Michigan Evictions Research and Policy Conversation

With City of Grand Rapids representatives, 10/14/2020

Robert Goodspeed, University of Michigan
Jim Schaafsma, Michigan Poverty Law Program

Overview

- Brief Project Overview
  - Data sources
  - Eviction Lab findings
  - Statewide findings
  - Lenawee and Washtenaw findings
- Pandemic caseload data
- Eviction risk model
- Policy possibilities and discussion

Links directly to policy brief, report, and online data map:
https://sites.google.com/umich.edu/rgoodspe/evictions?authuser=0

Questions

Rob will address:
- What has been learned regarding determinants of eviction, particularly at the neighborhood-level? What insights are there that could be applied locally?
- Has your report received any feedback from the state government of Michigan? (Evidence of indirect impact in design of EDP, SCAO practices)

Jim will address:
- What are the implications for case management? (Particularly in light of COVID-19, and given requirements around summons for receiving assistance, extended time in the court system, etc.)
- What innovations have you seen in action, or recommendations you have in light of COVID-19, that should remain in a post-pandemic world?
- The team lead specifically mentioned the report's recommendation around state funding for programs in the courts and support for MDHHS SERs benefit specialists. She mentioned challenges associated with identifying new funding sources the "community's share" for things such as benefit specialist staffing costs etc.

Project Overview (2018-2019)

- Overview:
  - Motivated by launch of Eviction Lab website with flawed and incomplete Michigan data
  - Funded by Poverty Solutions Initiative grant for joint UM work with community partners
  - You've read the report; analysis manuscript under review in journal
  - Deciding on next steps
- Goals
  - Document the prevalence of eviction filings from statewide data, to evaluate the quality of the Eviction Lab website.
  a. Conduct detailed analysis from a sample of eviction cases in Washtenaw and Lenawee.
  b. Propose preliminary policy ideas for different stakeholders to reduce the number of evictions in Michigan.

Robert Goodspeed, PhD, AICP, Assistant Professor of Urban Planning, University of Michigan
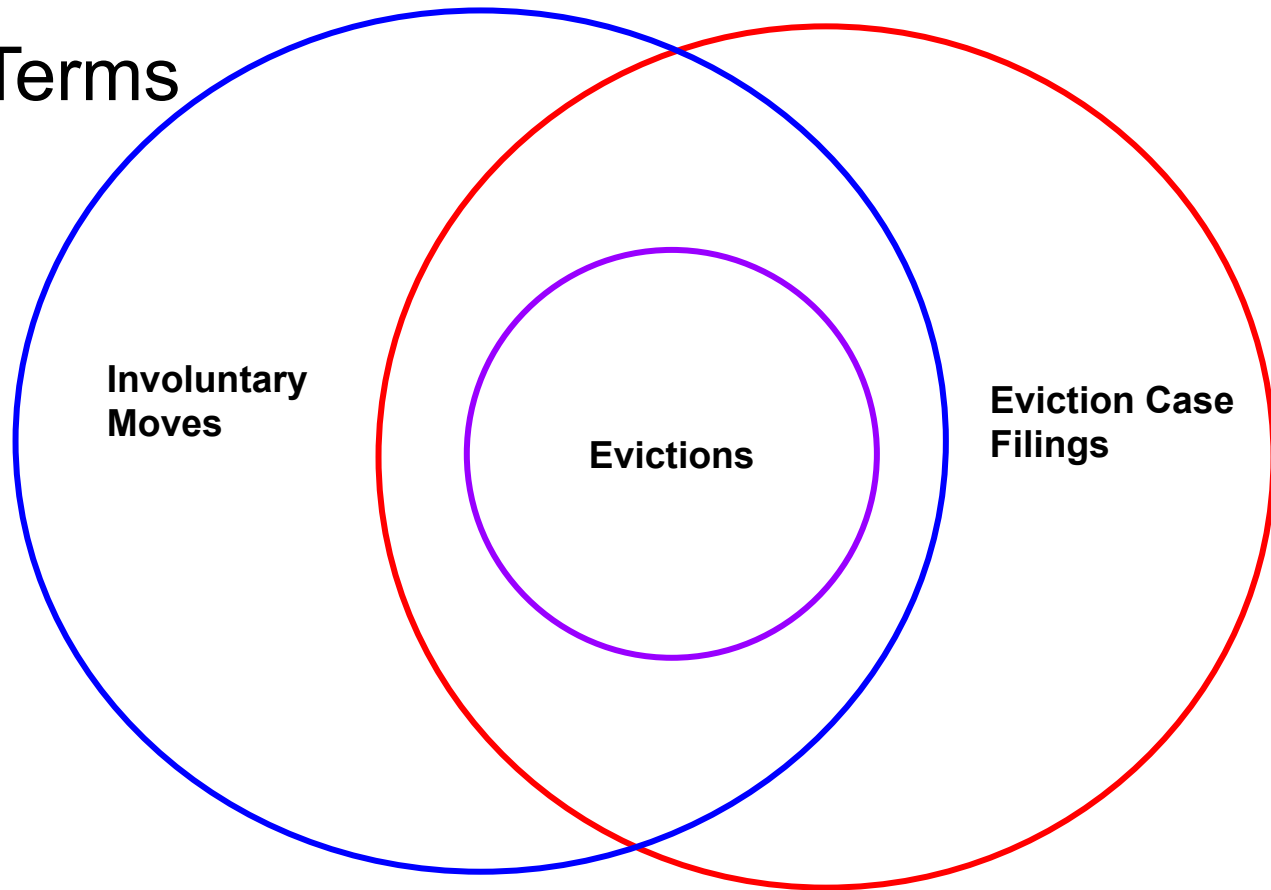**Elizabeth Benton**, Staff Attorney, Legal Services of South Central Michigan
Jim Schaafsma, Michigan Poverty Law Program
Margi Dewar, Professor of Urban Planning Emerita, University of Michigan

