of Health and Human Services requirement that tenants receive a summons and complaint **before** becoming eligible for state emergency relief to help with back rent;

- Enact legislation to prevent landlords from charging late fees until the rent is 30 days late, or during the COVID-19 emergency, and to limit the amount of late fees;
- Enact legislation to eliminate courts' ability to award parties in eviction cases \$75-\$150 in "taxable costs" on top of their actual costs in the case; and,
- Enact legislation that limits access to eviction filing records and permanently seals cases that were dismissed or decided in the tenant's favor.

### WHY EVICTION MATTERS NOW

Our data show that even before the COVID-19 pandemic and resulting economic downturn, in relatively good times, Michigan had extremely high eviction filing rates, courts across the state already grappled weekly with large numbers of eviction cases, and very few tenants had access to an attorney or asserted their legal rights in the eviction process.

As low-income workers lose their jobs and fall behind on rent due to the pandemic, we anticipate an increase in eviction case filings statewide, which will stress the resources of already burdened courts and legal and social services agencies and impose great hardship on tenants and their communities. Many evicted tenants will be forced to move to shelters or in with family and friends, increasing their exposure to the coronavirus and endangering not only their own health, but also the state's ability to combat and recover from the pandemic.

Even before the current crisis, a growing number of cities and states were taking steps to reduce evictions because of the research showing that such moves have the potential to reduce homelessness, boost school attendance, support employment, and significantly reduce government spending on shelter and other related costs. Now more than ever, Michigan needs to follow these examples to prevent homelessness, increase housing stability, and protect public health in the coming months.

<sup>1</sup> To estimate the number of statewide evictions, we multiplied the number of eviction case filings by the percentage of case filings that resulted in court-ordered evictions in Washtenaw County, where we conducted case-level research from a random sample.

<sup>2</sup> Matthew Desmond, "Eviction and the Reproduction of Urban Poverty," *American Journal of Sociology* 118, no. 1 (July 1, 2012): 88–133; Matthew Desmond and Monica Bell, "Housing, Poverty, and the Law," *Annual Review of Law and Social Science* 11, no. 1 (2015): 15–35; Matthew Desmond and Tracey Shollenberger, "Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences," *Demography* 52, no. 5 (October 2015): 1751–1772.

<sup>3</sup> Matthew Desmond and Carl Gershenson, "Who Gets Evicted? Assessing Individual, Neighborhood, and Network Factors," *Social Science Research* 62 (February 1, 2017): 362–377.

<sup>4</sup> Matthew Desmond and Rachel Kimbro, "Eviction's Fallout: Housing, Hardship, and Health," *Social Forces* 94 (February 24, 2015); Hugo Vásquez-Vera, Laia Palència, Ingrid Magna, Carlos Mena, Jaime Neira, and Carme Borrell, "The Threat of Home Eviction and Its Effects on Health through the Equity Lens: A Systematic Review," *Social Science & Medicine* (1982) 175 (2017): 199–208.

<sup>5</sup> Desmond and Kimbro, "Eviction's Fallout."

<sup>6</sup> Desmond and Shollenberger, "Forced Displacement From Rental Housing."

<sup>7</sup> Matthew Desmond, Carl Gershenson, and Barbara Kiviat, "Forced Relocation and Residential Instability among Urban Renters," *Social Service Review* 89, no. 2 (June 1, 2015): 227–262.

<sup>8</sup> Philip ME Garboden and Eva Rosen, "Serial Filing: How Landlords Use the Threat of Eviction," *City & Community* 18, no. 2 (2019): 638–661.

<sup>9</sup> Desmond, "Eviction and the Reproduction of Urban Poverty."

<sup>10</sup> Matthew Desmond et al., "Evicting Children," *Social Forces* 92, no. 1 (2013): 303–327.

<sup>11</sup> Deena Greenberg, Carl Gershenson, and Matthew Desmond, "Discrimination in Evictions: Empirical Evidence and Legal Challenges," *Harvard Civil Rights - Civil Liberties Law Review; Cambridge* 51, no. 1 (Winter 2016): 115.

<sup>12</sup> Matthew Desmond and Nicol Valdez, "Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women," *American Sociological Review* 78, no. 1 (February 1, 2013): 117–141.

<sup>13</sup> It is possible for more than one eviction case to be filed for an individual rental housing unit, or even rental household, in one year.

<sup>14</sup> The eviction filing rate is the number of filings per 100 rental households.

<sup>15</sup> Lawyer's Committee for Better Housing, "Opening the Door on Chicago Evictions: Chicago's Ongoing Crisis," May 2019, <https://eviction.lcbh.org/reports/chicagos-ongoing-crisis>; Ira Goldstein, Al Parker, and Rhea Acuna, "Policy Brief: Evictions in Philadelphia," Reinvestment Fund, January 2017; Elaina Johns-Wolfe, "You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio," Department of Sociology, University of Cincinnati, The Cincinnati Project, Housing Opportunities Made Equal, Inc., and Legal Aid Society of Hamilton County/Southwest Ohio, June 2018.