

PETER GRANATA

PRO BONO STAFF ATTORNEY

LAKESHORE LEGAL AID

248-443-8068 – EXT 4207

PGRANATA@LAKESHORELEGALAID.
ORG

HOUSING AND 36TH DISTRICT COURT ACTIVITIES



Lakeshore Legal Aid is committed to providing legal services to our community. Because of limited in-office staffing due to COVID 19, staff may not be available to meet with you if you do not have an appointment. If you are a current client, please contact your attorney for an appointment. If you are seeking services from Lakeshore, we encourage you to call 888-783-8190 or apply for services online at <https://michiganlegalhelp.org/>.

To keep us all safe, everyone coming into our offices must wear a mask and complete a COVID-symptom screening, including a temperature check. If you cannot comply with these rules, we will be happy to talk with you on the phone.

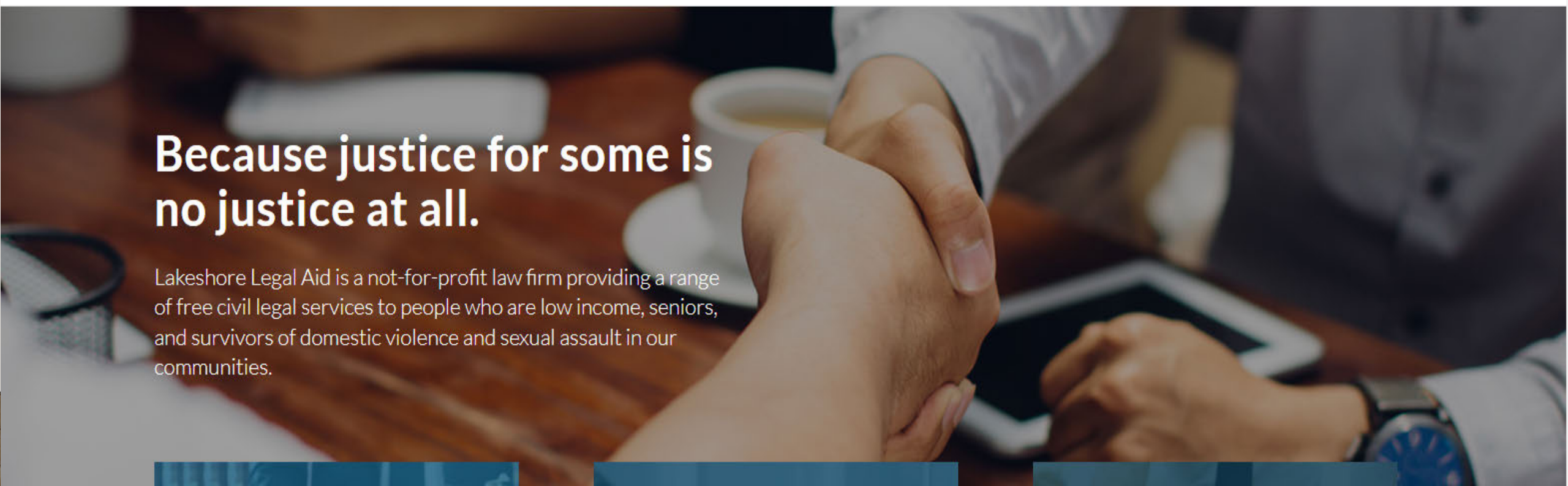
CALL US TODAY: (888) 783-8190 | هل تتحدث العربية؟ | ¿Hablas Español?



- Services
- Work With Us
- Find Legal Help
- Donate Now
- Exit Site Quickly

Because justice for some is no justice at all.

Lakeshore Legal Aid is a not-for-profit law firm providing a range of free civil legal services to people who are low income, seniors, and survivors of domestic violence and sexual assault in our communities.



LAKESHORE
LEGAL AID
PRO BONO
DEPARTMENT



LAKESHORE
LEGAL AID

Services

Pro Bono Legal Services

Via Lakeshore's Pro Bono department, a growing number of outstanding lawyers give their time and expertise to help those who otherwise could not afford legal services. We offer varied and flexible pro bono opportunities, training and mentoring, pre-screened clients, office space and malpractice insurance. Our valued volunteer counsel satisfy bar-recommended requirements for pro bono service while having a real impact on individuals, families and community. Join us!

