

# Market Research for Evictions in the USA

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## **Introduction**

This research contains information, statistics and trends for evictions in the USA.

Data gathered are nationwide with focus on Michigan and San Francisco's eviction crisis.

## Unaffordable America: Poverty, housing, and eviction

Between 1991 and 2013, the percentage of renter households in America dedicating under 30 percent of their income to housing costs fell from 54 percent to 43 percent. During that same time, the percentage of renter households paying at least half of their income to housing costs rose from 21 percent to 30 percent. African American and Hispanic American families, the majority of whom rent their housing, were disproportionately affected by these trends. In 2013, 23 percent of black renting families and 25 percent of Hispanic renting families spent at least half of their income on housing.<sup>2</sup> Renter households below the poverty line have been the hardest hit by the surge in housing burden in the United States (see Figure 1). The percentage of poor renting households dedicating less than 30 percent of their income to housing fell from 27 percent to 19 percent between 1991 and 2013. Meanwhile, the percentage dedicating at least half of their income to housing rose from 42 percent to 52 percent. Today, the majority of poor renting families spend at least half of their income on housing costs. And almost a quarter—representing over a million families—dedicate over 70 percent of their income to pay rent and keep the lights on.

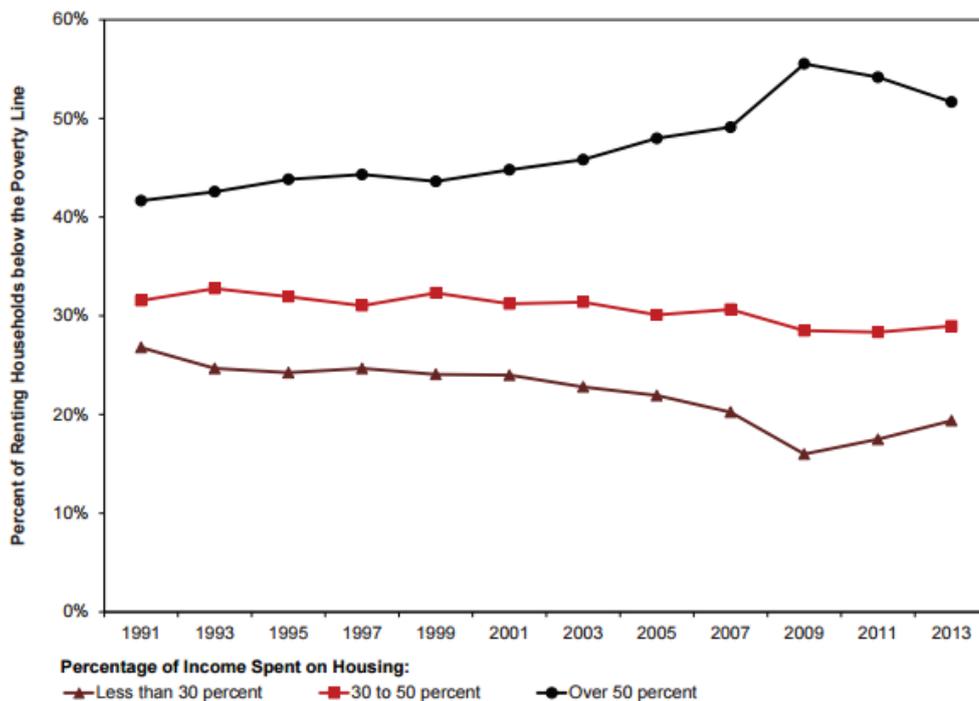
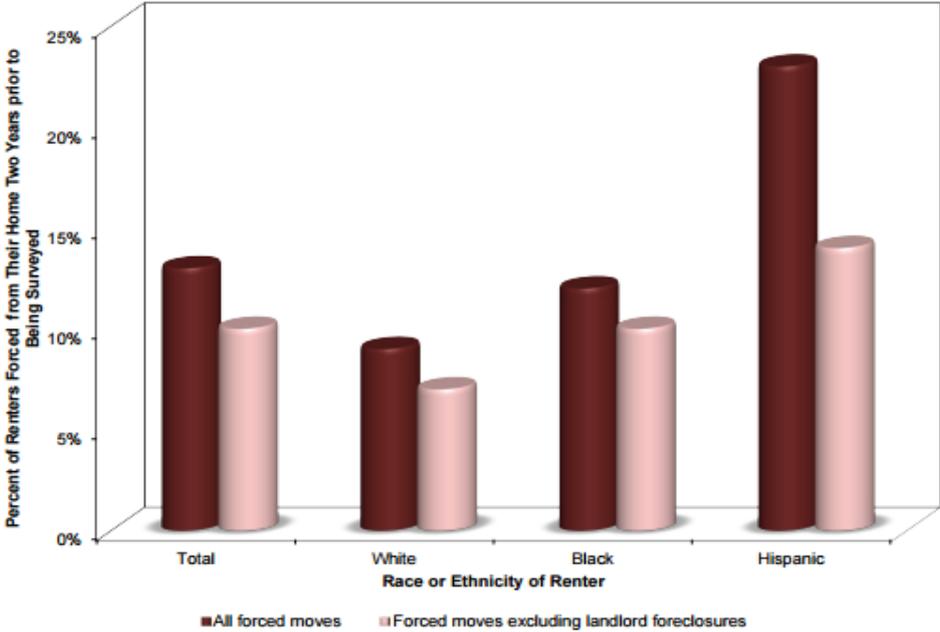