Key Terms

Involuntary Moves

Evictions

Eviction Case Filings

Why do evictions matter?

Effects of eviction:
- Loss of home (Fleming et al., 2019; Cookson et al., 2018)
- Loss of belongings (Desmond, 2012; Cookson et al., 2018)
- Eviction record (even eviction filing record) makes it more difficult to find new housing (Desmond, 2012; Housing Action Illinois, 2018)

And possibly:
- Job loss (Desmond and Gershenson, 2016;
- Stress and depression (Desmond and Kimbro, 2015; Vera-Vasquez et al., 2017)
- Ill health effects (Desmond and Kimbro, 2015; Vera-Vasquez et al., 2017)
- Children's lost school time (Cookson et al., 2018)

Who experiences eviction disproportionately?

Even after taking into account income levels, the following types of households experience at higher rates than other types of households:
- Low-income women (Desmond, 2012)
- Low-income women of color (Hartman and Robinson, 2003; Greenberg et al., 2016)
- Families with children (Desmond et al., 2013)
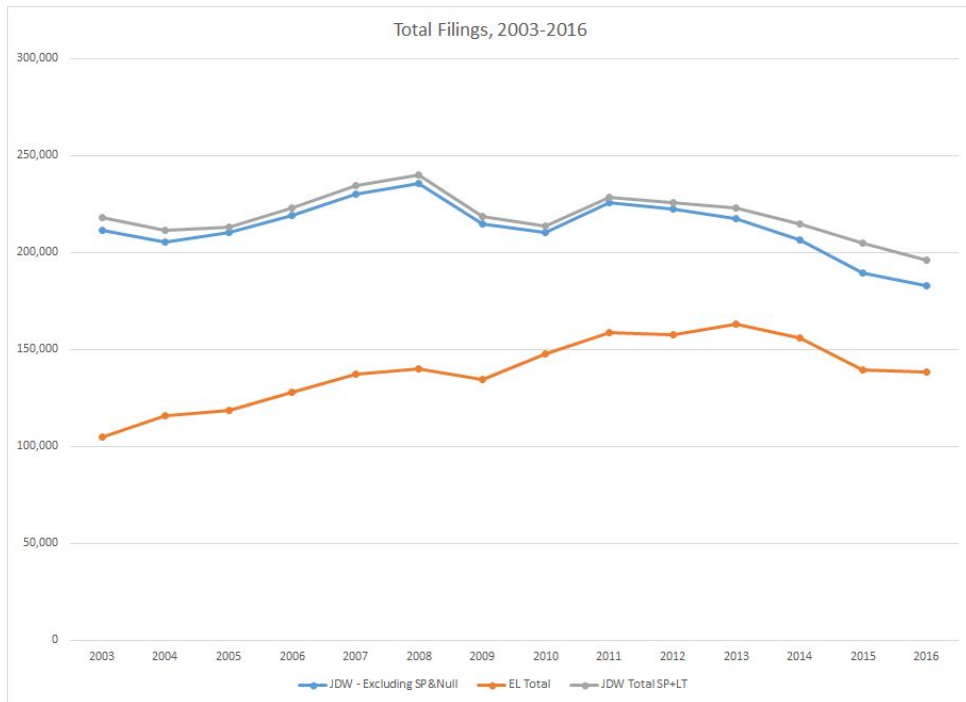- Domestic violence survivors (Desmond and Valdez, 2013)

