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A PUBLIC HEALTH CRISIS, NOT A PROPERTY DISPUTE: LEARNING FROM COVID-19 EVICTION RESPONSE MEASURES IN DETROIT

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KEY FINDINGS

- Landlords filed fewer evictions during the pandemic and eviction judgments and bailiff evictions declined while COVID-19 response measures were in effect. But filings increased since the lapse of state and local moratoria, rising to 75% of the pre-pandemic level in 2022 as protections waned. At the current filing rate, 21% of Detroit renters (61,000 tenants) will face the threat of eviction this year.
- The share of evictions filed for termination of tenancy (including no-cause evictions) increased 70% after the COVID-19 emergency rental assistance (CERA) program began, leaving 1 in 3 tenants who faced eviction in 2022 without protection. Tenants being evicted for termination of tenancy were twice as likely as tenants facing eviction for nonpayment to receive a judgment.
- Default judgments against tenants who did not appear in court remained the primary cause of tenants' eviction, despite declining 44% during the pandemic. 83% of tenants evicted during the pandemic never had their day in court, equivalent to one quarter of all closed cases.
- Roughly 9 in 10 pandemic-era eviction filings 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 still just 1 in 5 tenants had full legal representation, and landlords were four times more likely than tenants to have attorneys.

INTRODUCTION

Mass evictions threatened public health long before the onset of COVID-19. 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 children.¹ Eviction disrupts education and destabilizes communities, precipitates job loss and homelessness, and leads to overcrowded, poorer quality housing.² Stable housing is a human right and a cornerstone of health and well-being; a wide body of research links the stress, trauma, and material fallout of eviction to an array of adverse health consequences like depression, anxiety, chronic disease development, and premature death.³

As COVID-19 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 millions of evictions that would have exacerbated the spread of COVID-19 and related morbidity and mortality, policymakers made abrupt

changes to eviction policy, placing moratoria on various stages of the eviction process, modifying court procedures to give tenants the opportunity to access services and exercise their rights, and allocating unprecedented public funding for emergency rental assistance, and legal aid.

COVID-19 eviction response measures sought to prevent a wave of mass evictions brought on by the economic impacts of the pandemic, but cities across the U.S. have long endured a flood. In Detroit, Michigan—a majority-Black city where most poor renters reside in the private rental market, receive no housing assistance, and spend half of their incomes on housing—landlords threatened 1 in 5 tenants with eviction each year prior to the pandemic.⁴ In Detroit and cities like it, COVID-19 eviction response measures stood to disrupt a status quo of unjust and unmitigated mass displacement.

This brief analyzes trends in eviction filings and outcomes since the start of the pandemic using a dataset of evictions filed in Detroit between January 2019 and June 2022. The findings

demonstrate 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 prevention measures in place, evictions remained a pervasive threat. The most robust eviction protections were short-lived, and unprecedented public investments in rental assistance and legal aid programs did not remedy the power imbalance between landlords and tenants that pervades the legal eviction process. Major policy and enforcement gaps contributed to thousands of avoidable evictions.

As eviction filings return to pre-pandemic levels and rents across the U.S. soar to new highs, decision makers can choose to normalize this public health crisis or work to monitor, prevent, and eradicate it. This brief calls upon elected officials, housing advocates, and organizers to learn from and act upon evidence from Detroit to promote housing and health justice, during the pandemic and beyond.

EVICTION COURT DATA

We retrieved case records from the 36th District Court's online Register of Actions (ROA) and partnered with Data Driven Detroit (D3) to translate case information into a dataset. Eviction records were geocoded and linked to property assessor data from the City of Detroit. We excluded non-residential properties and cases where the defendant was likely a business.⁵ Cases filed after March 2020 were linked to the code compliance data from the City of Detroit as of July 21, 2022. The final dataset included 67,941 case records (97.2% of the 69,832 extracted records).

We analyzed eviction outcomes by case, not individual defendants.⁶ 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. Real-time data collection undercounts eviction outcomes entered in cases filed later in the study period.⁷ About 11,100 cases filed during the pandemic (34% of the total) remained open at the time of data collection.

Eviction court data offer a limited lens on displacement and eviction injustice. For instance, this data lacks information on the untold number of informal and illegal evictions that take place outside the court system,⁸ undercounts forced moves that do not involve an eviction judgment (e.g., after a notice or court summons, via dismissal),⁹ and fails to capture qualitative aspects of the eviction process that routinely violate or undermine the rights and dignity of tenants.¹⁰ Eviction court data lacks demographic characteristics such as race, gender, and age, obscuring the extent to which eviction systematically harms marginalized groups.¹

FINDINGS

Landlords filed fewer evictions during the pandemic, but filings increased since the lapse of state and local moratoria and are expected to return to the pre-pandemic level by the end of 2022.