LAKESHORE
LEGAL AID
PRO BONO
DEPARTMENT

We appreciate your time and commitment.

Pro Bono Attorneys are vital to the work of Lakeshore Legal Aid and the community we serve. If you would like to volunteer with us, please complete this form and someone will contact you to get involved.

First & Last Name

Email

Phone

I'm interested in the following Pro Bono Volunteer Opportunities

- Take a family law case: divorce, child custody and paternity matters in Wayne, Oakland and Macomb counties
- Assist with eviction cases in Wayne, Oakland, and Macomb Counties
- Advocate to remove barriers to employment: expunge criminal records and restore drivers' licenses
- Provide advice: Family Law Hotline Project
- Represent a client in a bankruptcy
- Prepare estate planning documents or assist with a probate issue
- Other volunteer opportunities available

Year of Bar Admission

Firm Name

LAKESHORE
LEGAL AID
PRO BONO
DEPARTMENT

Pro Bono Volunteer Opportunities

Explore available opportunities to serve listed below. All cases are pre-screened by Lakeshore staff. We provide malpractice coverage for all pro bono work handled through Lakeshore Legal Aid.

Take a family law case: divorce, child custody and paternity matters in Wayne, Oakland and Macomb counties

Assist with eviction cases in Wayne, Oakland, and Macomb counties

Lakeshore is seeking volunteer attorneys to assist with eviction cases and docket coverage in Wayne, Oakland, and Macomb counties. The current eviction crisis is continuing to produce a large volume of cases needing advice, brief service, negotiation, or legal representation. No previous landlord tenant experience is required, training is available. Email

36TH DISTRICT COURT
LANDLORD TEANANT
DOCKET

- Currently 4 Judges, soon to be 5
- Average of 200 cases per day.
- Average time from Pre-Hearing to Hearing is 2 months.
- Average Adjournment Time for CERA processing is 2 months.
- Average wait time for CERA approval is approximately 5 weeks.
- Average amount of time PBA attorneys spend per case is 2 hours.



**CURRENT
EVICTION
STATUS IN
36DC**

There are three legal services agencies covering the four dockets

- **Lakeshore Legal Aid**
- **United Community Housing Coalition**
- **Michigan Legal Aid**

Each agency has 4 -5 attorneys and 2 – 3 legal assistants covering each docket.

Since Covid and adoption of Zoom hearings, many more tenants are appearing for their hearings.

Currently, all tenants who appear are offered free legal services, if they qualify, and can meet with attorneys to represent them in their case.

Lakeshore needs 50 pro bono attorney covering 3 cases each year to cover LT cases in 36th District Court once CERA funding is exhausted.

**COVID EMERGENCY
RENTAL ASSISTANCE
(CERA)**

- **Funding from Michigan State Housing Development Authority (MSHDA) to Fiduciaries--Local Planning Bodies, County Continuums of Care, and/or Housing Assessment and Resource Agencies (HARAs)**
- **The Fiduciaries contract with at least two local *HARAs* to provide rental and utility assistance.**
- **Program governed by US Treasury Department and MSHDA policy**

COVID EMERGENCY RENTAL ASSISTANCE (CERA)

- **COVERS ALL LANDLORD TENANT RELATIONSHIPS AND TYPES OF EVICTIONS**
 - Including term of tenancies
- **CERA DOES NOT COVER LAND CONTRACTS (VENDOR AND VENDEE RELATIONSHIPS)**
 - Review carefully, is it a true land contract? Did the Vendor file it as a Nonpayment of rent case instead of a Forfeiture case?
- **TENANTS ARE ELIGIBLE ONCE RECEIVE A PAST DUE NOTICE FROM THEIR LANDLORD OR UTILITY COMPANY. A NTQ, DFP, OR A SUMMONS ARE NOT REQUIRED.**