Data Sources
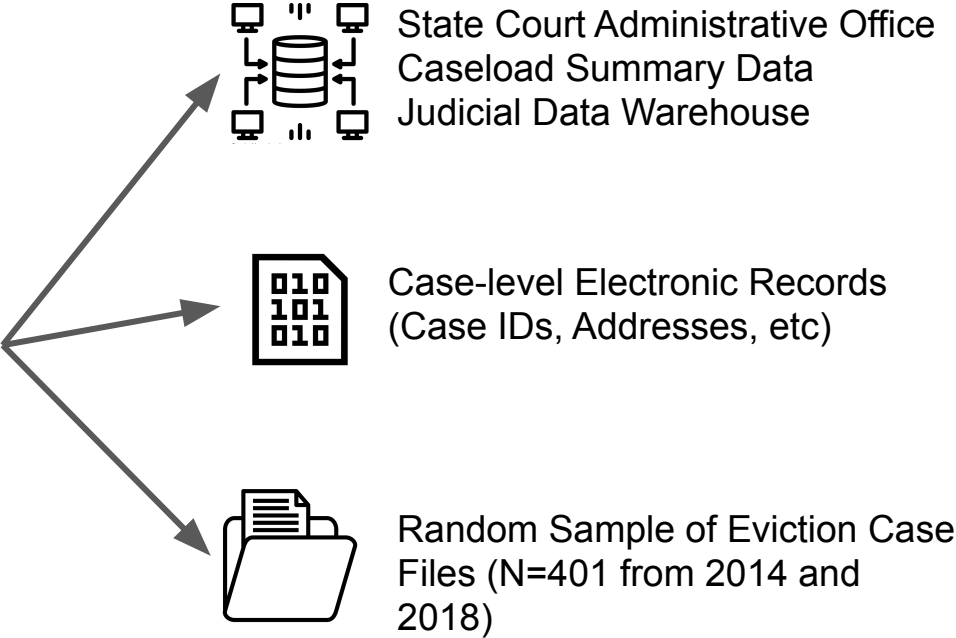
	Statewide	Washtenaw County
State Court Administrative Office Caseload Summary Data Judicial Data Warehouse	✓	✓
Case-level Electronic Records (Case IDs, Addresses, etc)		✓
Random Sample of Eviction Case Files (N=401 from 2014 and 2018)		✓

Local Courts

Basic Findings: Eviction Lab Undercounts Michigan Evictions

Total Filings, 2003-2016

- The undercount of cases has narrowed slightly in recent years, but the Eviction Lab data still only contained **70%** of the case filings in 2016
- This gap is acknowledged in their methodology but many people are still using the data to understand evictions in Michigan

Comparison excludes data points where Eviction Lab does not present data (null observations)

