



Right to Counsel Public Meeting

- February 29, 2024
- Diamond Conley, Executive Director,
Office of Eviction Defense
- Conrad Mallett, Corporation Counsel,
City of Detroit

Detroit Right to Counsel (RTC) Ordinance



What is the Right to Counsel Ordinance? In the City of Detroit, there's an ordinance called Right-to-Counsel (RTC) that helps people who rent their homes and are facing eviction. This ordinance gives tenants the right to have a **free** lawyer to help them in court.



The **Office of Eviction Defense (OED)** works with local legal service agencies to make sure that tenants who are in 36th District Court for landlord-tenant cases can get free legal help and protect their rights.



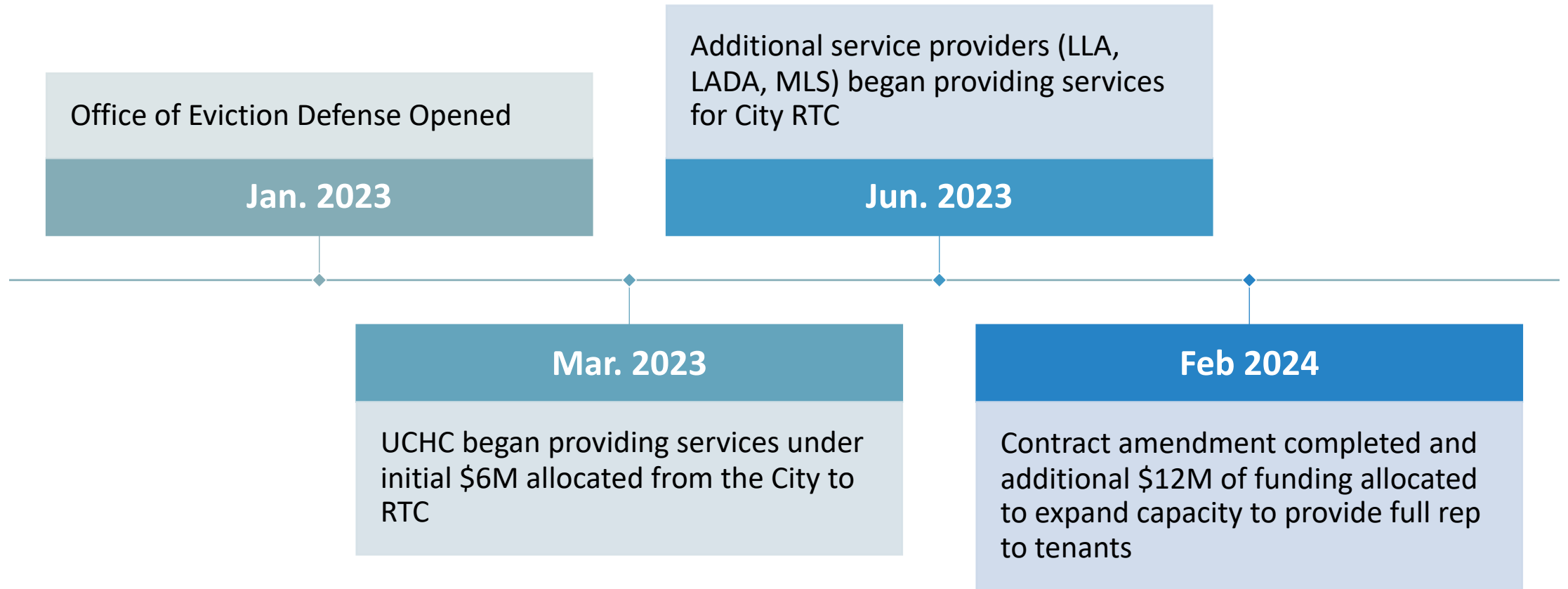
Types of Cases covered: “[a]ny summary proceeding started in the 36th District Court to recover possession from an occupant of any residential property or any administrative proceeding which threatens the occupancy of an occupant, including, but not limited to, eviction proceedings, mortgage foreclosures, property tax foreclosures, land forfeiture proceedings, and threats to rent subsidies”



Eligibility:

200% of the Federal Poverty Level
Detroit Resident

Right to Counsel Implementation



Right to Counsel Providers



**United
Community
Housing
Coalition:
UCHC**



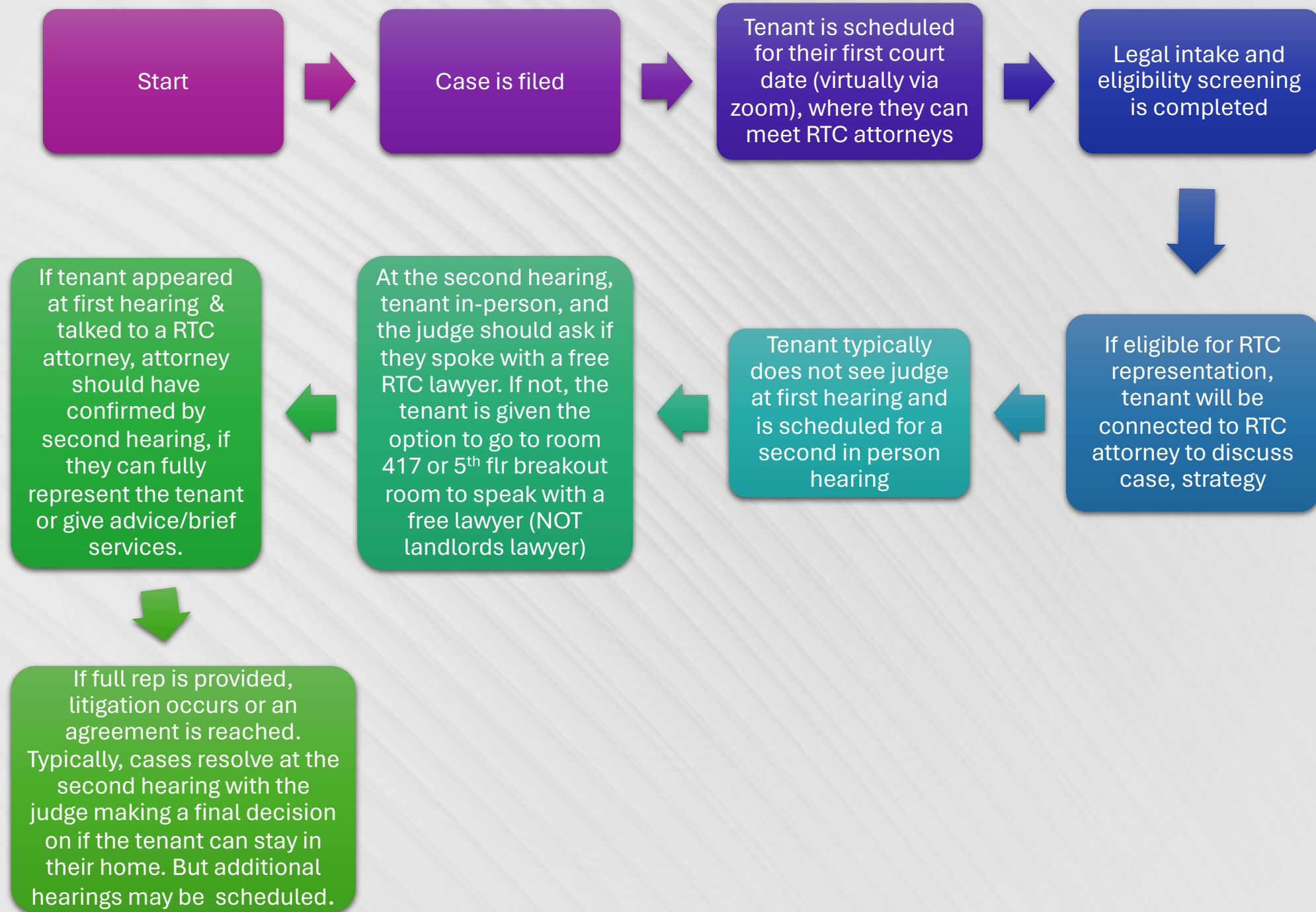
**Michigan Legal Services:
MLS**



Legal Aid & Defender: LADA



Lakeshore Legal Aid: LLA



If tenant appears for the first time at the second hearing, tenant will need to check in with their judge first and then inform the judge, that they would like to speak with a free RTC lawyer about their case in rm 417 or 5th flr break out rm (making sure they do not speak with the landlord's attorney first)



