

# Right to Counsel: 2023 Year in Review Report

A review of Detroit residents fully represented under the City of Detroit Right to Counsel Program and the demographics, outcomes, and overall impact



# Representation of Right to Counsel Case Under ALL Funding Sources

## Estimated # Covered Individuals for 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

# Total Number of Covered Individuals who received Full Representation by City Right to Counsel Program in 2023

## City Right to Counsel Program provided Full Rep for:

**1566 tenants/families** (from March-Dec 2023)

- Important to note that the City Right to Counsel Program did not begin servicing Detroit residents until March 2023 and through December 2023.
- March 2023: The City contracted with United Community Housing Coalition (UCHC) as the primary legal service provider under the City Right to Counsel.
- June 2023: UCHC subcontracted with Lakeshore Legal Aid, Michigan Legal Services, & Legal Aid and Defender to increase capacity and provide full representation to additional eligible tenants.

## Other funding Sources Provided Full Rep for:

**4975 tenants/families** from (Jan-Dec 2023)

- Funding from other sources such as Gilbert Family Foundation and Legal Services Corporation was made available to the above legal service providers starting in Jan 2023, allowing the providers to provide full representation to Detroit tenants prior to the City's Right to Counsel funding allocation.



# Demographics & Characteristics of Tenants receiving Full Rep under City Right to Counsel



(Some totals in the following charts might not equate to 1,566 households. Although this is the confirmed number of cases closed under City funding for 2023, not all data was recorded perfectly, certain data points for certain tenants were left blank, etc. )

## A. Number of Detroit Residents that received full rep in their landlord-tenant case by Postal Code

Detroit Postal Codes	Number of residents who received full rep under City Right to Counsel
48201	78
48202	67
48203	37
48204	48
48205	74
48206	30
<b>48207</b>	<b>86</b>
48208	24
48209	13
48210	23
48211	6
48212	9
48213	29
48214	63
48215	32
48216	14
48217	10
<b>48219</b>	<b>108</b>
48220	1 (postal code covers a small portion of City)
48221	53
48222	None recorded
48223	39
<b>48224</b>	<b>101</b>
48225	2
48226	14
<b>48227</b>	<b>93</b>
<b>48228</b>	<b>112</b>
48229	None recorded
48231	None recorded
48232	1
48233	1
48234	81
48235	84
48236	1
48238	62
48239	1
48283	1

## A. Number of Detroit Residents that received full rep in their landlord-tenant case by Postal Code (continued)

- The Previous Chart highlighted the top five postal codes with the highest rate of tenants who received full representation from the City Right to Counsel program in their landlord-tenant case in 2023: 48228, 48219, 48224, 48227, 48207.
- Further assessment is needed to determine what is occurring in these neighborhoods. It is difficult to determine if more landlord-tenant filings are definitively occurring in the above neighborhoods, or if the populations in these areas are larger and therefore lead to more landlord-tenant litigation. It is also possible that tenants in these areas were more informed about the Right to Counsel at 36<sup>th</sup> District Court and therefore showed up to court to defend their housing more.
- The same considerations should be made about areas with the lowest landlord-tenant engagement/case filings recorded by the Right to Counsel. Are landlord-tenant filings truly happening less in these communities or are these overall smaller communities or maybe communities with more homeowners? Is more outreach needed in these areas so that people know about their right to free legal help?
- The Right to Counsel will be looking to answer these questions further in 2024.

## B. Age of Head of Household

Age Bracket	Head of Household Age
20-29	229
30-39	424
40-49	289
50-59	226
60-69	177
70-79	59
80-89	5
100+	1

- Young families with a head of household in their 30's seem to be most impacted by landlord-tenant filings in the City and represented by the Right to Counsel.
- However, the City Right to Counsel is reaching and providing full rep to our senior population in the City as well and within all age brackets

## C. Household Size

- Children were present in approximated 609 households
- Disabled individuals in 344 households
- Seniors in 170 households
- The notable combinations of these demographics, highlight diverse household needs amongst families who are receiving assistance under the Right to Counsel

Total # in Household	Num of Full Rep cases with total household size
1	702
2	391
3	204
4	126
5	70
6	31
7	11
8	7
9	3
10	1



# D. Estimated Length at Residency

Less than a year: 201 residents/families

1-5 years: 545 residents/families

5-10 years: 176 residents/families

10-15 years: 53 residents/families

15-20 years: 15 residents/families

20+ years: 12 residents/families

30+ years: 3 residents/families

40+ years: 1 resident

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## E. Approximate Household Income

- The annual household income among clients was approximately \$18,066, with a notable range from \$0 to less than \$100,000. This reflects a skew towards lower-income brackets.
- \*Please note that those with a higher household income have a large household size.