The Completeness of Eviction Lab Data Varies Widely by County

Boxplot of Total Missing Cases,
2014-2016, by County
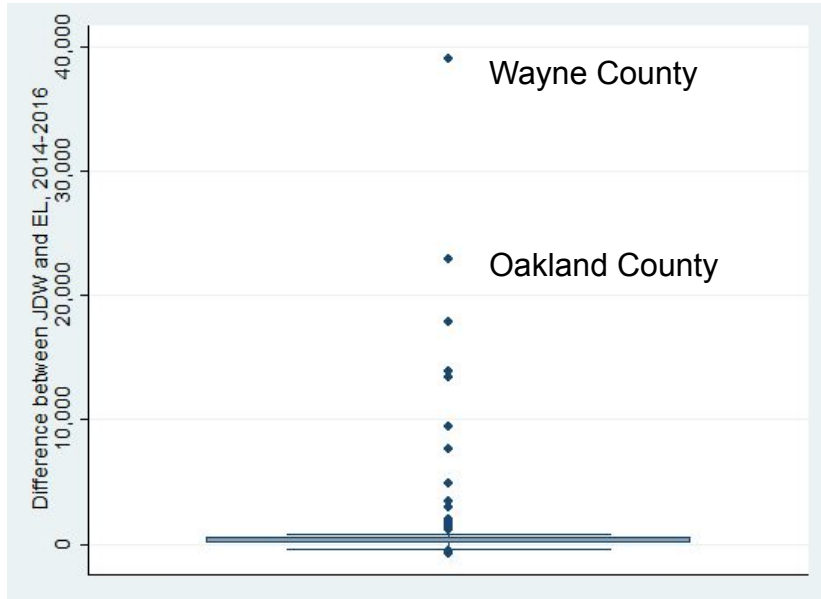
Boxplot of Eviction Lab Filings as % of
JDW Filings, 2014-2016, by County
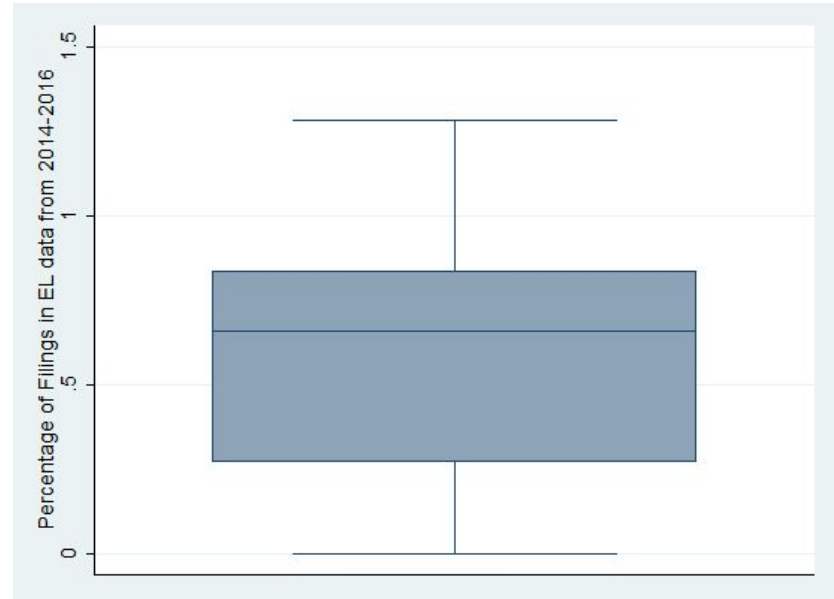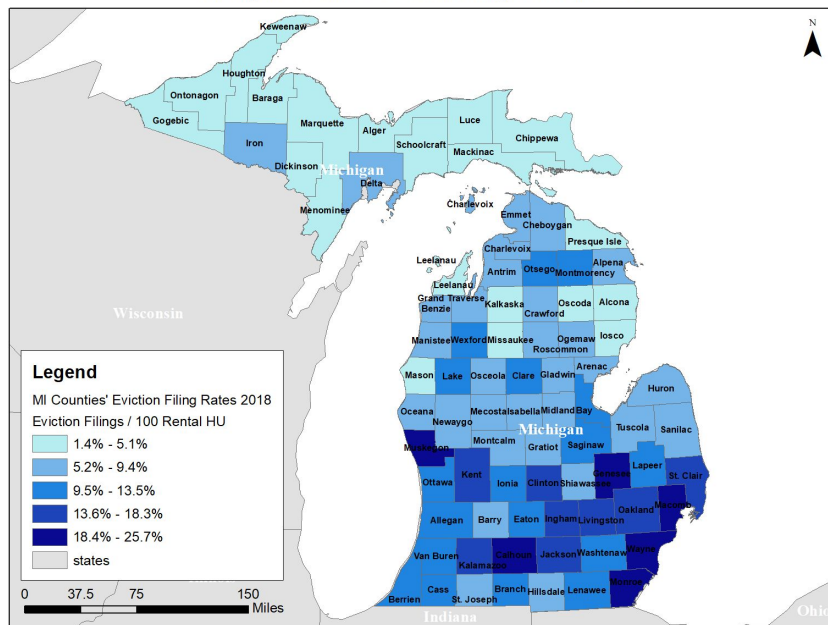

Excludes Schoolcraft (>800%) but small N

Even After the Great Recession, Landlords Continue to File a High Volume of Landlord-Tenant and Summary Proceeding (Land Contract) Eviction Cases in Michigan