**CERA
PROGRAM
PARAMETERS**



- **UP TO 12 MONTHS OF BACK RENT AND 3 MONTHS FORWARD**
- **IF LL WON'T PARTICIPATE FUNDS CAN BE PAID DIRECTLY TO TENANT**
- **NO CAP ON RENTAL ASSISTANCE AMOUNT**
- **UTILITY ASSISTANCE CAPS BASED ON FAMILY SIZE**
- **UP TO \$400 IN LATE FEES**
- **\$150 COURT COSTS**
- **NO LL FORGIVENESS %**
- **TENANTS CAN SUBMIT A REQUEST TO MSHDA FOR RELOCATION ASSISTANCE. INCLUDES SECURITY DEPOSIT AND 3 FUTURE MONTHS OF RENT**

**DETROIT-ONLY
CERA
PARAMETERS**

**ALL RENTAL PROPERTIES IN THE CITY OF DETROIT
MUST BE REGISTERED. SEC. 8-15-81.**

**IN ORDER TO COLLECT RENT, THERE MUST BE A
CERTIFICATE OF COMPLIANCE THAT THE UNIT MEETS
LOCAL CODE REQUIREMENTS. SEC. 8-15-82.
(LEASES EXECUTED FOR PROPERTIES NOT IN
COMPLIANCE ARE ILLEGAL CONTRACTS THAT THE
COURTS SHOULD NOT ENFORCE.)**

**SUBSIDIZED HOUSING THAT IS APPROVED BY
HOUSING QUALITY STANDARDS INSPECTIONS ARE
SUFFICIENT FOR CERTIFICATE OF COMPLIANCE.**

**CERA
PROGRAM
AND REPAIRS
DETROIT**

- **MSHDA CERA GUIDANCE PROVIDES THAT THE HARA CAN WITHHOLD UP TO 50% OF RENTAL ASSISTANCE WHEN THERE ARE NECESSARY REPAIRS.**
- **ISSUES WARRANTING HARA ESCROW OF 50% RENTAL ASSISTANCE:**
 - **Utility Shutoff (when LL is the responsible party)**
 - **No heat**
 - **Raw sewage and major plumbing problems**
 - **Significant holes in the roof**
 - **Black mold**
 - **Other conditions that present an immediate threat to health and safety**

**DETROIT CERA
80/20 PROCESS**



- **WITHOUT A CERTIFICATE OF COMPLIANCE, THE HARA WILL RELEASE 80% OF THE FUNDS TO THE LANDLORD, AS LONG AS THERE ARE NO MAJOR HABITABILITY ISSUES. THE OTHER 20% WILL BE RELEASED ONCE THE LANDLORD OBTAINS THE CERTIFICATE OF COMPLIANCE.**
- **WHEN THE LL IS MAKING GOOD FAITH EFFORTS TOWARDS MAKING NECESSARY REPAIRS, EXTENSION OF TIME CAN BE GRANTED WHEN APPROPRIATE.**
- **FAILURE OF LANDLORD TO OBTAIN A CERTIFICATE OF COMPLIANCE WILL RESULT IN THE TENANT RECEIVING THE 20% ESCROWED FUNDS.**

WAYNE METRO PAYMENT PROCESS



- SEND CD SIGNED BY THE PARTIES TO CDCOLLECTION@WAYNEMETRO.ORG
- CD WILL TRIGGER A CHECK REQUEST TO WAYNE METRO'S ACCOUNTING TEAM
- PAYMENT WILL BE MADE BASED ON THE TERMS IN THE CONDITIONAL DISMISSAL
- IF 50% OR 20% IS WITHHELD BECAUSE THERE IS NOT A CERTIFICATE OF COMPLIANCE, SUBMISSION OF THE COC TO WAYNE METRO BY THE LANDLORD OR THEIR ATTORNEY WILL TRIGGER PAYMENT OF THE REMAINING FUNDS. SEND COC TO DETROITRENTALCOMPLIANCE@WAYNEMETRO.ORG.
- FORM TO COMPLETE FOR RELEASE OF FUNDS [HTTPS://WAYNEMETRO.TFAFORMS.NET/4849168](https://waynemetro.tfaforms.net/4849168)
- WM FAQs ON COC
[HTTPS://DOCS.GOOGLE.COM/DOCUMENT/D/1AXVJ6ZJ3WZQSCOXKZLDLGZ2MDJ0GRR5TFLJBR5ZR/ELK/EDIT](https://docs.google.com/document/d/1AXVJ6ZJ3WZQSCOXKZLDLGZ2MDJ0GRR5TFLJBR5ZR/ELK/EDIT)