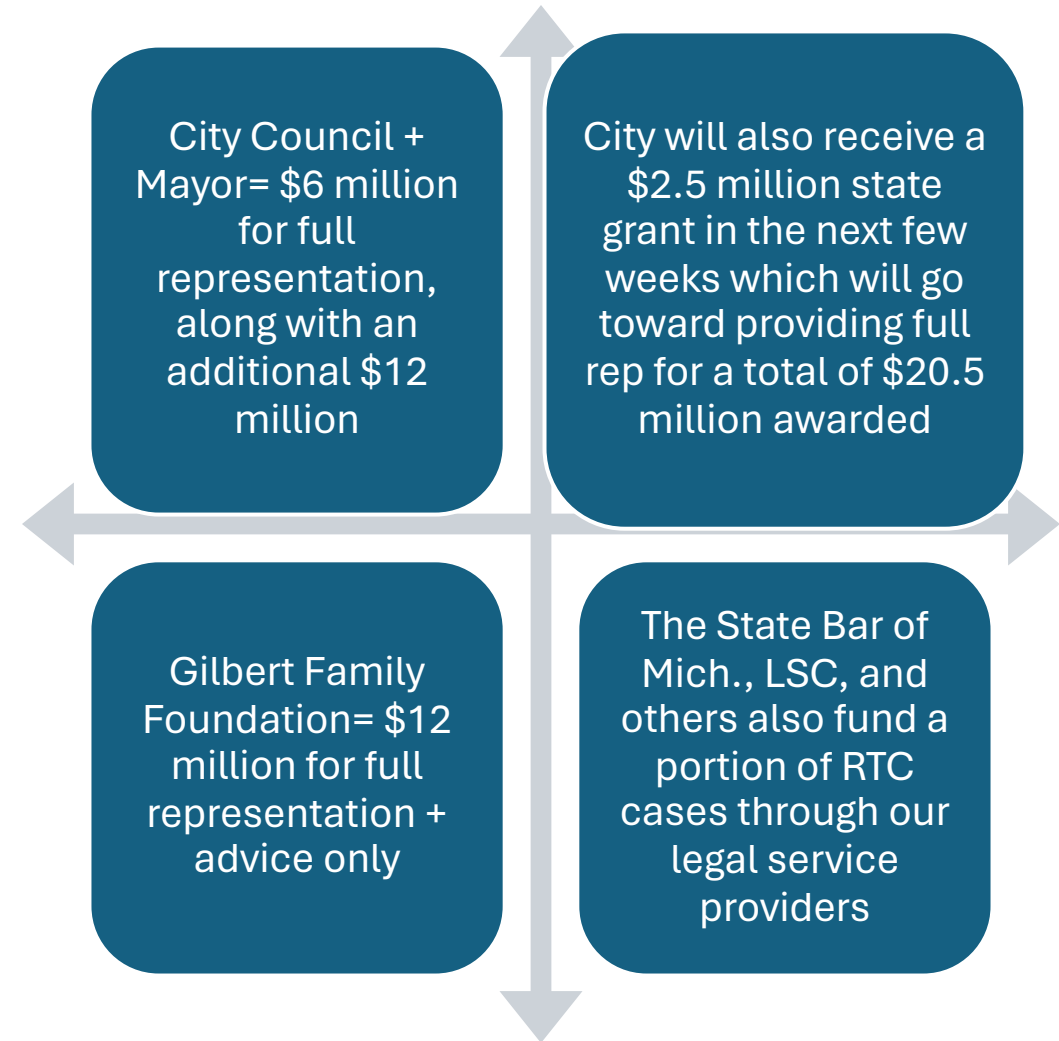
The tenant will complete the legal intake and eligibility screening for the first time.



