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TO: Honorable City Council

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: May 9, 2022

SUBJECT: Resolution regarding the Detroit Right to Counsel Ordinance

Pursuant to the request of Council President Mary Sheffield, the Legislative Policy Division has attached a resolution regarding the Detroit Right to Counsel Ordinance for your approval.

Please contact our office should you have any questions or concerns.

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Attachment

RESOLUTION BY COUNCIL PRESIDENT MARY SHEFFIELD

RESOLUTION REGARDING THE DETROIT RIGHT TO COUNSEL ORDINANCE

WHEREAS, Even before the COVID 19 pandemic, Detroiters without legal representation experienced large numbers of evictions. Before the pandemic, eviction cases averaged over 30,000 per year. Detroit has more eviction cases than in New York City, Philadelphia, Chicago and even the entire state of New Jersey.

WHEREAS, Under 5% of people facing eviction had legal representation and landlords and corporations who were filing cases had access to legal representation over 94% of the time.

WHEREAS, Evictions increases poverty, disrupts education, causes mental health issues, and continues the cycle of homelessness in Detroit. These evictions harm individuals and families especially seniors, people with disabilities and households headed by Black women.

WHEREAS, Since the pandemic, there have been short term eviction bans and federal funds have been used to provide some legal representation to Detroiters who asked for eviction help. The need for full legal representation for Detroiters facing eviction will remain after the federal funds run out.

WHEREAS, Right to Counsel is part of a national movement. Right to Counsel ordinances have been enacted in 13 cities throughout the US, including New York City, Philadelphia, San Francisco, and Toledo.

WHEREAS, These programs, although implemented differently in each municipality, have partnered with legal services organizations and local nonprofits experienced with housing services and have been supported by public funds.

WHEREAS, Studies, including one conducted in Detroit, have shown that individuals facing eviction are 18 times more likely to stay in their homes when they have legal representation. In New York City, evictions have dropped by 37% after adopting an ordinance and implementing a Right to Counsel program.

WHEREAS, effective the Detroit Right to Counsel Ordinance, regardless of funding sources, must provide full legal representation and robust community outreach and engagement.

THEREFORE, BE IT RESOLVED The Detroit City Council strongly urges Mayor Duggan and his administration to provide full legal representation and robust community outreach and engagement to Detroiters facing eviction. Moreover, program development, implementation, monitoring and evaluation will be done with experienced nonprofit organizations, housing services providers, and tenant rights groups that have demonstrated experience, expertise, community partnerships, and cultural competencies in serving Detroiters facing eviction.

THEREFORE, BE IT RESOLVED The Detroit City Council strongly urges Mayor Duggan and his administration to select all designated organizations to provide full legal representation through a responsible bidder process; provide all contracts, including those under \$25,000, for

review and approval by City Council; and that all designated organizations will be compensated equally and equitably.

THEREFORE, BE IT RESOLVED The Detroit City Council strongly urges Mayor Duggan and his administration to allow and encourage attorneys to exercise full discretion to make the best decisions with and for Detroit residents served under this ordinance without undue pressure to abstain from representation or filing appeals for any reason.

THEREFORE, BE IT RESOLVED The Detroit City Council strongly urges Mayor Duggan to fully fund the implementation of this ordinance using American Rescue Act Plan funds and all available resources to ensure all eligible Detroit residents will receive the benefit of full legal representation under this ordinance.

BE IT FURTHER RESOLVED That copies of this resolution shall be provided to Mayor Mike Duggan, the Housing and Revitalization Department Director, the Affordable Housing and Homelessness Task Force, the Detroit Right to Counsel Coalition and media representatives.