Eviction filings fell to 36% of the pre-pandemic level in 2020 as policy changes offered narrowing degrees of eviction protection. Short-lived state and local moratoria halted eviction cases and new filings between March and August 2020 (**Figure 1**). Thereafter, the state's \$60M Eviction Diversion Program (EDP) created a process for dismissing cases against tenants whose landlords agreed to accept rental assistance. The court interpreted the Centers for Disease Control and Prevention (CDC) moratorium to permit eviction filings and judgments, but prohibit the final stage of eviction (bailiff eviction). These protections applied only to nonpayment of rent cases and were not automatic. The court closed in December 2020 due to high rates of COVID-19 transmission, pausing new filings but creating a case backlog in early 2021.

Michigan's \$1.1B COVID Emergency Rental Assistance (CERA) program began in April 2021 after a four month lapse in rent relief. By the end of 2021, just 36% of CERA applicants in Wayne County (home to Detroit) were approved and the average application processing time was 90 days.¹¹ Despite \$72M in CERA funds paid to Detroit landlords and tenants in 2021, filings rose to about 60% of the pre-pandemic level that year, threatening the equivalent of 1 in 7 renter households with eviction (**Figure 2**).¹² When the CERA program closed in June 2022, filings had risen to 75% of the 2019 level. Based on monthly filing trends in 2022, Detroit's eviction filing rate is expected to return to pre-pandemic level, with 21% of renter households (roughly 61,000 renters) facing eviction this year.¹³

KEY TERMS

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.

State and Local Moratoria: Between March 20 and July 15, 2020, Governor Gretchen Whitmer signed four executive orders prohibiting the exclusion or removal of tenants from residential properties (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. The court again suspended non-emergency evictions from November 18, 2020, to January 3, 2021.

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CDC Moratorium: The CDC ordered a ban on residential evictions in September 2020 until it was blocked by the U.S. Supreme Court in August 2021 (85 FR 55292). Its protections were opt-in, requiring tenants to submit a form to their landlord stating that they met eligibility criteria. In October 2020, the Michigan Supreme Court interpreted the ban to prohibit only the execution of eviction orders against opt-in tenants subject to the CDC order, which the court applied only to nonpayment of rent cases (SCAO Administrative Order 2020-17, as amended October 22, 2020).

Eviction Diversion Program (EDP): Between July and December 2020, the State of Michigan's 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).

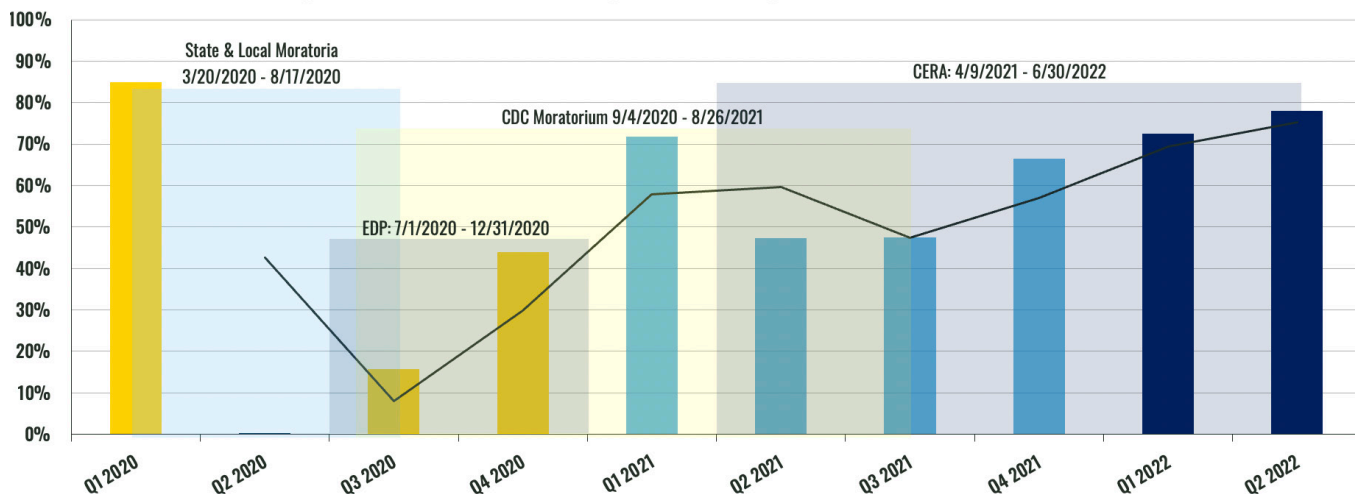
COVID Emergency Rental Assistance (CERA): Between April 2021 and June 2022 the CERA program offered up to 18 months of past and future rent assistance to tenants making less than 80% of the AMI who experienced a COVID-19-related hardship and could demonstrate housing instability due to unpaid rent or utilities. Local nonprofits screened applicants and processed payments to landlords (or tenants, if landlords refused to participate).

The share of cases filed for termination of tenancy (no-cause evictions) increased 70% after the CERA program began, leaving 1 in 3 tenants who faced eviction without protection.

Policymakers relied primarily on rental assistance programs to prevent evictions after the lapse of state and local moratoria. However, evictions filed for termination of tenancy (including no-cause evictions) could not be prevented with rental assistance, providing a legal loophole for landlords who opted not to participate in CERA (due to program delays or requirements) or to seek higher paying tenants amid the tightening pandemic-era rental market.

