



City of Detroit ~ Detroit City Council
Coleman A. Young II
Councilman At Large #1

MEMO

TO: David Whitaker, Director, Legislative Policy Division

THRU: Council President Mary Sheffield

FROM: COLEMAN A. YOUNG II, COUNCIL MEMBER AT LARGE #1

A handwritten signature in blue ink that reads "Coleman A. Young II".

CC: Pro Tem James Tate
Council Member At-Large Mary Waters
Council Member Angela Whitfield-Calloway
Council Member Scott Benson
Council Member Latisha Johnson
Council Member Gabriella Santiago-Romero
Council Member Fred Durhal
Annivory Calvert, Chief of Staff

DATE: July 12, 2023

RE: Request for a Response to the Law Department's Opinion on the
"Just Cause Evictions" Ordinance, for Detroit

Dear Mr. Whitaker:

This correspondence is a request for the Legislative Policy Division to provide an opinion of the Confidential and Privileged Attorney-Client Communication from the Law Department concerning the proposed "Just Cause Evictions" ordinance for Detroit. Attached is a copy of the Law Department's Confidential and Privileged Attorney- Client Communication.

Thank you.

Councilman Coleman A. Young II



City of Detroit ~ Detroit City Council
Coleman A. Young II
Councilman At Large #1

MEMO

cc: CP M. Sheffield - District #5
M. Waters, At-Large
L. Johnson - District #4
D. Whittaker
CP Pro Tem J. Tate - District #1
A. Calloway - District #2
G. Santiago Romero - District #6
C. Mallett, Corp. Counsel
S. Benson - District #3
F. Durhal - District #7
T. Long, Ch. Ad. Corp. Couns.

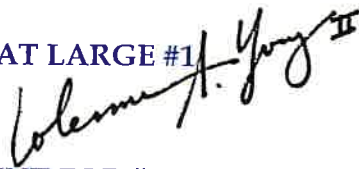
TO: JORDAN MILLER, ASST. CORPORATION COUNSEL

**THRU: COUNCIL PRESIDENT MARY SHEFFIELD
DAVID WHITAKER, DIRECTOR, LEGISLATIVE POLICY DIVISION**

FROM: COLEMAN A. YOUNG II, COUNCIL MEMBER AT LARGE #1

DATE: JUNE 26, 2023

**RE: RESPONSE TO REQUEST TO LAW DEPARTMENT FOR "JUST CAUSE"
EVICTIONS ORDINANCE, FOR DETROIT**



Dear Atty. Miller:

Thank you so very much for your response to my request for the drafting of an ordinance regarding "Just Cause" Evictions for Detroit. "Just cause eviction ordinances are a form of tenant protection designed to prevent arbitrary, retaliatory, or discriminatory evictions by establishing that landlords can only evict renters for specific reasons – just causes – such as failure to pay rent. In many cities and states, landlords can evict tenants for no reason at all. Just cause eviction ordinances are an important policy tool to prevent displacement and promote tenant stability, especially in neighborhoods where rents are rising and vacancies are low, where landlords may seek to evict existing tenants to renovate their buildings and attract wealthier renters at higher prices. Just cause ordinances also protect tenants who report inadequate housing conditions or request repairs. Cities also have a bottom-line interest in housing stability: when financially insecure residents are evicted from their homes, city budgets pay a big price due to lost tax revenue, unpaid utilities, and the costs associated with services for homeless people." <https://allincities.org/node/50226/print>

This ordinance would prevent evictions at the end of the lease by landlords unless, one of the following conditions occurred:

- 1) the tenant failed to pay rent;
- 2) the tenant had abused/damaged the property;
- 3) the tenant had committed an illegal act while in possession of the property; and/or
- 4) the tenant refused to vacate the premises

Specifically, you cite as the applicable law: MCL600.5714, "This provision is in reference to MCL 600.5714

and its requirement that the local housing commission set "just cause" rules for the termination of a tenancy in public housing. No such provision is included for the summary proceedings of private tenants." A copy of that statute is included below. Further, you stated that, "Such a differentiation can be used to further support the position that the legislature and the courts have deliberately chosen not to codify "just cause" requirements for the termination of private tenants." Since there is such a statute that impacts private tenants, we have the statutory support for Detroit to have a "just cause" ordinance for the protection of Detroit's private residents.