INCOME BRACKET	COUNT
<\$10,000	387
\$10,000-\$19,999	434
\$20,000-\$29,999	295
\$30,000-\$39,999	216
\$40,000-\$49,999	48
\$50,000-\$59,999	15
\$60,000-\$69,999	8
\$70,000-\$79,999	1
\$80,000-\$89,999	1
>\$100,000	1

# F. Receipt of any public assistance at the time legal services were initiated

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Social Security Benefits: 221 residents/households

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Social Security Disability Benefits: 170 residents/households

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Social Security Retirement: 12 residents/households

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Social Security Veterans Benefits: 5 residents/households

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Social Security Survivors: 4 residents/households

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Food Assistance: 115 residents/households

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Unemployment Benefits: 17 residents/households

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Child Support: 21 residents/households

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Cash Assistance: 11 residents/household

## G. Racial & Gender Demographic

- **Gender Distribution:**
- **Female:** 1115 cases= 71.2%
- **Male:** 446 cases=28.5%
- **Other:** 5 cases= 0.3%

Race	Households Identifying
African American/Black	1419
White	47
Native American	5
Hispanic	4
Middle Eastern & North African	1
Asian	1
Indian	1
Mixed/Other	22
Not Specified/Unknown	66

The predominance of African-American/Black females in the client demographic underscores the importance of targeted legal support for vulnerable populations. This suggests that Right to Counsel services are crucial in addressing systemic inequalities and providing equitable access to justice

## H. Whether a rental unit was Subsidized or Unsubsidized

### **Subsidy cases taken:**

- City Right to Counsel handled 294 cases for tenants that had subsidies, including sec 8, public housing, etc.

### **Private Landlord-Tenant Cases taken:**

- City Right to Counsel handled 1272 cases for tenants who were living in unsubsidized/private landlord-tenant housing.



# I. Types of cases filed at 36<sup>th</sup> District Court & number of each type of case

- **Complete Count of Types of cases filed at 36<sup>th</sup> District Court in 2023:**

- Non-Payment of Rent: 11,747
- Termination of Tenancy: 7,694
- Money Judgment: 1056
- Land Forfeiture: 338
- Health Hazard/Injury: 145
- Other:9

- **Number of 36 D Cases City Right to Counsel Program Represented in 2023:**

- Non-Payment of Rent: 833
- Termination of Tenancy: 510
- Money Judgment:55
- Land Forfeiture/Contract: 16
- Health Hazard/Injury: 3
- Unknown/Other: 149

\*\*Please note again that a significant portion of the above cases filed and represented at 36<sup>th</sup> D were paid for by other sources such as Gilbert Family, State Bar, etc and are not represented in the City data above

# Outcomes for City of Detroit Right to Counsel Cases in 2023





## A. Case Dispositions allowing occupants to Retain Possession

**717 cases resulted in the Client/Family staying in their home and Retaining Tenancy or Ownership**

**717/1566 cases=45.7% of cases**

**Subsidy cases taken and preserved:**

- RTC handled **294 cases (out of 717)** for tenants that had subsidies, including sec 8, public housing, etc.
- We **preserved the right for future subsidized housing for 100% of the tenants** and none lost the subsidy due to court action.
- **Private landlord-tenant cases:**
- **423 tenants (out of 717)** in private housing were able to retain possession



# A. Case Dispositions allowing occupants to Retain Possession (continued)

## **717 cases resulted in tenant/family being allowed to retain possession**


- Retained Possession Of Tenancy: 587 cases
- Dismiss if Pays Timely: 121 cases
- Preserved right to possession in land contract cases: 3 cases
- Avoided Foreclosure: 2 cases
- Homeownership Retained: 2 cases
- Settlement Purchase: 1 case
- Obtained Deed to Property: 1 case

B. Case Dispositions Requiring Occupants to vacate the premises in any period longer than the Statutory Minimum

- Advocated for and Obtained Extended Relocation Period for Client: **827 residents/1566 cases or 52.8% of total cases**
- 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
- Based on this slide and the previous one, **about 98.6%** of all tenants who were fully represented by City Right to Counsel program were either able to retain possession of their home or given more than the statutory minimum of 10 days to vacate.

