

Landlord-Tenant Legal Counsel (DLTLC) Program

The City of Detroit is seeking applications from qualified attorneys willing to serve as Detroit Landlord-Tenant Legal Counsel (DLTLC), representing Detroit residents in eviction proceedings.

Opportunity

Landlord-Tenant judges at 36th District Court will hear 40-70 cases per day in the coming months. The initial hearing in each case is a pre-trial Zoom conference, and judges usually finish these hearings in the first half of the day, with a few going to the afternoon docket. At the initial hearing, cases are set for a second court appearance, generally at least 30 days out; so tenant-defendants can arrange for arrears (as applicable).

Currently, Legal Service Provider (LSP) partners¹ have three or more attorneys in court for each landlord-tenant docket, with at least one supervising attorney assigned to each of the four 36th District Court Judges handling eviction matters. These attorneys provide legal advice to all tenant-defendants at court – and they explain the Covid-19 Emergency Rental Assistance (CERA) program and the general path most non-payment of rent cases take. Although they can speak to each tenant-defendant at court, LSP attorneys are unable to offer full representation to all the tenant-defendants they see. LSP staff usually take 12-15 clients out of each day's 40-70 cases. This means dozens of tenant-defendants leave court with a date to return but no attorney to provide representation in the interim. In addition, hundreds more client-defendants receive default judgments, because they missed their court date.

Helping more tenant-defendants receive competent legal advice after leaving their pre-trial conference at 36th District Court.

The City of Detroit will administer a Detroit Landlord-Tenant Legal Counsel (DLTLC) Program where legal counsel will be assigned to unrepresented tenants at some stage of eviction. This counsel will work with the tenant to favorably resolve their case, which may include coordinating rental arrear payments with the CERA program, reducing excessive fines and delinquent rent charges, crafting conditional dismissals, enforcing housing quality standards for necessary repairs, minimizing evictions entered on someone's record, retaining subsidized housing benefits, extending relocation periods, and so on.

Almost all of these cases fall in one of two categories. In "100%" cases, the landlord will have a certificate of compliance (or an accepted exception) to demonstrate satisfaction of code requirements, and the landlord will be able to receive all, or 100%, of the rent owed through CERA

¹ The City of Detroit works with United Community Housing Coalition, Lakeshore Legal Aid, and Michigan Legal Services.

funding. In CERA Rental Compliance “80/20” cases, the landlord may be unwilling or unable to demonstrate compliance, and so, 80% of the amount due will be paid with CERA funding while 20% is held in escrow until the landlord satisfies the code.

Participating attorneys will receive \$200 per conditional dismissal entered for each “100%” case. In “80/20” cases, where a Conditional Dismissal requires follow up related to “CERA Rental Compliance,” DLTLT attorneys will receive \$200 for securing a Conditional Dismissal as well as an additional \$100 for full resolution and release of the escrowed funds in final dismissal. DLTLT attorneys are required to fully resolve² any representation they begin, and all are encouraged to take multiple referrals as a hedge against outlier cases that are unusually complicated or labor-intensive.

DLTLT attorneys will be listed on a directory as willing and able to take clients who would otherwise go unrepresented after their pre-trial conference or court appearances. The City will administer the program with a Smartsheet (or similar technology-based tool) to make assignments; to keep track of the referrals made; and to monitor the status of each case. The 36th District Court will provide data on case statuses, and this will allow City officials to have an independent source of information to verify reports from DLTLT attorneys. DLTLT attorneys will be required to file an appearance in all their assigned cases.

When cases are resolved at court, DLTLT attorneys may submit an Invoice Upon Completion (IUC) and the associated paperwork to obtain payment from the City, usually in less than two weeks. The items to be submitted will include:

- Invoice
 - Purchase Order Number
 - Attorney’s PNumber
- Client information; name, address, phone number
- Proof of executed conditional dismissal
- CERA number and proof of payment (if applicable)
- Register of Actions as proof of resolution (when applicable)

² All case resolutions should resolve serious repair problems, and if money is owed beyond what can be paid from the CERA program, a workable resolution for the tenant to retain long term occupancy needs to be accomplished. Most tenants will qualify for all of their back rent to be paid.

Covid-19 Emergency Rental Assistance (CERA)

The majority of eviction cases are non-payment of rent cases, and in most of those, the CERA program provides the best resolution for both landlord and tenant. CERA can pay all, or most, delinquent rent payments owed to the landlord for eligible tenants.

However, CERA applications take time to process, and a CERA application by itself does not resolve the legal matters needed to resolve the case in court. In many cases, a conditional dismissal is negotiated to outline a CERA payment toward rental arrears, while placing requirements on the landlords to fulfil their legal obligations for a rental code-compliant property, or home repairs.

If the rental property has a Certificate of Compliance, the conditional dismissal may provide for the payment of all rental arrears owed to a landlord (the “100%” cases). The “CERA Rental Compliance program” is a local policy that outlines disposition of CERA funds for rental properties that lack a Certificate of Compliance (or accepted exceptions). In these “80/20” cases where the property lacks a Certificate of Compliance, the landlord will get 80% of the eligible CERA funds immediately, and the Conditional Dismissal will outline the terms under which the landlord can receive the remaining 20% - either after acquisition of the Certificate of Compliance, or investment in repairs of the rental property equal or greater than the 20% amount in escrow. Alternatively, where the 36th District court stays eviction cases for rental properties that lack Certificate of Compliance, plaintiffs may be willing to adjourn their case in order to avail themselves of CERA funding outside of the court system.

Assignments and Onboarding

Case assignment to DLTLIC Program attorneys will be completed by the City of Detroit with LSP support and will be administered in a fair and equitable way. The DLTLIC client assignment will be pulled from the advice-only unrepresented client list.

City of Detroit, with LSP partners and 36 District Court, will host onboarding training for selected qualifying DLTLIC attorneys. Each training session should take no more than one hour. Participation in the training is mandatory.

Day 1: CERA Overview and 36 District Court Updates

Day 2: CoD Rental Compliance and CERA Rental Compliance

Day 3: Assignment and IUC

Fee Schedule

Fee Schedule for representation pursuant to Detroit's DLTLIC Program. Case assignments will be capped at 60 cases per DLTLIC participant.

Type of proceeding	Condition for Payment	Fee
100 CERA case	Conditional Dismissal*	\$200
CERA Rental Compliance (80/20) case	Conditional Dismissal*	\$200
	Final Dismissal*	\$100
Exceptionally complicated case (as recognized by City after special request)	Final Dismissal*	\$350

* As demonstrated by 36th District Court Register of Action