Figure 1. Most poor renting families spend over half of their income on housing.

The increasing proportion of poor families paying at least half of their income to housing is the result of a combination of three factors: rents and utility costs have soared, incomes of the poor have fallen or flat-lined and federal assistance has failed to bridge the gap. From 2001 to 2010, median rents increased by roughly 21 percent in Midwestern and Western regions, by 26 percent in the South, and by 37.2 percent in the Northeast (in current dollars). Utility costs, too, have jumped. Since 2000, the cost of fuels and utilities has risen by over 53 percent, owing to increasing global demand and the expiration of price caps. These large-scale trends affect everyone but especially the poor.

Who gets evicted? Low-income women, especially poor black women, are at high risk of eviction. Women living in black neighborhoods in Milwaukee represent 9.6 percent of the population, but 30 percent of evictions. Among renters, over one in five black women report having been evicted sometime in their adult life. The same is true for roughly one in twelve Hispanic women, and one in fifteen white women. If incarceration has become typical in the lives of men from impoverished black neighborhoods, eviction has become typical in the lives of women from these neighborhoods. Relatedly, children also are at heightened risk of eviction. Milwaukee neighborhoods with a greater proportion of children have more evictions, even after controlling for their poverty rate, racial composition, percentage of female headed households, and a number of other factors. And among tenants who appear in court, children play a major role in determining who receives an eviction judgment. If a tenant in eviction court lives with children, her or his odds of receiving an eviction judgment almost triple, even after taking into account how much is owed to the landlord, household income, and several other key factors.<sup>14</sup> Children do not shield families from eviction, but rather they often expose them to it.



## Top Trends in Eviction

What's new in post-foreclosure evictions?

Well, for one thing, the Protecting Tenants at Foreclosure Act (PTFA), a federal law passed in 2009 under Dodd-Frank that is designed to protect tenants in foreclosed homes, continues to elongate the foreclosure process by giving tenants and former owners of foreclosed properties the opportunity to remain in their current homes for an automatic 90 days - and possibly longer based on a lease - after the owner has taken possession.

“This law has given people the opportunity to say, ‘Hey, I’m a tenant, I get to stay longer,’” says Kayo Manson-Tompkins, managing eviction and foreclosure attorney at The Wolf Firm, based in the non-judicial state of California. “And, of course, California decided in 2013 to have its own statute [The California Homeowner Bill of Rights, or HOBOR], which is pretty much the same as PTFA. Most of the judges now look to what the California statute says.”