Michigan Landlord-Tenant and Summary Proceedings Filings
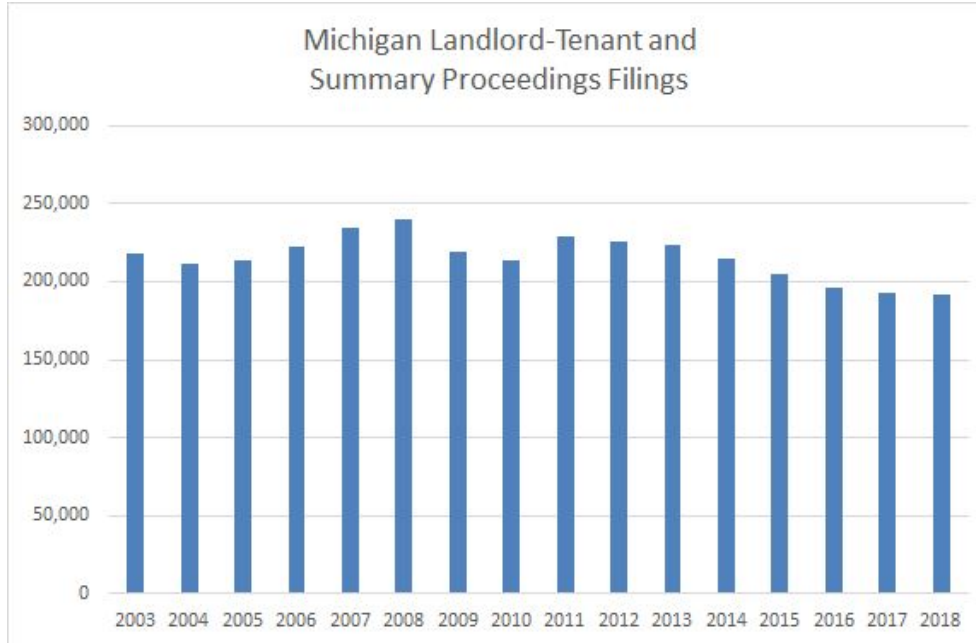
- In 2018, 191,512 cases were filed in Michigan District Courts, approximately **one case for every 7** rental housing units in the state
- Of these, in 2017 only 2% are "summary proceedings" cases, the term used for evictions related to land contracts, although we suspect this are much higher for specific cities

County-Level Map from Report

Michigan Counties' Eviction Filing Rates in 2018

Tract-Level Online Map

https://poverty.umich.edu/data-tools/michigan-evictions/

Lenawee County Case Data - Sample from Public Portal

Random Sample from 5,746 landlord-tenant cases N=200	%
Representation	
Plaintiff had Attorney	71 % ± 4.4
Defendant had Attorney	4 % ± 1.9
Case Outcomes	
Default Judgment for Landlord Issued	55 % ± 4.9
Landlord Dismisses Case	34 % ± 4.6
Other (tenant files answer or motions)	11%
Evictions	
Order of Eviction Entered	39 % ± 4.8
Writ Served/Posted	37 % ± 4.7

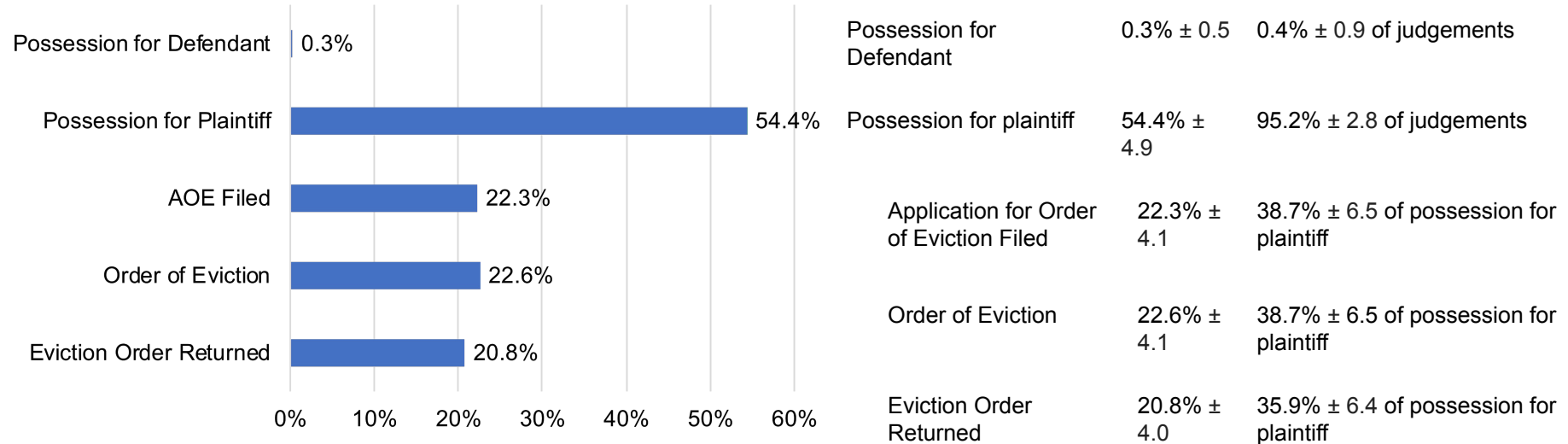*Created from manual data entry for a random sample of cases from public case management system portal*

