

**CAPITALISM
BREAKS MY HEART**



STOP EVICTIONS!



Tenant Information- Tax Foreclosed Home

If you received a yellow bag from the Wayne County Treasurer’s office on your door, your home is at risk of tax foreclosure because the owner has unpaid property taxes. Read this to learn more.

Quick Facts

- “Tax Foreclosure” happens when a property owner loses ownership due to unpaid taxes.
- The foreclosure deadline is March 31, 2021. If there are taxes owing back to 2018 or prior, the property may be foreclosed. (Note: Wayne County Treasurer may extend foreclosure deadline.)
- You can look up the foreclosure status online at pta.waynecounty.com.
- If the house is foreclosed in April, you may be able to withhold rent at that time but not sooner unless there are other legal reasons to do so. Seek counsel before withholding rent.
- Tenants are not responsible for the property taxes. Paying taxes will not make you the owner.
- Tenants are generally not responsible for home repairs. Repairing the home will not make you the owner. If there are urgent repair issues that you decide to fix, that is your decision.

If the house is not foreclosed -- If the landlord stops the foreclosure by paying the taxes or entering a payment plan, they are still the owner. You can continue to live in your home and pay rent.

If the home is foreclosed -- If your home is foreclosed, you may be able to **withhold rent**. You may be able to **buy your home in the Make it Home program**. Save money and attend a class in April to enroll.

Timeline

- **Jan 1- Mar 31:** Pay rent as normal unless you have a separate legal reason to withhold rent.
- **April 1:** We will know more about the foreclosure status of the home. Call UCHC or check pta.waynecounty.com. Renters in foreclosed homes may decide to withhold rent.
- **April - June:** If the house is foreclosed, stay put and save money:
 - Withhold rent by putting it in a dedicated savings account. UCHC offers a free TWA account where you can save the full monthly rent or more. *See next page for details.*
 - Wayne County Treasurer becomes the temporary owner when they foreclose. Wayne County Treasurer does not evict or collect rent.
 - The landlord may still have time to redeem the property from foreclosure if the Wayne County Treasurer extends the foreclosure deadline. You may owe back rent if this happens, so it is very important to withhold rent properly. *See next page for details.*
 - If you want to buy your home, attend the Make it Home program class in April-June.
 - If you receive a notice or court order for eviction, contact UCHC as soon as possible.
- **July:** The Make it Home deadline -- Renters who sign up and qualify for the Make it Home program may have an opportunity to purchase their home. *See Make it Home flyer for more information.*
- **Fall 2021:** If the house is foreclosed and you did not buy it in the Make it Home program, it may be sold in the public auction in September or October. The new owner should show you their deed before giving you any notice or entering any lease agreement, etc.



Withholding Rent

Tenants sometimes withhold rent if there are serious disputes with the landlord, such as major repairs or loss of ownership due to foreclosure. “Withholding rent” does **not** mean “not paying rent” it means “paying into a separate account”.

How to Withhold Rent Properly:

1. When it is time to pay rent, save your full monthly rent amount in a dedicated savings account.

Example: If your rent is \$700 per month, due on the 1st of the month, deposit \$700 into a savings account on the 1st of the month.

How: You can save into escrow through a bank. Or you can save with UCHC into TWA (Tenant Withholding) Account. You must save your full monthly rent amount. This money should not be mixed in with other types of savings nor should it be held in cash.

2. If you are withholding because of repair issues, follow these additional steps:

- Keep records to show that the landlord knew of the repair issue at least a month prior to withholding (e.g., dated photos, text message, letter, etc.)
- Give written notice to your landlord to tell them you are withholding rent and why. For help writing a letter, go to michiganlegalhelp.org/self-help-tools/housing/do-it-yourself-letter-landlord-repairs
- Contact Detroit Buildings and Safety (BSEED) at 313-224-2733 to find out if the home is rental registered and/or to request an inspection.
- Keep all receipts or proof of payment of rent.
- Take pictures of all repair issues and continue documenting if they worsen.
- Do not make any large repairs yourself without consulting a lawyer or expert.

If the situation is resolved:

- You may resume paying rent if the problems are resolved, such as if the landlord stops the foreclosure, becomes compliant with the City, or corrects the repair issues. You may be required to pay the withheld rent to the landlord, depending on the situation.
- When you withhold rent or don’t pay, you may risk having an eviction case brought against you. Call the Eviction Hotline (313-355-3352) if you receive a notice to quit, Complaint and Summons, etc. If landlord tries to illegally evict you without court order, call the police, stay inside, be ready to show proof of residence (like ID at the address, a utility bill in your name, lease, etc.)

United Community Housing Coalition and Michigan Legal Services
 2727 Second Ave, Suite 313, Detroit, MI 48201
 Tax Hotline 313-405-7726 | Eviction Hotline: 313-355-3352
www.uchcdetroit.org www.milegalservices.org

Detroit Guide to Landlord-Tenant & Fair Housing Laws



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

(October 2020)



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.

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://mjieducation.mi.gov/documents/benchbooks/27-11tbb/file>

Fair Housing

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

Fair Housing Center of Metropolitan Detroit

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CERA

COVID Emergency Rental Assistance



**IF YOU NEED RENT AND UTILITY ASSISTANCE,
APPLY ONLINE TODAY**

RENT ASSISTANCE

Up to 12 months of back rent assistance, with 3 months of forward rent for lowest income tenants.

UTILITY ASSISTANCE

Includes water, sewer, heat and electricity. Assistance is based on household size, but the maximum amount is \$2,500. Internet stipend is also available for those who present a bill.

Visit www.WayneMetro.org/CERA to apply and to learn more information

OR CALL IF YOU NEED HELP NAVIGATING OR COMPLETING THE ONLINE APPLICATION:

Detroit, Hamtramck, or Highland Park: **(866) 313-2520**

All other areas in Wayne County: **(734) 284-6999**



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