Prior to the pandemic, 76% of evictions were filed for nonpayment of rent. During the pandemic, the share of cases filed for nonpayment fell to 65% as the share filed for termination of tenancy increased, with an observable shift taking place after the start of the CERA program in April 2021 (Figure 3). Termination of tenancy cases comprised 17% of cases filed before the CERA program and 29% after—a 70% increase. Due to 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 end in a judgment (Figure 4). This disparity existed despite similar levels of legal representation in each group. In 2022, 1 in 3 tenants in court faced a termination of tenancy and the court created a separate docket exclusively for these types of cases; in this judge's courtroom, the rate of eviction judgments among closed cases was 2.7 times higher than in other courtrooms.

Figure 1. 2020-2021 Eviction Filings as a Percentage of 2019 Levels, Per Quarter



Note: Eviction rates were determined using 1-year estimates of the number of renter-occupied households from the American Community Survey (ACS). Estimates from 2019 and 2021 were averaged for 2020 due to a lack of data; 2021 estimates were used for 2022.

KEY TERMS

Complaint Type: The court form a landlord files to allege the legal reason for eviction and the remedy being sought (a judgment for possession, money, or both). The primary complaint types recorded by the 36th District Court are nonpayment of rent and termination of tenancy. Others include land contract forfeiture, hazard/injury to property, and money judgments.

Termination of Tenancy (No-Cause Eviction): A legal action a landlord takes to terminate a rental agreement with a tenant. Termination cases are sometimes called “no cause” evictions because landlords do not have to give a specific or substantive cause (“just cause”) to terminate leases that have expired, periodic (month-to-month) leases, or at will (verbal/implied consent) tenancies. Housing advocates and legal aid attorneys say that month-to-month and verbal leases are extremely common in Detroit, especially in slum housing at the lowest end of the rental market. Not all termination of tenancy cases are no-cause evictions, as landlords can only terminate a fixed-term (e.g., one year) tenancy if a tenant violates a lease term. Public Housing, Section 8 housing, and low-income housing tax credit (LIHTC) housing also requires “good cause” (defined as serious and repeated violations or other itemized reasons) for termination or non-renewal of the lease.

compared to 2019. Yet even with this substantial decline, at least 6,400 cases ended in a judgment since the onset of the pandemic, impacting the equivalent of at least 15,400 tenants.

Bailiff evictions are often traumatic events that indicate that a tenant was unable to secure alternative 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. A staggering 32% percent of cases closed in 2019 resulted in bailiff evictions, impacting nearly 60 renters per day. In 2021, about 10% of closed cases ended in a bailiff eviction.¹⁴

Pandemic-era judgments and bailiff evictions reveal policy and enforcement gaps in measures meant to keep tenants housed and protect public health. Judges signed more than 600 bailiff evictions during the CDC moratorium, which was intended to prevent tenants from doubling up or being forced into congregate living spaces (e.g., homeless shelters) dense with COVID-19 transmission (85 FR 55292). Hundreds of bailiff evictions were ordered during the pandemic’s winter months, when extreme weather and high rates of COVID-19 infection, hospitalization, and death presented an imminent threat to the health and survival of unhoused tenants.¹⁵

Eviction judgments and bailiff evictions declined greatly while COVID-19 response measures were active, but landlords and the court still forcibly unhoused thousands of renters amid the pandemic.

Prior to the onset of COVID-19, 76% of closed cases resulted in a judgment and 24% ended in a dismissal; these patterns largely reversed during the pandemic when 29% of closed cases ended in a judgment and 71% were dismissed (**Figure 4**). Due to the lower number of filings and the higher likelihood of dismissals during the pandemic, the court entered 83% fewer judgments in 2021