In 2018, Lenawee had **888** landlord-tenant cases filed, based on this estimate, that would result in **329** orders of evictions served. Other tenants may move out earlier in the legal process.

Washtenaw County Findings - From paper files for sample
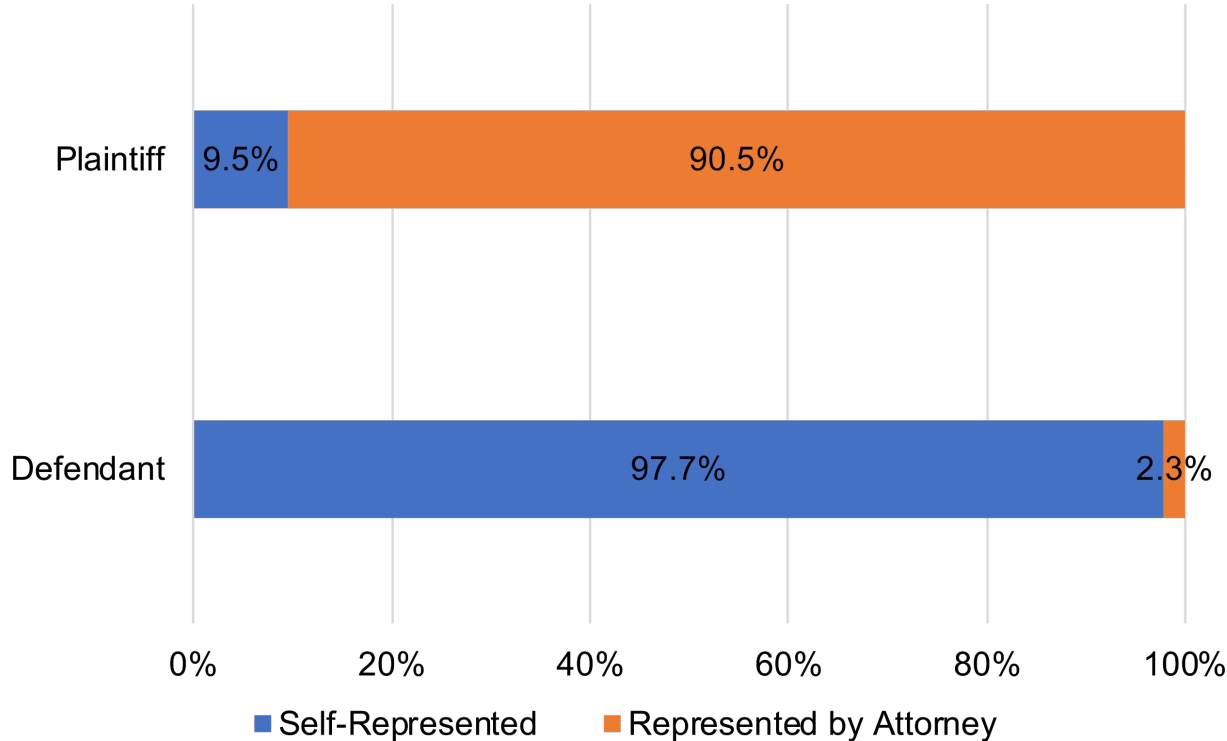
Among nonpayment cases (92%):
- Average Amount Due: **$1,107**
- **1.56 months' rent**, on average