C. Case  
Dispositions  
with Signed  
Order of  
Evictions  
&  
D. Orders of  
Evictions  
Bailiff-  
Executed

- From a total of 1566 cases fully represented by City Right to Counsel:
- Approximately **44 cases** that we are aware of or **2%** resulted in a writ of eviction being signed
- Approximately **2 cases** that we are aware of or **0.13%** resulted in a bailiff-executed eviction.
- Please note however, that bailiff-executed evictions are not currently tracked by 36<sup>th</sup> District Court. Bailiffs are not required to file a proof of service with the court when an eviction is executed and so we do not have the strongest data on bailiff-executed evictions and when/how often they occur



E. Instances where the attorney providing full representation was discharged or withdrew

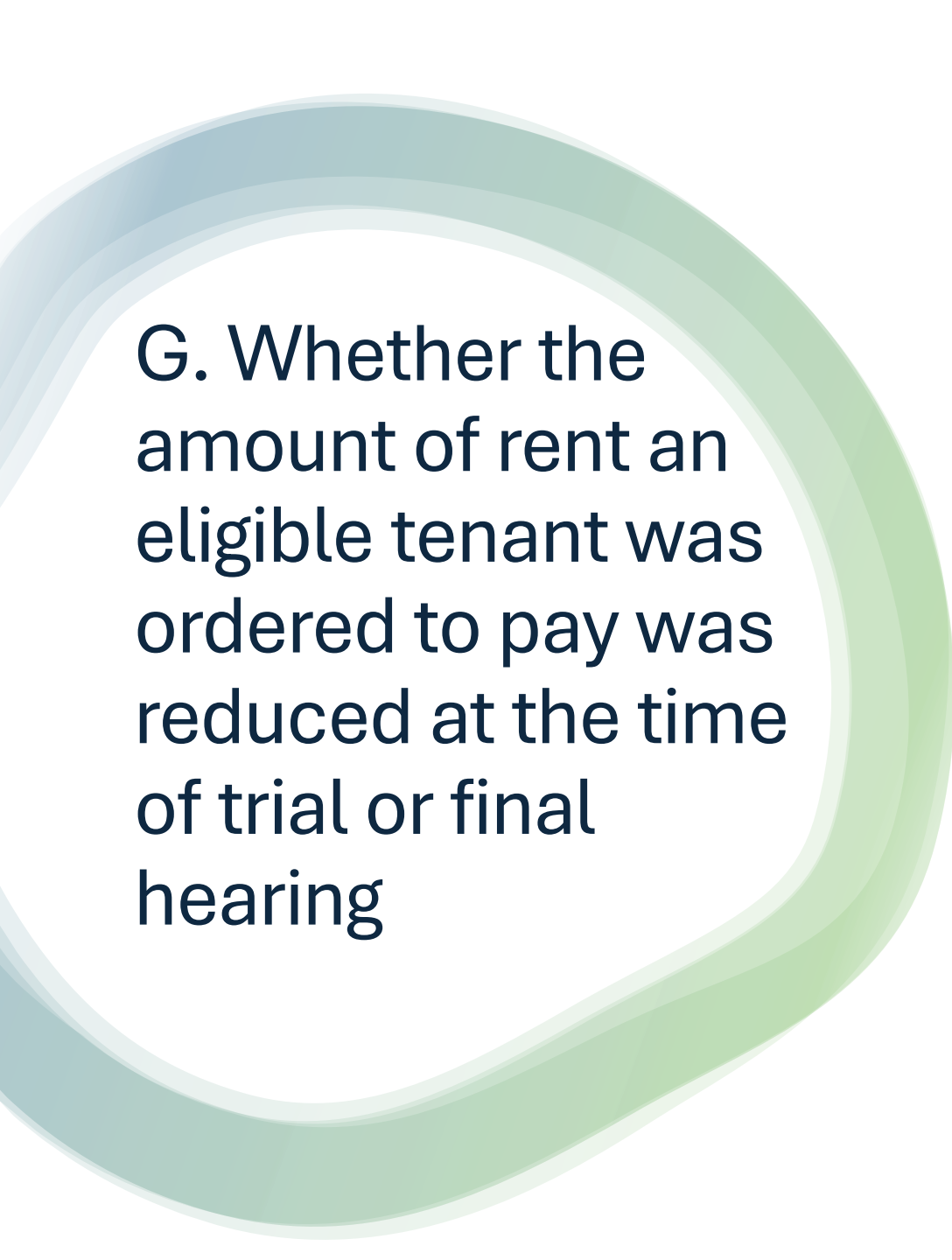
**Withdrawal or Discharge: 8 total cases**