The big problem with HOBOR, Manson-Tompkins says, is that it is being interpreted inconsistently, with some judges deciding that the former owner qualifies as a “tenant,” and thus should be allowed to stay in the property longer, and others deciding the opposite.

“Suppose the former owner is still living in the property: They’re not bona fide tenants - they don’t have 100 percent occupancy of the property,” she says. “But some judges might say, ‘Yeah, but they’re a tenant, they should be given longer than the three days [normally allowed under state law to vacate or appeal].”

Meanwhile, former owners are getting good at coming up with fake leases.

“We have a lot of creative people, most of them former owners, who are claiming that they are a tenant and have produced some form of rental agreement,” Manson-Tompkins says, adding that anyone can get a standard lease form at a Staples or OfficeDepot.

She says the State of California is only aggravating the problem for servicers by notifying homeowners of their rights. “Under state law, there is now a requirement that the foreclosure trustee must attach a notice that basically gives the former owner a way to stay in the property,” Manson-

Tompkins says. “It basically tells the former owner or tenant, ‘Hey, you get 90 days - and if you have an unexpired lease, you can stay longer. And if you’re in a just-cause eviction city, you may not have to move at all.’ To me, this is opening the door to abuse.”

The other problem is that this results in a waste of time and resources - particularly for the attorneys.

“I have to become Sherlock Holmes in order to figure out these leases,” Manson-Tompkins says, adding that the owner on the lease often turns out to be a bogus company - or a fraudster who changed the locks, took first and last month’s rent, and then disappeared.

Meanwhile, over in the non-judicial state of Virginia, Kelly Gring, an attorney with Glasser & Glasser, says she is seeing “fewer and fewer suits or motions for injunction or anything to stop a foreclosure prior to getting the sale,” including complaints brought under PTFA. “We saw a big wave of those and now, consumer counsel has pretty much determined that they can potentially get damages as opposed to a declaratory judgement or an advisory opinion from the court by waiting until post-foreclosure to file a suit.

“We’re a substitute trustee state,” Gring explains. “So we just have to have a substitute trustee call in foreclosure sales on the courthouse steps - we don’t actually file anything until the eviction stage. In fact, we don’t even know that an attorney is even involved [with the foreclosure] until after we have already gotten to sale - and sometimes not until we’ve had our first court date on an eviction proceeding.”

Gring says since 1808 in Virginia, “You cannot try title or try to overturn the foreclosure sale by claiming that there was something wrong with an assignment or securitization - you can’t do that in an unlawful detainer proceeding.”

“In Virginia, we are not required to record assignments or even have them,” she adds. “We are a deed-of-trust-follows-the-note state - so if you are in possession of a note, you can enforce the deed of trust whether you ever assign the interest or not - providing there is no signed endorsement on the back of the note. It’s just like a blank check, and if you hold it, you can fill it in and enforce it.”

Gring says she is concerned that neighboring non-judicial state Tennessee is “trending away from the idea that a former owner can challenge the foreclosure sale as an affirmative defense to an eviction proceeding.”

“It’s a neighboring state, so that creates a problem, because it might put pressure on Virginia to adopt similar measures,” she says.

In another reversal, Tennessee recently ruled that if a former owner appeals a foreclosure proceeding, and the appeal bond requirement isn't met, the owner is no longer able to get default possession as a result of that misstep.

"You still need to have some kind of hearing and you need to do some sort of an eviction proceeding in the higher courts," Gring says.

Looking at the big picture, the overall number of post-foreclosure evictions is down, due mainly to the major reduction in foreclosure volume. Still, some of the attorneys *SM* interviewed say the ratio of evictions to foreclosures may have increased in recent years because former owners are trying to find more ways to delay action.

"No doubt, the number of defaults has dropped considerably - 2008-2010 was when we saw the post-foreclosure evictions peak," says Jessica Rice, an attorney with Trott & Trott, a law firm based in the non-judicial state of Michigan. "As of late, the file volumes are much lower, which in turn has significantly reduced the number of evictions we are handling."