Outcomes for Cases with Judgment Issued

	Percent of All Cases	Percent of Subcategories
Possession for Defendant — 0.3%	0.3% ± 0.5	0.4% ± 0.9 of judgements
Possession for Plaintiff — 54.4%	54.4% ± 4.9	95.2% ± 2.8 of judgements
AOE Filed — 22.3% (Application for Order of Eviction Filed)	22.3% ± 4.1	38.7% ± 6.5 of possession for plaintiff
Order of Eviction — 22.6%	22.6% ± 4.1	38.7% ± 6.5 of possession for plaintiff
Eviction Order Returned — 20.8%	20.8% ± 4.0	35.9% ± 6.4 of possession for plaintiff

Few Tenants Have Legal Representation

Representation Among Defendants, Plaintiffs

Statewide: 4.8% of plaintiffs/tenants, 83.2% of landlords (JDW)

Tenants With Attorneys Are More Likely to File an Answer, and Receive More Positive Outcomes

	Defendant Represented by Attorney	Defended Self-Represented
N	9	390
Positive Outcome for Tenant (%)	**66.7%**	**44.1%**
Dismissed (%)	55.6%	44.6%
Judgment for Defendant (%)	11.1%	0.0%
Judgement for Landlord (Plaintiff) (%)	**44.4%**	**54.6%**
Order of Eviction Returned (%)	33.3%	20.5%
Answer Filed by Tenant	**66.7%**	**0%**

Determinants Analysis

Outcome Variable: eviction case filings
Unit of analysis: Census tracts statewide (excluding courts not in JDW)
Our paper under revision for publication in *Housing Policy Debate*

- Analysis could be replicated/expanded for Kent County or Grand Rapids
- New research investigating eviction **filing rates for specific segments** of the housing market (e.g., investor-owned) [1]
- New focus on **serial evictions**, particular landlords or owners who file multiple eviction cases for particular units or tenants[2]

[1]Raymond, Elora Lee, Richard Duckworth, Benjamin Miller, Michael Lucas, and Shiraj Pokharel. 2018. "From Foreclosure to Eviction: Housing Insecurity in Corporate-Owned Single-Family Rentals." Cityscape: A Journal of Policy Development and Research 20 (3):159-188.
[2]Immergluck, Dan, Jeff Ernsthausen, Stephanie Earl, and Allison Powell. 2019. "Evictions, large owners, and serial filings: findings from Atlanta." Housing Studies:1-22. doi: 10.1080/02673037.2019.1639635.

Positive Relationship

Demographics:
- Percent African-American
- Percent single mother households
- Percent population under 18