- Client withdrew or benefit unknown: 4 cases
- Attorney Withdrew from Cases: 3 cases
- Withdrawal or Discharge: Not Specified: 1 case

F. Whether homeownership was retained or created for homeowner occupancy cases

**Land Forfeiture/Contract Total: 16 cases**

- Preserved right to possession in land contract cases: 3 cases
- Avoided Foreclosure: 2 cases
- Homeownership Retained: 2 cases
- Settlement Purchase: 1 case
- Obtained Deed to Property: 1 case
- In 7 of the cases, the tenant was not able to retain possession of the home but was given more than the statutory time to vacate.



**G. Whether the amount of rent an eligible tenant was ordered to pay was reduced at the time of trial or final hearing**

**Total Fees/Debt Obligation Prevented, Waived, or Reduced:**

**159 cases**

- Change in Amount Owed: 50 cases
- Late Fees Waived: 30 cases
- Rental Arrears Waived: 22 cases
- Money Judgment Denied: 16 cases
- Court Fees Waived: 13 cases
- Abatement in rent owed for Repair issues: 9 cases
- Rent Abated or Reduced: 8 cases
- Attorney Fees Waived: 4 cases
- Reduced/Waived Arrearages: 3 cases
- Stopped/reduced debt collection: 2 cases
- Correction Made to reduce amount of tenant ledger: 2 cases

H. Whether repairs were ordered in the judgment or obtained through agreement of the parties

- Secured Legal Enforcement of Repair Obligations: in **84 cases**, out of total 1566 represented



I. Whether the judgment contained a settlement agreement to dismiss the case or if there was a conditional dismissal entered

- **Dismissal w/out Prejudice:** 249 out of 1566 cases
- **Contested Dismissal:** 4 out of 1566 cases
- **Dismissal w/ Prejudice:** 3 out of 1566 cases
- **Conditional Dismissal:** 492 out of 1566 cases
- **Named Defendant Dismissed:** 355 out of 1566 cases (In these cases, a judgment still entered but the judgment was not entered in the tenants/occupant's name. The judgment was entered under the name “all occupants” in hopes of saving the tenant from having a landlord-tenant judgment in their name and this preventing them from finding new housing.)



## J. Whether eligible tenant's subsidy was retained in matters involving subsidized housing

### Subsidy cases taken and preserved:

- RTC handled **294 cases** for tenants that had subsidies, including sec 8, public housing, etc.
- We preserved the right for future subsidized housing **for 100% of the tenants** and none lost the subsidy due to court action

## K. Dispositions requiring payment of rent arrears in money judgments

- We are not aware of any landlord-tenant matters represented under City Right to Counsel funding that resulted in a money judgment being entered at case closure.
- However, some of the tenants might have had a separate collections case filed against them for unpaid rent, damage to the rental property etc., after their landlord-tenant case closed.

# L. Dispositions where payment arrangements were reached



## Negotiated Payment Arrangements: 493 cases

Payment Plan: 349 cases

Plaintiff Will Accept Third Party Payment from MDHHS, etc: 144 cases

M. Number of  
Covered Proceedings  
for properties without  
occupancy permits  
&  
N. Number of  
Covered Proceedings  
for properties without  
rental registrations



The data collected for these two variables was sparse and not adequately tracked for purposes of effective reporting.



To assist with fixing this: B-Seed inspectors will be at 36<sup>th</sup> District Court starting in April 2024, to keep track of all properties with landlord-tenant litigation and flag if the landlord's property is registered or has a certificate of occupancy. This information will also be shared with the Office of Eviction Defense.