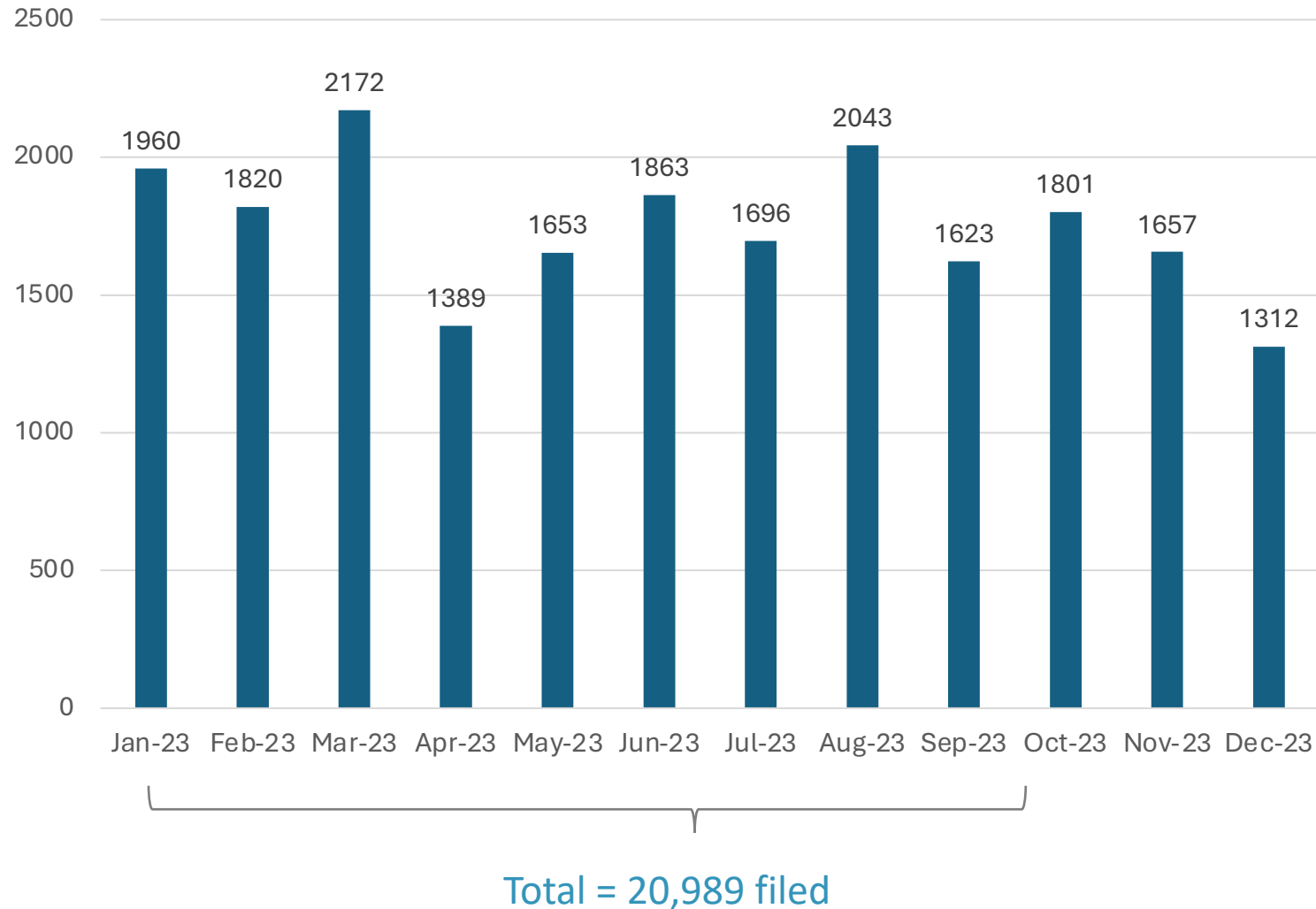
If eligible for RTC representation, tenant will be connected to RTC attorney who will decide if they have capacity on their case load to fully represent the tenant at the second hearing, or if they will need to provide the tenant with legal advice.

City of Detroit + Partners Fund Right to Counsel

Right to Counsel Primary Funding Streams



Landlord-Tenant Cases Filed by Month in 36th District Court



Representation of Right to Counsel Case Under ALL Funding Sources

Estimated # of cases in 2023

Num of LL-T cases filed:

20,989

*Neil Steinkamp (of Stout), who does impact studies in this arena, estimates that 20% of the tenants will not qualify for RTC due to being over income

Estimate of those eligible for full rep under RTC including default tenants

16,792

Estimate of tenants who appeared in court, were eligible, and received (RTC) legal services (does not include default)

11,057 tenants

Eligible and actually received full rep

6,541 tenants (out of 11,057 tenants)

Eligible and received brief services

4,516 tenants (out of 11,057 tenants)

Percentage of tenants who appeared, were eligible, and received full rep

59%

*In 2022, however, there was a 4% representation rate for tenants prior to RTC

Additional Funding Helps Close the Gap

Source	Timeframe	Cases per Year	Total Cases
City (ARPA): \$6M	Jan 2023 – June 30, 2025 (2.5 years)	2300	5,750

