



CITY OF DETROIT

SCOTT BENSON

COUNCIL MEMBER

MEMORANDUM

To: Hon. Mary Sheffield, City Council President

Conrad Mallett, Corporation Counsel

Jay Rising, CFO, OCFO

Through: Hon. Mary Sheffield, City Council President

From: Council Member Scott Benson submitting memorandum relative to

Date: 9/17/2020

RE: right to counsel ordinance questions

SUMMARY:

Please find my questions to the Right to Counsel ordinance:

1. Please provide a fiscal impact statement for the most up to date version of this draft ordinance, and the proposed amendments as submitted by Sugar Law.
2. What is the true cost of this ordinance?
3. Section 22-8-8(b), Funding – Indicates 31 December 2026 as the date where the OED's funding source can change to "any funds as permitted by law." Why is this date important to the source of funds for the program? Why not use any funds permitted by law upon the establishment of the program?
4. What protections are in place to ensure the general fund is protected beyond 1 January 2027?
5. What assurances are provided to ensure that small Detroit based law firms are being utilized to represent tenants and landowners as part of this program?
6. What assurances are there that the stakeholders who helped to author and negotiate this ordinance are not the sole beneficiaries of any legal contracts resulting from this policy that they helped craft?

7. Section 22-8-3, Definitions - "Coordinator," identifies HRD as the coordinating department for the Office of Eviction Defense (OED) unless directed elsewhere by the administration. Why is HRD not the absolute coordinating entity for this program? Who else is the administration planning to direct to manage this office/program?
8. Section 22-8-3, Definitions - "Covered Proceedings," are, including but not limited to, eviction proceedings, mortgage foreclosures, property tax foreclosures, land forfeiture proceedings and threats to rent subsidies.
 - a. Please identify how the OED plans to engage in the foreclosure process between a mortgage holder and the mortgager?
 - b. How does the OED plan to engage in landowner protection, between a property owner and the County Treasurer for property tax foreclosures?
 - c. How does the OED plan to engage in landowner protection in land forfeiture proceedings?
 - d. How does the OED plan to engage in tenant protection against the federal government, or other subsidizers, with rent subsidies?

Please provide the responses to the requested reports/opinion by 9 May 2022. If you have any questions do not hesitate to contact my office at, 313-224-1198.

DEPARTMENTAL CONTACT:

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Position: senior policy analyst