

COMMENTARY

A trip to Detroit's 36th District Court

By Gerard V. Mantese
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The idea for a trip to Detroit's 36th District Court, the Landlord-Tenant Division, was inspired by reading the New York Times bestseller, "Evicted." Written by Harvard sociologist and Professor Matthew Desmond, "Evicted" explores how the loss of housing devastates families in our country.

Professor Desmond makes the case that adequate housing is perhaps a person's most vital need as the lack of a stable place to call home makes it impossible for people to sustain stable employment, focus educational efforts, and maintain physical and mental health. Anyone who visits Detroit's 36th District Court witnesses in a very direct way the hardships imposed by evictions in Detroit.

Yet, we see at work in the 36th District Court heroic attempts, on a daily basis, to provide guidance to vulnerable tenants facing an order of eviction, often without having another apartment awaiting the family in distress. Some of the assistance is as fundamental as providing the location of the nearest shelter that might be available to a family searching for a temporary place to live after an eviction.

Worried questions ranging from housing options to what to expect during the legal process are all part of the daily experience at the 36th District Court. Although some of these questions may be answered on the 36th District Court's website, some of these individuals either do not have access to internet services or require more personalized assistance to meet their particular needs. It is no wonder that the docket call is emotionally wrenching for anyone who observes the proceedings.

In one such case, a woman steps forward as her case is called by the bailiff. As she attempts to explain the reason for why she did not pay her rent, it does not escape those in the courtroom that she is frightened about being evicted from her home. This is a daily occurrence in the courtroom. The raw truth is not lost on anyone in the courtroom — the judge, the bailiff,

the court clerk, and the attorneys, that in this case, an order of eviction will be entered. This is the law of the land: If you cannot pay your rent, you will be evicted.

Legal representation is not the over-riding cure for all housing issues, but legal representation provides a source of hope and prevents abuses of tenants. Tenants sometimes find themselves the victims of evictions triggered in response to a request for repairs. Or they may have difficulty negotiating sufficient time to find other housing, or may be unable to access their security deposits necessary to secure another apartment.

Individuals may also be caught in the crossfire of a foreclosure resulting in an eviction. In a report for the Wayne County treasurer, published in June 2016, the survey found that, "Renters were generally less aware than owners that their house was going into foreclosure. Only 43 percent of renters were aware of the impending foreclosure, compared to 52 percent of owner occupants. Extra efforts must be made to reach out to renters directly and in person to prevent them from unexpected property loss."

No one can measure the loss felt by financially stressed families who watch helplessly as their personal belongings are removed from a home or apartment. The need for help has motivated attorneys to participate in pro bono programs to help tenants with landlord-tenant difficulties.

There is a small army of dedicated individuals who bear the main brunt of the work, such as the United Community Housing Coalition (UCHC). UCHC provides housing and legal assistance to Detroit's low-income tenants. The UCHC attorneys and legal assistants are there every week, steadfastly assisting families facing eviction. Some private attorneys have also chosen to assist these struggling tenants in addressing their housing needs.

The Pro Bono Month 2016 Final Report of the State Bar of Michigan states, "In Michigan, pro bono involves both service and money. Making a donation to the ATJ (Access to Justice Fund) is a way for lawyers who are not able to provide service to

meet the Pro Bono Standard. But many lawyers generously give both service and money, which is wonderful because the need for both is so great these days.

"Since 1997, the ATJ has raised more than \$15 million to support a statewide network of nonprofit legal aid programs." The report further states, "Michigan lawyers take seriously their obligation to provide significant pro bono legal services and contribute financially to legal aid programs."

If you decide to take the trip to the 36th District Court, you will see the small cadre of attorneys on the front lines trying to make a difference in a person's life — one client by one, one case at a time. There is heartache in every case. No story is the same, but the theme is the same and the need is the same — the need to have a safe place to live, to study, to work, to raise a family.

In one case, a mother with a young daughter complained about mice in her apartment and then was faced with eviction proceedings. In another, a young woman lost her job, was unable to pay her rent and was given two weeks to cure the deficiency. In case after case, legal and financial help are needed.

Our community — our shared humanity — all depends on whether we can successfully move forward to have a city and state that make serious efforts to eliminate the housing problems experienced by people in our community. Professor Desmond argues for a national financial housing credit, which he believes would pay for itself in avoided evictions and related financial dislocation.

The problem is not going to go away by ignoring the people who live on the streets of Detroit. Everyone is part of the larger solution. The attorneys who have chosen to make a difference and who appreciate the lessons of "Evicted" are determined to help everyone have a place to call home.

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