Original funds

Source	Timeframe	Cases per Year	Total Cases
City (ARPA): \$12M	Jan 2024 - June 30, 2026 (2.5 years)	2022/23: 446 2023/24: 4513 2024/25: 7131 2025/26: 7129	19,219
City (from State): \$2.5M	Jan 2024-Sept 2026 (2 years)	2023/24:521 2024/25:1042 2025/26: 1042	2,605

Additional Funds awarded

***Additional RTC cases will also be covered under Gilbert, State Bar of Mi, Legal Services Corp, etc**

Demographics of RTC cases funded by the City

- **Gender Distribution:** A significant majority of clients are female (71.2%), with male clients making up 28.5%, and a small fraction identified as other genders (0.3%).
- **Race Distribution:** The client base is predominantly African-American/Black (75.4%), with smaller representations from White/Caucasian (2.4%) and Mixed/Other races (1.3%).
- **Income Analysis:**
 - The annual household income among clients is approximately \$18,066, with a notable range from \$0 to \$80,400, indicating a skew towards lower-income brackets.
- **Presence in Households:** Children are present in 609 households, disabled individuals in 344, and seniors in 170, which highlights diverse household needs in the City.

*Demographic and outcome data is based on analysis of 1284 cases billed to the City from March through Nov 2023, under 6 million funding




Outcomes of RTC cases funded by the City

Subsidy cases taken and preserved:

- RTC handled 214 cases for tenants that had subsidies, including sec 8, public housing, etc.
- We **preserved the subsidy for 100% of the tenants** and none were evicted or lost the subsidy due to court action.

Home ownership retained or created:

- RTC handled 7 homeownership cases
- **100% of the tenants** who received full rep through City RTC funding were able to stay in their home



Outcomes of RTC cases funded by the City

Needed to vacate in possession case but given longer than statutory time:

- About 56% of the cases under City RTC funding were possession cases where the landlord requested their property back from the tenant.
- All of the above households **obtained more than the statutory time of 10 days to move. RTC attorneys were able to advocate for at least 30-60 days** to move in most cases

Given option to stay in their home in nonpayment of rent case:

- About 37% of the cases under City RTC funding were nonpayment of rent cases. In all of these cases, the tenant was given the option via payment plan to pay the amount determined to be owed to stay in their home or vacate.

Unknown (data still being reviewed)

- The type and outcome of about 7% of cases is still under review.



Outcomes of RTC cases funded by the City

Order of Eviction signed & request for bailiff:

Of the possession and nonpayment of rent cases covered under City RTC funding: **we are only aware of 2% of the total cases**, that lead to an order of eviction being issued by the court. The other tenants either paid their rent and stayed in their home or were able to vacate within the time given by the court

Goals & Priorities of the Office of Eviction Defense (OED)

Increasing Outreach Efforts:

- **Attending more community events & providing RTC info** including LCA event tomorrow
- **Release of newly created RTC flyer and video** over the next few weeks **on several COD platforms** including: social media & website, online Govdelivery network which reaches residents in all seven districts, and has roughly 60,000 accounts, & COD's Channel 10
- Continue work with **Lakeshore Legal Aid to use RTC funding to create mobile friendly materials to further educate tenants** about their legal rights and procedures under RTC
- Continued **conversations with the RTC Coalition regarding mini grants** that could be awarded to community organizations for the purposes of expanding RTC outreach
- Facilitate coordination with legal services providers and the Housing Helpline so that **tenants in subsidized housing eviction cases can call the Helpline and connect with a RTC attorney** quickly

Landlord Compliance:

- Collaborating with B-Seed, legal services providers, and the court, **to have B-SEED staff in 36th D Court on a regular basis** & flagging landlord compliance issues for judges
- **Coordination with B-SEED and HRD to improve the current B-SEED escrow qualifications**, so that more tenants facing eviction can easily access an escrow account, when their landlord is noncompliant and providing uninhabitable housing.

Goals & Priorities of the Office of Eviction Defense (OED)

OED support & transparency:

- **Deputy Director: Valerie Pilot** will join the OED on March 18th
- A **full data report on the 2023 RTC case demographics and outcomes** as listed in the Right to Counsel ordinance will be released in a few weeks, **in March 24 along with posting of an updated RTC budget**

Questions?
Comments?

