

Detroit Guide to Landlord-Tenant & Fair Housing Laws



An e-brochure brought to you by the Fair Housing Center of Metropolitan Detroit

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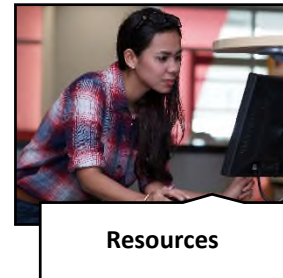
Tenant's Rental Rights



Tenant's Fair Housing Rights



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Tenant's Rental Rights



Avoid Fraud & Other Problems

- Make sure all property repairs are completed before you consider renting.
- Make sure the property is properly registered, up to code, and that the Landlord has a current Certificate of Compliance. Use the "Rental

Dashboard" at <https://detroitmi.gov/webapp/rental-map>.

- Confirm that you are dealing with the actual landlord before making a deposit or signing a lease. Refer to the Check the City of Detroit Assessor's website at <https://guestpay.divdatkiosknetwork.com/account/search> and the Wayne County Register of Deeds' website at <https://waynecountymi-web.tylerhost.net/web/?submit=Continue>
- Avoid an oral lease; insist on a written lease. Written leases must comply with Michigan's Truth in Renting Act, MCL § 554.631.

Habitability and Repairs

- Landlord must keep unit and common areas in reasonable repair and comply with health and safety laws. MCL § 554.139. Almost always best to put repair requests in writing. Landlord's failure to make repairs permits tenants to withhold rent and to "repair and deduct". MCL §§ 600.5739 & 600.5741.
- Unlawful for the landlord to seek to evict you because you made a complaint to a governmental authority about a health or safety code or ordinance violation. MCL § 600.5720.

Domestic Violence and Stalking

- Permits early termination of lease. Make sure you carefully satisfy requirements of Michigan law at MCL § 554.139.
- In general, need to first file police report or obtain a valid personal protection order (PPO), and provide landlord with a verified form via certified mail.
- The federal Violence Against Women Act (VAWA) grants additional rights and protections for those applying to or participating in a federal government rental housing program, including Section 8 (HCV program).

Security Deposit

- Properly complete an inventory checklist at move-in and move-out.
- Security deposit (SD) can be no more than 1½ times the monthly rent amount. Can also include a flat cleaning fee.
- Landlord may deduct from SD for unpaid rent, late fees, utilities (if tenant's responsibility), and damages beyond normal wear and tear. Landlord may not deduct for general cleaning and repainting.

This violates the Michigan Consumer Protection Act. *Smolen v. Dahlmann Apts, Ltd.*, 127 Mich. App. 108 (1983). Tenant may recover the greater of \$250 or actual damages.

- Please pay careful attention to the "Security Deposit Timeline" in *Practical Guide for Tenants & Landlords* (the link is listed below).

Late Fees

- Fees for late payment of rent must be reasonable. Late fees must bear direct relationship to actual costs caused by the late rent.

Legal Eviction Process

- To legally evict a tenant, a landlord must go through the court eviction process and follow eviction law requirements as to notices to quit and court complaints. MCL § 600.5714; MCR 4.201.
- There are financial and other resources available to help tenants avoid eviction, such as Eviction Diversion Programs.
- Additional protections due to COVID-19 pandemic, include the CDC's eviction moratorium and various mortgage foreclosure moratoriums.

"Anti-Lockout Statute" MCL § 600.2918

- To legally evict a tenant, a landlord must go through formal eviction process in court and meet requirements for serving notice and filing in court. MCL § 600.5714; Michigan Court Rule 4.201. here may be financial and other resources to help tenants avoid eviction, such as eviction diversion programs.
- Unlawful for landlord to interfere with a tenant's possession of unit; remove tenant's property; change locks, interrupt or terminate utility service that landlord is under a duty to furnish; or to introduce noise, odor, or another nuisance.
- Violations generally entitle a tenant to actual damages or \$250 and possession of the unit.