CONDITIONAL

DISMISSALS



- **CASE IS DISMISSED IF TENANT COMPLIES WITH THE TERMS OF THE AGREEMENT.**
 - **Payment date(s)**
 - **Move out date**
- **DOES NOT APPEAR ON EVICTION/CREDIT REPORT**
- **PRESERVES ELIGIBILITY FOR SUBSIDIZED HOUSING**
- **IF TENANT DOES NOT COMPLY, LANDLORD CAN FILE AN AFFIDAVIT WITH THE COURT AND REQUEST A WRIT.**
- **AGREEMENT MAY REQUIRE FILING AN OBJECTION, NOTICE TO THE TENANT, AND A HEARING.**

SCAO
CONDITIONAL
DISMISSAL



- **36TH DISTRICT COURT APPEARANCE**
- **USE THE SCAO FORM AND AN ADDENDUM OUTLINING FURTHER TERMS.**
- **OBTAIN ASSENT FROM CLIENT AND LANDLORD OR THEIR COUNSEL GATHER SIGNATURES**
- **FILE WITH THE 36TH DISTRICT COURT, EMAIL TO CLERK**
- **APPEAR FOR SCHEDULED HEARINGS UNTIL THE CD IS SIGNED BY THE JUDGE.**
- **SEND CD SIGNED BY THE PARTIES TO CDCOLLECTION@WAYNEMETRO.ORG**

SCAO CONDITIONAL DISMISSAL

36th	STATE OF MICHIGAN JUDICIAL DISTRICT	CONSENT ORDER FOR CONDITIONAL DISMISSAL Landlord-Tenant	CASE NO. and JUDGE Hon. Alicia Jones-Coleman
Court address 421 Madison Avenue, Detroit, MI 48226		Court telephone no.	
Plaintiff's name, address, and telephone no.		v	Defendant's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.			Defendant's attorney, bar no., address, and telephone no. LAKESHORE LEGAL AID, INC. BY: Peter Granata (P78413) 2727 Second Ave, Ste 301 Detroit, MI 48201 248-443-8068 Ext 4207

THE COURT FINDS the parties agree to the conditional dismissal of the case under the terms below.

THE COURT ORDERS

- The case is dismissed without prejudice subject to the conditions below.
- Defendant shall pay the following to plaintiff pursuant to the terms in item 3:
 on or before 03/08/22 :
Date

a. Rent.....	\$ <u>22,896.00</u>	due through the time period ending <u>02/28/22</u>
b. Court costs	\$ <u>150.00</u>	<small>Date</small>
c. Other money due.....	\$ <u>400.00 (late fees)</u>	
d. Total.....	\$ <u>23,446.00</u>	
- Further conditions: Please see Attachment 1 to Consent Order
- If defendant fails to pay the rent and other costs or meet other conditions as set forth above the plaintiff may seek entry of an order for reinstatement of the case and entry of judgment.
 - Plaintiff shall file an affidavit with the court and serve the defendant with the affidavit and notice as required by MCR 2.602(C). If defendant does not file verified objections to the affidavit within 14 days of service of the notice pursuant to MCR 2.602(C)(2)(d), the order for reinstatement of case and entry of judgment, a judgment for money (if eligible and requested in the complaint), and an order of eviction shall enter simultaneously without notice



50 x 11.00 in

CONDITIONAL
DISMISSAL
ADDENDUM

STATE OF MICHIGAN
IN THE THIRTY-SIXTH DISTRICT COURT
FOR THE COUNTY OF WAYNE

Plaintiff

Case No. LT XXXXXXXX

v.

**ATTACHMENT 1 TO CONSENT
ORDER FOR CONDITIONAL
DISMISSAL**

Defendant.