Figure 2. Annual eviction filing rates (per 100 renter households), 2019-2022

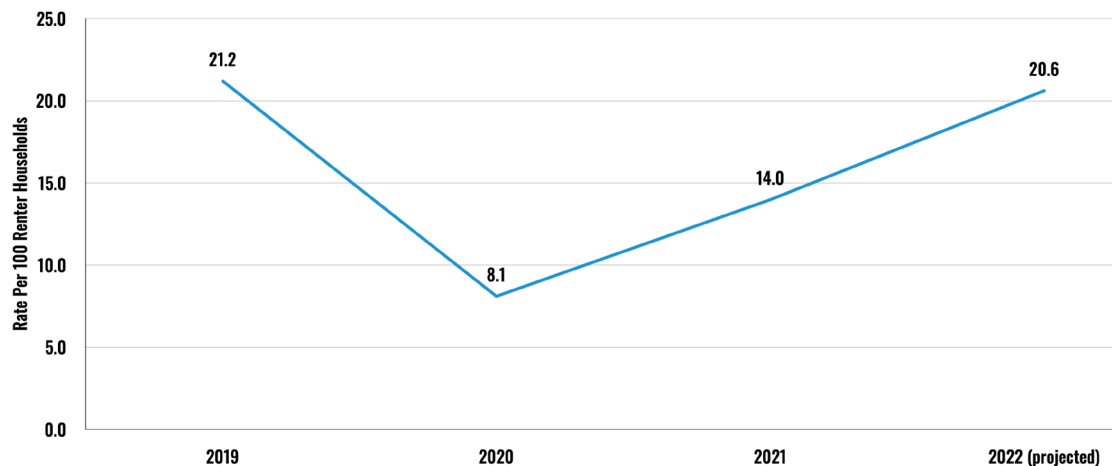
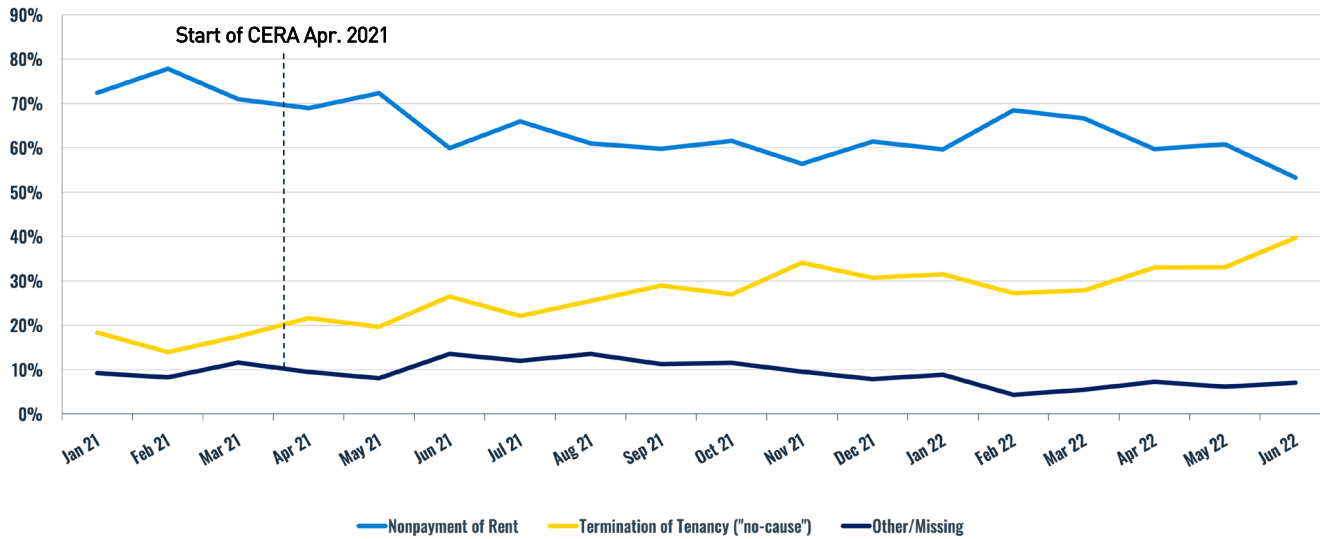


Figure 3. Share of eviction filings by complaint type, January 2021 to July 2022



KEY TERMS

Dismissal: An action that ends an eviction case. A case may be dismissed by a landlord, the court, or the consent of both parties. 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: A court’s decision in an eviction case. A judgment of possession entered for a landlord (against a tenant) means they can recover possession of a property and file an order of eviction if a tenant does not pay the amount due (nonpayment cases) or move out by a set date.

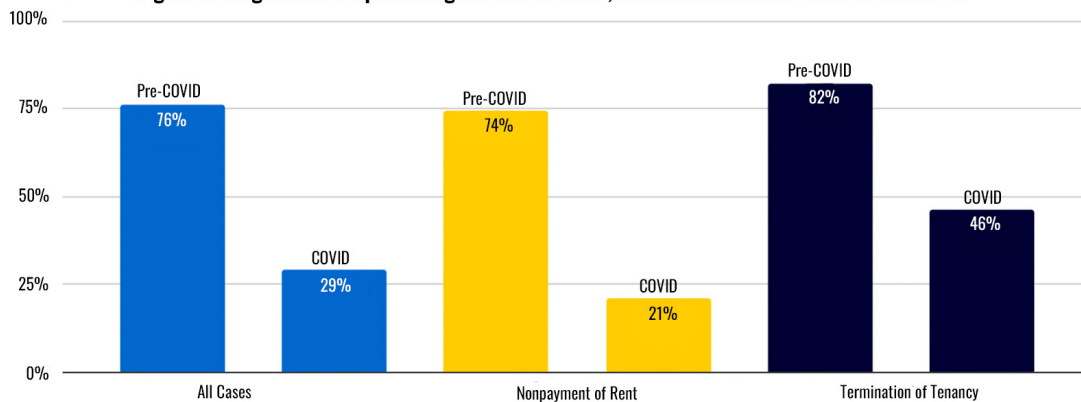
Order of Eviction (Bailiff Eviction): A court form signed by a judge after the court has entered a judgment of possession for a landlord. The order gives a court officer (bailiff) authority to physically remove the tenant and their belongings from the rental property (MCR. 4.201(L), 3.106).