Detroit's Fair Chance Access to Rental Housing Ordinance

- Landlord must first review an applicant for tenancy without asking about criminal history. If applicant qualifies, landlord provides tenant a conditional lease agreement.
- Landlord then reviews criminal history. If landlord rejects applicant due to past criminal history, landlord must allow applicant to provide evidence of rehabilitation. If landlord accepts evidence of rehabilitation, tenant can move in.
- If the application is denied, tenant may file complaint with Detroit's CRIO Department. If CRIO determines that a violation occurred, landlord may be charged with misdemeanor.

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Tenant's Fair Housing Rights



Laws and Protected Classes

- *Federal.* Civil Rights Acts of 1866 & 1870 and the Fair Housing Act (FHA) - Race, color, ancestry, national origin, religion, sex (including sexual orientation, gender identify and transgender status), disability and

familial status.

- *State.* Michigan's Elliot-Larsen Civil Rights Act and Persons With Disabilities Civil Rights Act – Includes all federal categories, plus age and marital status.
- *Detroit.* Chapter 27 of the Detroit's Code of Ordinances – Includes all federal and state categories, plus public benefit status, sexual orientation, and gender identity.

Sex and Sexual Harassment

It is unlawful to treat any individual differently because of their sex or gender expression. Sex discrimination also includes the two types of sexual harassment:

1. Quid pro quo ("this for that") – housing benefits are conditioned on unwelcome requests for sexual favors.
2. Hostile environment – sexually offensive behavior is sufficiently severe or pervasive that it interferes with the use or enjoyment of the premises.

Familial Status

It is unlawful to discriminate against any family due to one or more children under the age of 18, as well as any person who is pregnant or who is about to secure legal custody of someone under the age of 18. Examples include:

- Refusing to rent to or evicting family because of children;

- Treating a family differently because of their children (e.g., increasing the security deposit or restricting access to a pool or other recreational facility); or
- Advertising preference for individuals or families without children (e.g., using words like "adults" or "singles").

Disability

Coverage extends beyond common examples, such as people who use wheelchairs or seeing eye dogs. Includes those who have disabilities due to alcoholism or past drug addition, mental or intellectual disabilities, or communicable diseases (HIV/AIDS).

Reasonable Accommodation and Modification

Reasonable accommodation (RA) - A housing provider must permit a RA in rules, policies, or services to afford a person with a disability the equal opportunity that persons without a disability have to use and enjoy a dwelling. Examples include:

- Assigning a designated parking space;
- Permitting a service or emotional support animal; or
- Allowing a live-in caregiver.

Reasonable modification (RM) – A housing provider must permit a RM, if necessary, to provide a person with a disability the full enjoyment and use of residential premises as is enjoyed by persons without a disability. Modifications are made at the expense of the tenant or buyer, except where the housing provider receives federal funding. Examples include:

- Permitting grab bars to be installed in a bathroom;
- Allowing the installation of a ramp; or
- Permitting doorways to be widened and countertops to be lowered for a wheelchair user.

Where to Get Help



Landlord-Tenant

- Lakeshore Legal Aid <https://lakeshorelegalaid.org/>
- Michigan Legal Services <https://milegalservices.org/>
- United Community Housing Coalition <https://www.uchcdetroit.org/>
- Legal Aid and Defender Association <https://ladadetroit.org/>

Housing Discrimination

- Fair Housing Center of Metropolitan Detroit - (313) 963-1274 or <https://fairhousingdetroit.org/>
- HUD (U.S. Department of Housing and Urban Development) - (800) 669-9777 or https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process
- MDCR (Michigan Department of Civil Rights) - (800) 482-3604 or <https://www.michigan.gov/mdcr/>

Resources



Landlord-Tenant

- Practical Guide for Tenants & Landlords, available at <https://www.legislature.mi.gov/Publications/tenantlandlord.pdf>
- Residential Landlord-Tenant Law Benchbook, available at <https://mjeducation.mi.gov/documents/benchbooks/27-1ltbb/file>

Fair Housing

- Fair housing rights and responsibilities, available at https://www.hud.gov/program_offices/fair_housing_equal_opp/

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