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.5775 "Just cause" required for termination of tenancy; "just cause" defined; change of rental payments or terms or conditions of tenancy.

Sec. 5775.

- (1) The tenancy of a tenant in a mobile home park shall not be terminated unless there is just cause for the termination.
- (2) For the purpose of this chapter, "just cause" means 1 or more of the following:
 - (a) Use of a mobile home site by the tenant for an unlawful purpose.
 - (b) Failure by the tenant to comply with a lease or agreement by which the tenant holds the premises or with a rule or regulation of the mobile home park, adopted pursuant to the lease or agreement, which rule or regulation is reasonably related to any of the following:
 - (i) The health, safety, or welfare of the mobile home park, its employees, or tenants.
 - (ii) The quiet enjoyment of the other tenants of the mobile home park.
 - (iii) Maintaining the physical condition or appearance of the mobile home park or the mobile homes located in the mobile home park to protect the value of the mobile home park or to maintain its aesthetic quality or appearance.
 - (c) A violation by the tenant of rules promulgated by the Michigan department of public health under section 6 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2306 of the Michigan Compiled Laws.
 - (d) Intentional physical injury by the tenant to the personnel or other tenants of the mobile home park, or intentional physical damage by the tenant to the property of the mobile home park or of its other tenants.
 - (e) Failure of the tenant to comply with a local ordinance, state law, or governmental rule or regulation relating to mobile homes.
 - (f) Failure of the tenant to make timely payment of rent or other charges under the lease or rental agreement by which the tenant holds the premises on 3 or more occasions during any 12-month period, for which failure the owner or operator has served a written demand for possession for nonpayment of rent pursuant to section 5714(1)(a) and the tenant has failed or refused to pay the rent or other charges within the time period stated in the written demand for possession. The written demand for possession shall provide a notice to the tenant in substantially the following form: "Notice: Three or more late payments of rent during any 12-month period is just cause to evict you." Nothing in this subdivision shall prohibit a tenant from asserting, and the court from considering, any meritorious defenses to late payment of rent or other charges.
 - (g) Conduct by the tenant upon the mobile home park premises which constitutes a substantial annoyance to other tenants or to the mobile home park, after notice and an opportunity to cure.
 - (h) Failure of the tenant to maintain the mobile home or mobile home site in a reasonable condition consistent with aesthetics appropriate to the park.
 - (i) Condemnation of the mobile home park.
 - (j) Changes in the use or substantive nature of the mobile home park.
 - (k) Public health and safety violations by the tenant.
- (3) This section does not prohibit a change of the rental payments or the terms or conditions of tenancy in a mobile home park following the termination or expiration of a written lease agreement for the mobile home site.

History: Add. 1988, Act 336, Eff. May 1, 1989

Admin Rule: R 325.3311 et seq. of the Michigan Administrative Code.

The Michigan Compiled Laws are silent on "just cause" in the Revised Judicature Act of 1961, *except* in relation to "private tenants" in **mobile homes and mobile home parks**. (*Emphasis added.*) That does not preclude cities from codifying "just cause" evictions especially in the specific conditions that many Detroiters are experiencing in our neighborhoods. Local Housing Solutions of New York University, states that "Just cause" (or "good cause") eviction policies promote residential stability by limiting the grounds upon which a landlord may evict a tenant"

[https://localhousingsolutions.org/housing-policy-library/just-cause-eviction-policies/#:~:text=%E2%80%9Cjust%20cause%E2%80%9D%20\(or%20%E2%80%9C,of%20the%20lease%20before%20they](https://localhousingsolutions.org/housing-policy-library/just-cause-eviction-policies/#:~:text=%E2%80%9Cjust%20cause%E2%80%9D%20(or%20%E2%80%9C,of%20the%20lease%20before%20they)
(June 27, 2023)

Also, if I may note, there are several times when "holding over" citations are discussed, which are not really pertinent to "just cause" but are more related to the rights of the landlord. "*Just cause" evictions protect the rights of the tenant.*

2023 MICHIGAN HOUSING PROFILE



Across Michigan, there is a shortage of rental homes affordable and available to extremely low income households (ELI), whose incomes are at or below the poverty guideline or 30% of their area median income (AMI). Many of these households are severely cost burdened, spending more than half of their income on housing. Severely cost burdened poor households are more likely than other renters to sacrifice other necessities like healthy food and healthcare to pay the rent, and to experience unstable housing situations like evictions.