The share of closed cases ending in default judgments declined 44% during the pandemic, but default judgments remained the primary means of evicting tenants.

Default judgments codify the unjust power dynamic between landlords and tenants and disproportionately evict poor renters of color who face systemic barriers to the courtroom.¹⁶ In response to COVID-19, the State Court Administrative Office (SCAO) modified eviction procedures in Michigan to require that courts turn first hearings in eviction cases into pretrial hearings for tenants to access information about the rights and resources available to them before proceeding to trial; if a tenant did not appear at the pretrial, courts were prohibited from entering a default judgment unless the tenant was personally served (AO 2020-17). The 36th District Court has held hearings remotely during the pandemic, and in July 2021, the SCAO codified a court rule requiring eviction courts to use remote participation technology as much as possible until further order (MCR 2.407(G)).

During the pandemic, default judgments mean that tenants were unable to access protections that could have delayed if not prevented their eviction. Before COVID-19, 43% of closed cases ended in a default judgment (Figure 5), comprising the majority

Figure 4. Judgments as a percentage of closed cases, before and after the onset of COVID-19



of all judgments (56%). During the pandemic, the share of cases ending in a default judgment declined by 44%, indicating that COVID-era policies were partly effective in reducing this negative outcome. However, 1 in 4 closed cases still resulted in a default judgment. Due to the far lower likelihood of judgments among tenants who attended court hearings during the pandemic (consent judgments declined from 31% to 2%), the vast majority (83%) of judgments were entered by default against tenants who never had their day in court.

KEY TERMS

Default Judgment: A decision entered in favor of a landlord (against a tenant) if a tenant does not file an answer with the court or appear at their court hearing (MCR 4.201(F)).

Consent Judgment: A decision with terms agreed to by both parties. The agreement will usually contain payment terms a tenant must comply with by a certain date, otherwise a landlord can request an order of eviction (MCR 4.201(I)).

9 in 10 pandemic-era evictions involved properties operated unlawfully by landlords in violation of rental health and safety codes.

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. 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

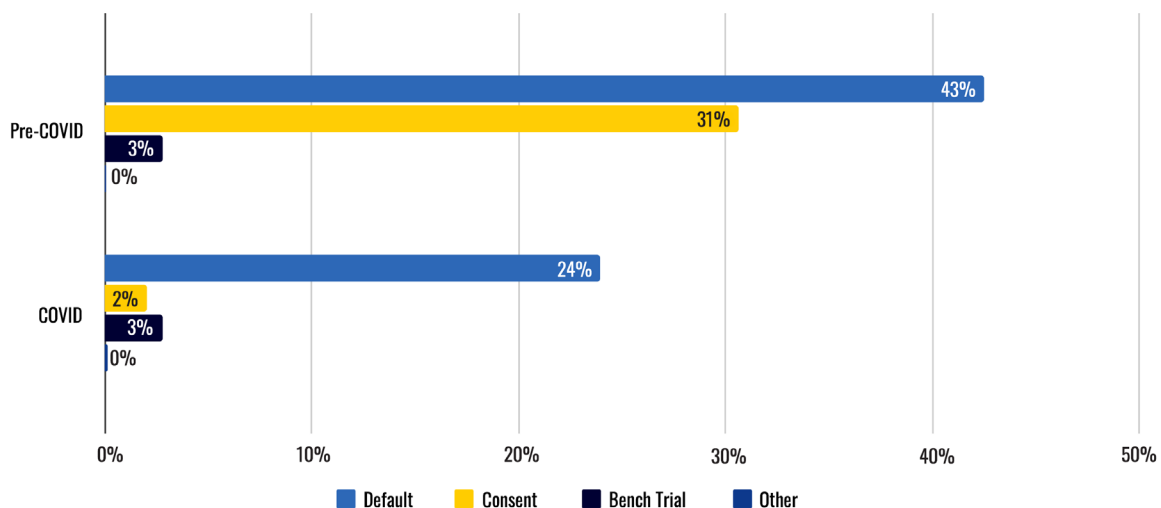
the reason of nonpayment (Detroit City Code, § 8-15-82(d)). As of July 21, 2022, about 7,300 (10%) of Detroit’s estimated 74,000 rental properties had a CoC.¹⁷

Officials from the 36th District Court have interpreted the court’s role in code compliance narrowly, stating that the court does not bar landlords who lack a CoC from filing a case, and only tenants facing eviction for nonpayment of rent may raise the lack of a CoC as a defense.¹⁸ The City of Detroit maintains a policy that withholds 20-50% of CERA payments from non-compliant landlords until they make repairs or bring their units into compliance.¹⁹ 88% of eviction cases filed during the pandemic involved properties that lacked a CoC at the time of filing; though some increase in code compliance at filing has occurred in recent months, still just 20% of cases filed in 2022 had a CoC (**Figure 6**).²⁰ Code compliance was lower among termination of tenancy cases (6%) compared to nonpayment of rent cases (15%) filed during the pandemic; this disparity persisted in 2022 (10% compared to 26%). There was a similarly high rate (89%) of non-compliance at the time of judgment among cases closed during the pandemic. Less than 3% of cases that ended in a judgment during COVID-19 involved properties that lacked a CoC at filing but had one by the judgment date, indicating that relatively few landlords come into compliance during court procedures.