Housing:
- Percent of housing units vacant
- Percent of households in multifamily structures
- Number of subsidized housing units
- Number of mortgage foreclosures
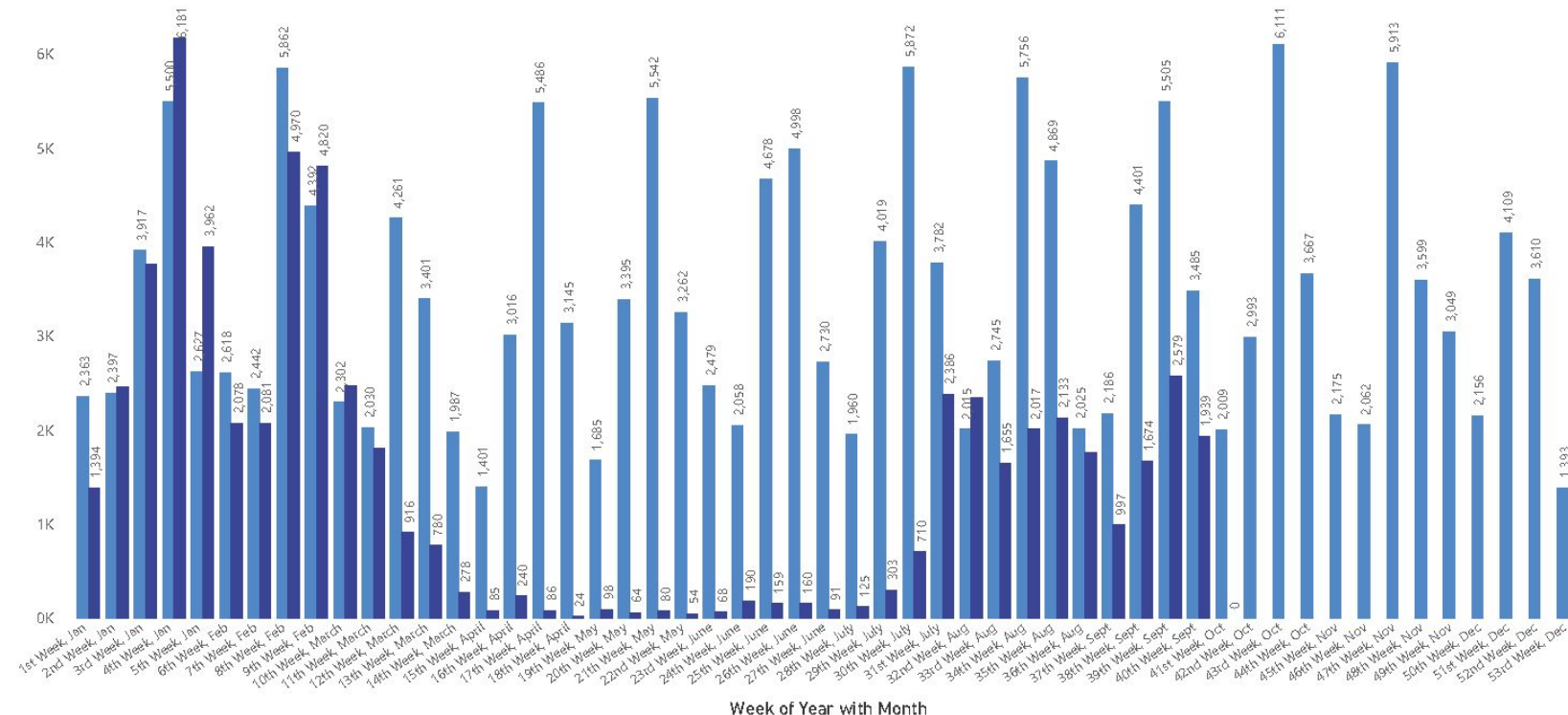- Percent of households living in mobile homes

Negative Relationship
- Percent population with associate's degree or higher
- Percent population in poverty
- Homeownership rate
- Number of tax foreclosures

No Relationship
- Job accessibility (measure of the number and proximity of jobs)
- Percent households cost-burdened
- Number of subsidized housing units
- Number of mobile home park sites
- Distance to nearest legal aid office
- In 5-day answer rule county

Landlord/Tenant New Filings 2019 to 2020

Year ● 2019 ● 2020

Week of Year with Month

Last Refresh Date
10/5/2020

Michigan eviction risk - Stout model

Eviction Prevention Policy Possibilities - City of Grand Rapids

Immediate

- **Support and Promote EDP Rental Assistance program**
- **Allocate CDBG-CV3 $ ($1.2M-Sept 11) to rental assistance**
- **Strengthen relationship with 61st District Court**
  - **Extension of SCt Admin Order 2020-17 as Local Rule**
  - **Resource sheet with eviction case summons & complaint**
- **Identify top serial evictors (landlords and mgt. cos)**
- **Collect demographic data within 61st District to better understand equity dimension**

Eviction Prevention Policy Possibilities - City of Grand Rapids

Longer Term

Ordinance actions

- **Create Right to Counsel Program**

- **Amend Property Maintenance Code (G.R. Code, Title VIII, Ch. 140)to prohibit eviction filing for property that is unregistered or lacks a certificate of compliance (and advocate for 61st District Court Local Rule to effectuate)**

Eviction Prevention Policy Possibilities - City of Grand Rapids

Ordinance actions (cont.)

- **Source of Income discrimination (G.R. City Code, Title IX, Ch. 160, Sec. 9.366. - Discriminatory Financial Practices) - amend to expressly include housing assistance, private right of action, and more vigorous enforcement**

- **"Fair Chance" admission policies considering criminal history - "individualized assessment**

- **Limits on rent late fee amounts and when they can be assessed**

Eviction Prevention Policy Possibilities - City of Grand Rapids

Enhancing Affordable Housing Opportunities

- **More funding at state and local levels (millage?)**

- **Balanced Policy (revitalization and housing choice in high opportunity areas)**

- **Regional Approaches (e.g., improving housing mobility and choice - in high opportunity neighborhoods, small market FMRs)**

Contacts

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