SENATORS: Debbie Stabenow and Gary Peters

KEY FACTS

301,315
OR
28%
Renter Households that are extremely low income

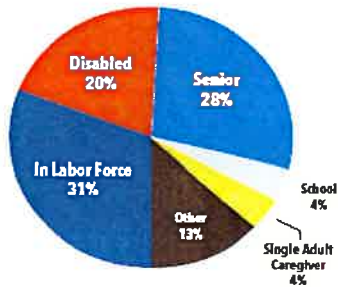
-191,717
Shortage of rental homes affordable and available for extremely low income renters

\$26,500
Maximum income of 4-person extremely low income households (state level)

\$45,025
Annual household income needed to afford a two-bedroom rental home at HUD's Fair Market Rent.

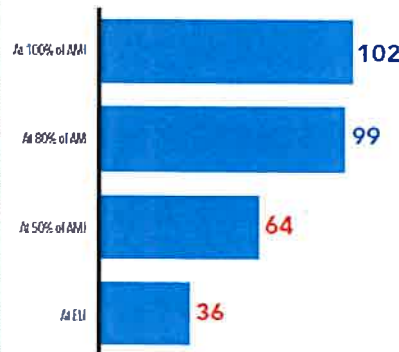
72%
Percent of extremely low income renter households with severe cost burden

EXTREMELY LOW INCOME RENTER HOUSEHOLDS



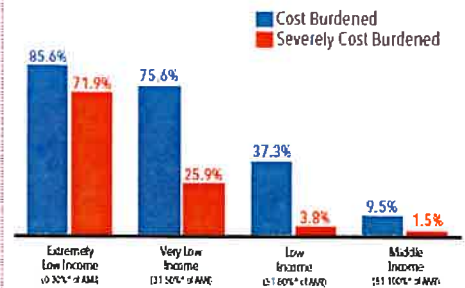
Note: Mutually exclusive categories applied in the following order: senior, disabled, in labor force, enrolled in school, single adult caregiver of a child under 7 or of a household member with a disability, and other. Nationally, 15% of extremely low income renter households are single adult caregivers, 55% of whom usually work more than 20 hours per week. Source: 2021 ACS PUMS.

AFFORDABLE AND AVAILABLE HOMES PER 100 RENTER HOUSEHOLDS



Source: 2021 ACS PUMS.

HOUSING COST BURDEN BY INCOME GROUP



Note: Renter households spending more than 30% of their income on housing costs and utilities are cost burdened; those spending more than half of their income are severely cost burdened. Source: 2021 ACS PUMS.

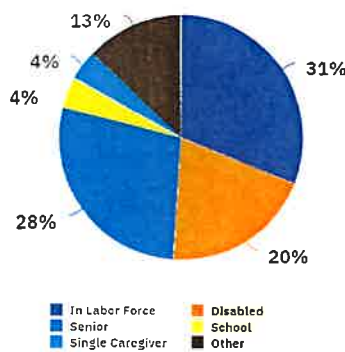
1000 Vermont Avenue, NW, Suite 500, Washington, DC 20005

WWW.NLIHC.ORG

Extremely Low Income = 0-30% of AMI
Low Income = 51-80% of AMI
Note: *Or poverty guideline, if higher.