KEY TERM

Certificate of Compliance (CoC): A document certifying that a rental property is registered with the City of Detroit BSEED and meets health and safety rental code requirements, including lead clearance. A landlord must have a valid CoC to lawfully occupy rental units and collect rent from a tenant (Detroit City Code, § 8-15-81 & 82)

Figure 5. Judgements by type as a result of closed cases, before and after the onset of COVID-19



Tenants' access to legal counsel increased during the pandemic, but just 1 in 5 tenants had full legal representation, and landlords were four times more likely than tenants to have attorneys

In Michigan, no right to counsel exists for tenants facing eviction who cannot afford lawyers, and legal aid providers are chronically underfunded.²¹ Millions in federal COVID-relief funding paid to three Detroit legal aid providers enabled attorneys to be present in Zoom courtrooms, refer tenants to rental assistance programs, and offer legal counsel in some cases. This funding level was enough for attorneys to offer free legal advice to all tenants who attended their hearings, but not enough to provide full legal representation (filing documents with the court, raising defenses, negotiating with the plaintiffs, delivering arguments, etc.) to all who needed it. Among cases closed pre-COVID, about 3% of tenants were represented by an attorney, compared to 85% of landlords (Figure 7). Since the onset of COVID-19 and associated public funding for legal aid, tenants had legal representation in about 20% of closed cases.²² 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.

KEY TERM

Right to Counsel (RTC): Laws that ensure that tenants facing eviction are guaranteed legal representation even if they cannot afford an attorney. Spearheaded by a coalition of tenant advocates, Detroit's City Council unanimously passed a RTC ordinance in May 2022 that establishes a program to provide free legal representation for city residents with incomes less than 200% of the poverty level who face eviction (Detroit City Code, §22-8-1 through 22-8-10).

POLICY IMPLICATIONS

The past two years demonstrate that mass evictions are a policy choice. This research suggests 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 stages of the legal eviction process. Yet the unprecedented level of eviction prevention attained during the pandemic exists only in contrast to a status quo of racialized mass displacement that harmed public health long before the onset of COVID-19.^{1,2} As rents, evictions, and homelessness rise across the U.S.,²³ decision makers can either choose to normalize this public health crisis, or leverage lessons learned, a heightened public and political awareness about the need for systemic change, and the visions of organized tenant movement to bring about policies that can monitor, prevent, and ultimately eradicate evictions.

Monitoring Evictions

Collect and evaluate eviction data. Publicly accessible, real-time eviction court data that protects tenant privacy is necessary for policymakers and housing advocates to track and respond to evictions and evaluate interventions. This research attempts to address this need, but it is not a substitute for governmental data collection and transparency. Given the high rate of evictions in Detroit, the 36th District Court should establish data-sharing agreements with local organizations that are engaged in anti-eviction work and the SCAO should provide geographically detailed reporting, especially in urban areas. Given that prior research demonstrates that evictions disparately impact renters of color and cities with large Black populations,^{1,3} the SCAO should work with the Michigan Department of Civil Rights to collect data about tenant demographics, including race, age, and gender, to investigate these inequities and develop a sustained effort to address their root causes. Federally, housing activists are calling for a national landlord registry and eviction database, including but not limited to all properties receiving federal subsidies or financing.²⁴ Publicly available data should never include tenants' personal information.

Automatically seal eviction records. The mere filing of an eviction can perpetuate housing instability and homelessness, as landlords increasingly use credit and tenant screening services (which collect eviction records from online court databases) to disqualify tenants from future housing.²⁵ Evictions are the outcome of an unaffordable housing system built on a legacy of racist housing policies;²⁶ furthermore, low filing fees and no right to counsel have

Figure 6. Eviction filings by CoC status since the lapse of state and local moratoria