Hon. Judge XXXXX

XXXXXXXXXXXXX
Attorneys for Plaintiff

Indra Priyadarshini ~~Samajiah~~ Pandiyaraj
(P84364)
Lakeshore Legal Aid
Attorneys for Defendant
2727 Second Avenue, Suite 301
Detroit, MI 48201
248-443-8068

ATTACHMENT 1

The Plaintiff, _____ and the Defendant, _____, by and through their respective attorneys, agree to the following terms and conditions in addition to those set forth in the attached Conditional Dismissal:

CONDITIONAL DISMISSAL ADDENDUM

1. \$ _____ shall be paid to Plaintiff by the City of Detroit's HARA, Wayne Metropolitan Community Action Agency (Wayne Metro), through the state CERA (COVID Emergency Rental Assistance) funds. The funds are broken down as follows: \$ _____ for past due rent assistance; \$ _____ for future rent; \$ _____ for late fees and \$ _____ for court fees.
2. Plaintiff acknowledges by signature below that Defendant cannot control the processing or timing of the issuance of CERA funds and agrees to hold Defendant harmless for any delay in the processing of the application or issuance of the funds.
3. Future rent assistance will be applied as follows: \$ _____ to _____ rent, \$ _____ to _____ rent and \$ _____ to _____ rent.
4. Out of the total amount of CERA funds, Wayne Metro shall pay Plaintiff \$ _____ (calculate 80% of past rental arrears amount) by _____, and \$ _____ (20% of past rental arrears amount) shall be put in escrow with Wayne Metro, unless plaintiff has already obtained a Certificate of Compliance (CoC) from the City of Detroit, Building Safety Engineering and Environmental Department (BSEED) by the date of this Consent Order For Conditional Dismissal.
5. If Plaintiff obtains a CoC for the subject property within 90 days this Order is entered, the escrowed funds shall be released to Plaintiff. Plaintiff, at its discretion, may extend such deadline by up to three months, provided that it in good faith is seeking to obtain the CofC and provides notice of such extension to Defendant.
6. If Plaintiff fails to obtain the CofC as provided for in Paragraph 5, the funds held in Wayne Metro escrow shall be released to Defendant.

CONDITIONAL DISMISSAL ADDENDUM

7. Funds shall be released based on a motion by either party with service on the other, or upon the written stipulation of the parties.
8. Plaintiff shall provide at least 48 hours written notice for access to the premises to inspect or complete work necessary to obtain the CoC. Written notice may be by text or e-mail.
9. Defendant shall not interfere with Plaintiff's obligation to obtain a CoC.
10. Plaintiff agrees to make repairs during reasonable hours and to hire repair persons appropriate and licensed as necessary for any work requiring licensing.
11. Payments made in compliance with Paragraph 1 shall constitute full satisfaction of all rent and costs owed to Plaintiff through December 31, 2021.
12. Future repair issues or claims to offset future rent by Defendant are also not subject to litigation in this case.
13. Plaintiff may not file a termination of tenancy case against Defendant without cause, during the time provided to obtain the CoC.

HOUSING LAW OVERVIEW



RESULTS
OF AN
EVICTION
JUDGMENT



- **EVICTION IS NOT ONLY A SYMPTOM OF POVERTY, BUT ALSO A CAUSE OF IT. PEOPLE WHO ARE EVICTED FROM THEIR HOMES ARE MORE LIKELY TO LOSE THEIR JOBS, EXPERIENCE INCREASED RATES OF DEPRESSION, AND RATE THEIR HEALTH AS FAIR OR POOR. AFTER AN EVICTION, FAMILIES TEND TO MOVE TO POORER, HIGHER-CRIME NEIGHBORHOODS AND ARE MORE LIKELY TO HAVE PROBLEMS LIKE BROKEN APPLIANCES OR LACK OF HEAT IN THEIR NEW HOUSING*.**
- ***UNIVERSITY OF MICHIGAN POVERTY SOLUTIONS**

STEPS
IN THE
EVICTION
PROCESS

1. Notice
2. Summons and Complaint
3. Court Procedures
4. Defenses
5. Judgment and Conditional Dismissals
6. Writ of Eviction and Appeals