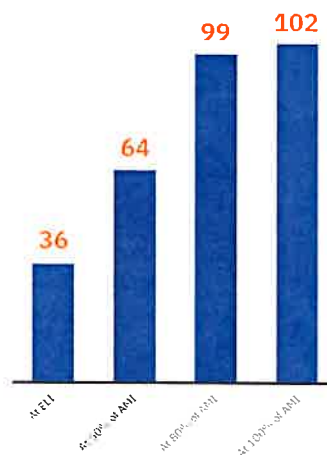
Very Low Income = 31%-50% of AMI
Middle Income = 81%-100% of AMI

EXTREMELY LOW INCOME RENTER HOUSEHOLDS



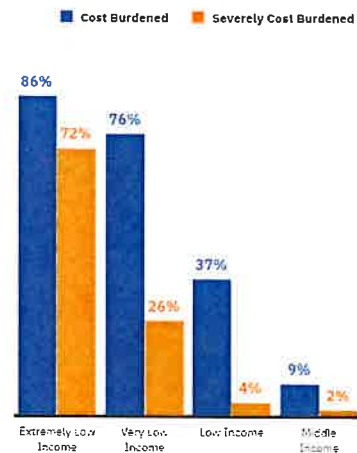
Note: Mutually exclusive categories applied in the following order: senior, disabled, in labor force, enrolled in school, single adult caregiver of a child under 7 or a person with a disability, and other. The total percent of extremely low income renter households is equal to single adult caregiver, 4% of whom usually work at least 20 hours per week. Ten percent of extremely low income renter households are enrolled in school. 71% of whom usually work at least 20 hours per week. Source: 2021 ACS PUMS.

AFFORDABLE AND AVAILABLE HOMES PER 100 RENTER HOUSEHOLDS



Source: NLIHC tabulations of 2021 ACS PUMS

HOUSING COST BURDEN BY INCOME GROUP



Note: Renter households spending more than 30% of their income on housing costs and utilities are cost burdened; those spending more than half of their income are severely cost burdened. Source: NLIHC tabulations of 2021 ACS PUMS.

From the National Low Income Housing Coalition; affiliated with the National Housing Trust Fund
<https://nlihc.org/explore-issues/policy-priorities/fair-housing>
<https://nlihc.org/erase-project>
<https://nlihc.org/housing-needs-by-state/michigan>



State Facts

MINIMUM WAGE	\$10.10
2-BEDROOM HOUSING WAGE	\$21.65
NUMBER OF RENTER HOUSEHOLDS	1,106,036
NUMBER OF RENTER HOUSEHOLDS BELOW 30% AMI	308,021
PERCENT OF RENTER HOUSEHOLDS BELOW 30% AMI	28%
NUMBER OF RENTER HOUSEHOLDS BELOW 50% AMI	498,882
PERCENT OF RENTER HOUSEHOLDS BELOW 50% AMI	45%

Affordable Rent for Low Income Households



Working at minimum wage

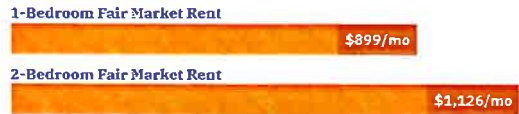
\$10.10/hr

Each week you have to work

68 HOURS

To afford a modest 1 bedroom rental home at Fair Market Rent

Fair Market Rent



DOWNLOAD STATE REPORT



CONNECT TO NETWORK Michigan



Compare Jurisdictions

SELECT 2 JURISDICTIONS TO COMPARE:

x Michigan

Please consider that there is a low income and an extremely low income constituency that will be homeless if evicted. "In concert with other anti-displacement strategies, just cause policies can help slow the processes of gentrification that can displace entire neighborhoods in a matter of years -- so that all residents, regardless of race or income, can stay and benefit from reinvestment and growth. Stable housing allows residents to build close connections to their neighbors, which can support increased economic and political power over time. Preventing evictions is also a key strategy to maintain neighborhood stability in housing markets where landlords may be tempted to use eviction as a tool to remove rent-protected households. At the household level, a recent study linked evictions to depression, poorer health, higher levels of stress, and higher rates of material hardship, especially among low-income mothers." <https://allincities.org/node/50226/print>

Thank you,

Coleman A. Young II
Councilman At-Large #1

KEY FACTS

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OR
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Renter households that are extremely low income

-191,717

Shortage of rental homes affordable and available for extremely low income renters

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Maximum income for 4-person extremely low income household (state level)

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72%

Percent of extremely low income renter households with severe cost burden