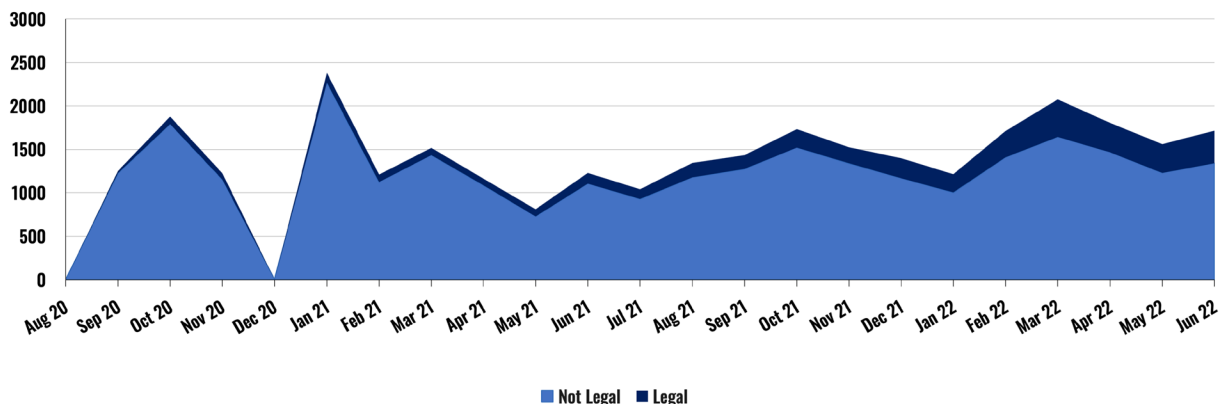
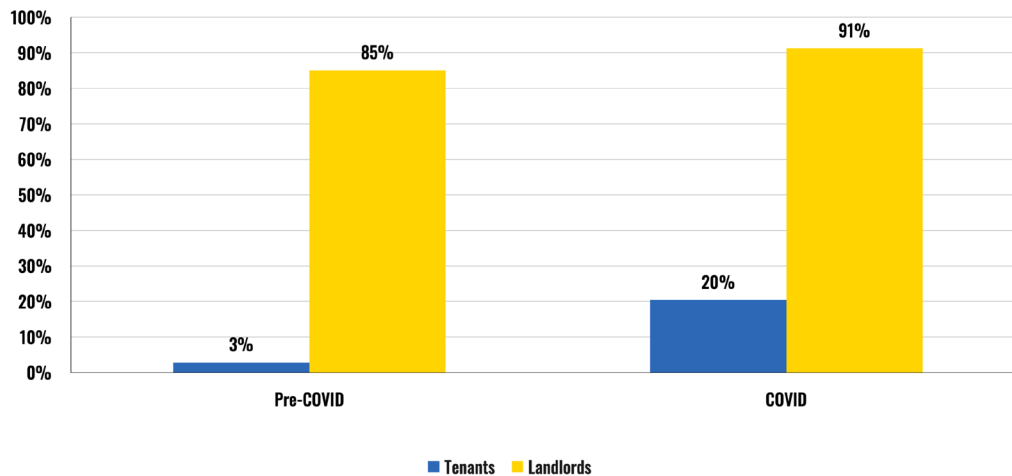


Figure 7. Percent of tenants and landlords with legal representation among cases closed before and after the onset of COVID-19



allowed landlords in Detroit to file unlawful evictions with ease, and default judgments are the primary means of eviction. Hence, eviction records give staying power to unjust case outcomes and reinforce structural racism in the housing system.²⁷ The Michigan legislature should automatically seal eviction records at the point of filing—before they become public—as is done in California.²⁸ Until then, the 36th District Court can remove tenants’ names from the case caption on the register of action; the court’s recent practice of removing tenants’ names from the final judgment does nothing to prevent landlords or screening companies from using case filing data to exclude tenants from future housing opportunities.

Preventing Evictions

Enforce rental codes. The court has the power to profoundly reduce Detroit’s eviction crisis by enforcing existing city and state laws. Code enforcement is habitual in other large civil courts; for example, Cleveland’s housing court requires landlords to comply with the city’s lead-safe certification law in order to file evictions, and Philadelphia’s court requires landlords to be registered with the city to file, and have a “certificate of rental suitability” to evict or collect back rent.²⁹ By refusing to accept eviction filings from landlords who cannot provide proof of a CoC, the 36th District Court can prevent unlawful evictions and reduce caseloads for judges and legal aid attorneys alike. This practice would be permitted by the SCAO under a recently proposed change to Michigan court rules that would require landlords to attest that they are compliant with applicable state and local health and safety laws when filing an eviction complaint (MCR 4.201(B)(3)(c), proposed August 2022). If passed, the court must exercise due diligence to enforce this rule; clerks can use data from the City of Detroit’s BSEED to confirm code compliance before accepting complaints and judges can sanction landlords who make false attestations. The Detroit City Council can also strengthen Detroit’s rental ordinance to protect tenants from eviction at the filing stage, including termination of tenancy evictions.

Establish protections against no-cause evictions. Just cause policies can help protect tenants against sudden, no-cause evictions by establishing a list of acceptable reasons for eviction, blunting the power of landlords to evict arbitrarily.³⁰ Legislatures have established just cause policies at the state level (e.g., New Jersey) and ordinances exist in several municipalities with strong housing justice movements (e.g., San Francisco, Seattle, Washington, D.C.).³¹ 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.³² Just cause policies are better able to prevent displacement if they extend protections to lease renewals and establish a short list of just causes so that landlords are less able to circumvent the protections.³³ To best promote the security of tenure, just cause policies should contain provisions limiting allowable rent increases or be paired with rent control policies;³⁴ the Michigan legislature should repeal its existing law prohibiting rent control in the state (MCL 123.411 et seq.). It is important to note that while just cause reforms are valuable tools to reduce landlords’ ability to evict, such policies sanction some evictions as “just” and valid, and thus do not sufficiently affirm the human right to housing or combat systemic injustices that drive evictions.³⁵ To avoid a dual legal system for no-cause evictions, the 36th District Court should discontinue its termination docket and return to a system of random assignment. Judges and legal aid attorneys should work to ensure that landlords who receive federal subsidies (e.g., LIHTC) do not violate good cause requirements that can protect tenants from eviction.