DEFENSES TO EVICTION



CERTIFICATE OF OCCUPANCY/COMPLIANCE

Required for rental properties in certain cities

May bar ability to collect rent

Escrow

Issues with enforcement

PROCEDURAL DEFECTS

Notice Defects

Complaint Defects

Plaintiff is not the owner, not a real party in interest

FAIR HOUSING AND REASONABLE ACCOMODATIONS

UNREASONABLE LATE FEES - They can't be a penalty and must be reasonably related to the administration of collecting late rent. *Wilkinson v Lanterman*

SELF-HELP
EVICTIONS
ARE
ILLEGAL



“SELF HELP” EVICTIONS ARE STRICTLY PROHIBITED AND ARE CONSIDERED AN ILLEGAL “LOCKOUT” OR A CONSTRUCTIVE EVICTION AND CAN SUBJECT THE LANDLORD TO DAMAGES. IN GENERAL, PROHIBITED SELF-HELP EVICTIONS INCLUDE THE FOLLOWING ACTIONS:

- 1. Turning off electricity, gas, water, or heat; and/or**
- 2. Changing the locks, and/or**
- 3. Removing the tenant and/or the tenant's belongings and/or**
- 4. The use of force or threat of force; and/or**
- 5. Boarding the premises that prevents or deters entrance**
- 6. Removal of doors, window, or locks**

**FUNDING FOR
LAKESHORE LEGAL AID
IS PROVIDED IN PART BY:**

Lakeshore Legal Aid thanks all our major grant funders for supporting our work with the community

LEGAL SERVICES CORPORATION

MICHIGAN STATE BAR FOUNDATION

AREA AGENCY ON AGING 1-B

UNITED WAY OF SOUTHEASTERN MICHIGAN

OAKLAND COUNTY BAR FOUNDATION

**OFFICE OF VIOLENCE AGAINST WOMEN, (OVW)
DEPARTMENT OF JUSTICE**

SAINT CLAIR COUNTY SENIOR CITIZEN MILLAGE



WEBINAR SURVEY

A SURVEY PDF WILL BE SENT TO ALL PARTICIPANTS ALONG WITH A COPY OF THIS PRESENTATION PLEASE COMPLETE AND EMAIL THE SURVEY TO:

cwilliams@lakeshorelegalaid.org



Post Presentation Survey

Thank you for attending today's presentation. We'd like to hear your impression of the various aspects of today's event, so that we can continually improve the experience for all attendees.

Overall how would you rate the presentation? Excellent Good Fair Poor

Did the presentation increase your knowledge on the topic? Yes Somewhat No

Did the presentation give you ideas or options to improve your situation, or the situation of someone you know? Yes Somewhat No

Would you attend a future Lakeshore Legal Aid presentation? Yes Maybe No

Any suggestions or comments to help us improve future presentations? What topics might be of interest to you? Feel free to write on the back of this form if you need additional space.

Are you 60 years old or older? Yes No

Are you low income? Yes No

Are you disabled? Yes No

Are you a member of the LGBTQ community? Yes No

Do you live in a rural or urban area? Rural Urban

WEBINAR
SURVEY

LINK TO ONLINE POST PRESENTATION SURVEY:

<https://forms.office.com/r/B8tUNAXbUL>

(Control + Click to Follow Link or copy and paste URL
into web browser)

**LANDLORD
TENANT LAW
RESOURCES**

PETER GRANATA – STAFF
ATTORNEY

PGRANATA@LAKESHORELEGALAID.
ORG

248-443-8068, EXT. 4207

2727 SECOND AVE, STE 301
DETROIT, MI 48201



- **INSTITUTE FOR CONTINUING EDUCATION (ICLE)**
 - **Subscription required**
 - **<https://www.icle.org/home.aspx>**
- **LANDLORD TENANT BENCHBOOK**
 - **<https://mjieducation.mi.gov/documents/benchbooks/27-lltbb/file>**
- **A PRACTICAL GUIDE FOR TENANTS AND LANDLORDS**
 - **www.milegalhelp.org**