Make the right to counsel (RTC) a reality. Detroit’s City Council passed a RTC ordinance, but the measure lacks an adequate or sustained public funding source and Mayor Mike Duggan has not implemented the program despite the law establishing a start date of October 1, 2022.³⁶ The estimated cost of a RTC program in Detroit is \$16.7M per year, but City Council resolved to allocate just \$18M in American Rescue Plan Act (ARPA) funds for the first three years of the program (\$6M per year) and the Duggan administration since issued a three-year contract for less than \$6M

(\$2M per year, or 11% of the RTC program's projected cost).³⁷ In addition to fully funding the RTC ordinance using additional ARPA funds or the city's current and projected budget surplus,³⁸ city and court officials should take steps to slow and reduce the volume of eviction cases on its docket. Unless laws and court practices are changed to provide stronger tenant protections (e.g., code enforcement, just cause), full legal representation will remain out of reach for thousands of tenants and legal aid attorneys will continue to experience high caseloads that reduce the quality of services they provide. A thorough and transparent evaluation of the RTC ordinance that centers the perspectives of tenants should be used to monitor whether the RTC in Detroit is guaranteed in practice, not only in policy.

Continue and improve efforts to reduce default evictions. As demonstrated during the pandemic, eviction prevention measures that begin in the courtroom can only protect tenants who are able to appear. Courts should codify and continue to improve upon COVID-era interventions that increased tenants' access to the courtroom. In addition to making landlord-tenant pretrials permanent via court rule and maintaining the personal service requirement for default judgments at the pretrial stage, the SCAO should raise the burden of proof for landlords in order to curb serial filings and lessen the court's participation in unlawful evictions and money judgments. This could be achieved by requiring that sufficient testimony and evidence are entered into the record regardless of tenants' attendance and by enforcing additional filing requirements (e.g., proof of property ownership or control). A notice period (e.g., seven days between the missed court date and entry of a default judgment) would inform more tenants of the impending judgment against them and better allow them to appeal the decision.³⁹ Furthermore, meaningful eviction prevention strategies must involve pre-court outreach efforts to tenants at risk of eviction, similar to the door-to-door outreach campaigns conducted by nonprofits 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 winter and school-year evictions. COVID-19 brought the life and death consequences of eviction to the forefront of housing policy considerations and demonstrated that eviction moratoria are the most effective mechanism for stabilizing renters in crisis. Still, the court ordered hundreds of bailiff evictions during the winter months of the pandemic; research indicates that pushing people into homelessness during cold weather can be deadly, even outside of a pandemic.⁴⁰ Policies banning cold weather evictions exist 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.⁴¹ Beyond this, Seattle passed a school-year eviction ban that protects households with children, but the ban is neither automatic nor universal (tenants must assert this defense in court and only nonpayment of rent cases benefit).⁴² Such a policy is needed in Detroit, where high levels of chronic school

absenteeism harm children's health and lifelong well-being.⁴³ The City of Detroit should adopt an ordinance automatically banning bailiff evictions during winter months and for households with students during the K-12 school year.

Establish an eviction diversion program (EDP). In the absence of sustained federal support for emergency rental assistance, an EDP could be effective in reducing unlawful filings and preventing displacement in Detroit. Philadelphia's municipal court requires that landlords participate in the city's EDP prior to filing an eviction for nonpayment of rent; so far, this EDP reports a 90% success rate in preventing eviction when both parties engage in mediation.⁴⁴ In partnership with the Michigan Department of Health and Human Services (MDHHS) and local legal aid providers, the 36th District Court should establish an EDP based on Philadelphia's model. MSHDA funds earmarked for eviction prevention and additional funds from the state of Michigan's \$6B budget surplus could support the establishment of this program in Detroit and ultimately statewide.⁴⁵

Eradicating Evictions

One lesson learned from COVID-19 eviction response measures in Detroit is clear: evictions are preventable, but they are inevitable within a for-profit system that prioritizes landlords' investment interests over tenants' health and human right to shelter. Housing justice can only be attained by eradicating the U.S.'s racially unjust eviction crisis, and doing so will require reparative policies that guarantee housing as a social good, not a real estate commodity. Officials at all levels of government have the power and resources to expand social housing that is permanently affordable, protected from the private market, and publicly owned or under democratic community control.⁴⁶ A truly just transition to a system of socialized housing must be directed by and accountable to the people most impacted by systematic displacement who have been traditionally excluded from decision-making processes. Across the U.S., including in Detroit, an organized tenant movement has championed a range of political solutions. As researchers, we urge decision makers to work alongside tenants to bring about their visions for housing justice.

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