Rice reports that while most former owners are cooperative, when it comes to evictions, "You're always going to have those people who refuse to move out and who are going to use the judicial system who are going to use the judicial system to elongate things - by putting stays in place and by filing things that are maybe frivolous, just to get another month or two in the property." This is mostly due to "a change of mind-set" that has taken place, she says. Increasingly, homeowners are deciding to fight foreclosure, in part based on the advice of friends and family members.

Carl McGehee, managing partner, closing and evictions, with the Georgia-based law firm McCalla Raymer, reports that in his non-judicial state, "The rate of default has dropped by 40 percent to 50 percent - we're probably back to the 2004 level in terms of the number of evictions we receive."

Interestingly, McGehee attributes the recent decline in the number of evictions, in part, to increased investor activity.

"BlackRock, Colony and the other big REO investment firms have been very active in our state in recent months - so far, they have purchased somewhere in the range of 15,000 properties - and they are on the courthouse steps every week buying up all these REO homes," McGehee says. "In the last 60 days, they were buying 30 percent to 40 percent of those properties - so that means those properties never made it to the servicers' evictions departments."

Stuart Gordon, partner, closing and evictions, also with McCalla Raymer, adds that although the number of evictions is way down, "We're finding that most of the occupants or borrowers - the defendants - are appealing almost every time, regardless of what the order is."

“Even if it is a dismissal, they will appeal the dismissal,” he says. “And sometimes what they do is appeal to a court that has no jurisdiction over eviction, just to delay.”

“In Georgia, as in most states, if you are a debtor, typically the law affords you very few protections as a holdover tenant post-foreclosure or tenant ad sufferance,” McGehee adds. “As a former owner, you have very few - in fact, almost no - defenses if you go into a hearing before the magistrate. In Georgia, you have seven days to move out once the magistrate rules on possession, and that’s it - you can’t even say you’re mortgage was messed up.”

That fact, however, doesn’t stop people from trying to delay. McGehee says sometimes a former owner will file an appeal in the magistrate court but then also file in state superior court.

“Without question, these types of tactics slow down the process,” he adds. “But for whatever reason, in the southeastern U.S., the debtors tend to be not as aggressive - whereas in the Northeast, for example, New York, they are incredibly aggressive. Same thing in California - they can draw the process out for months and years. We don’t see those types of delays here in Georgia, because as a non-judicial state, we have a very streamlined process.”

[http://www.mortgageorb.com/online/issues/SVM1410/FEAT\\_04\\_Top-Trends-In-Eviction.html](http://www.mortgageorb.com/online/issues/SVM1410/FEAT_04_Top-Trends-In-Eviction.html)  
(2014)

## **Rents are soaring -- and so are evictions**

**In cities across the United States, millions of people will be kicked out of their homes this year.**

Some can't afford their soaring rent, others are getting evicted over minor violations by landlords eager to get higher paying tenants in place.

Rents have risen 7% in the past year, while incomes have inched just 1.8% higher -- making it that much harder for people to afford their housing payments. In fact, the average renter now spends 30% of their income on rent, up from a longtime average of about 25%, according to Zillow.

One big emergency or unexpected expense and it can mean a missed payment -- and an eviction notice.

The Neighborhood Law Clinic at the University of Wisconsin Law School estimates that several million families a year face evictions nationwide. In Milwaukee County alone, eviction notices were up by about 10% in 2013. Statewide, they've risen 10 years straight to about 28,000 a year.

In Georgia, there was one eviction notice filed for every five rental households, more than 200,000 total filings last year. Many cases involved renters who were unable to keep up with rent increases.

Most evictions from Baltimore's public housing are for just causes like failing to pay rent, hoarding and noise complaints, said Shawn Boehringer, chief counsel at Maryland Legal Aid. But other evictions are occurring as some subsidized, low-income buildings are being converted into middle-income or luxury housing.

For the displaced, it can be a long road back. Once renters are out, most landlords don't want them. They often wind up in substandard housing with leaky roofs, broken windows, rodent infestations and no heat, said Boehringer. "It's a tremendous hardship for them."

Even for the solidly middle class, evictions can force families out of familiar neighborhoods and make it harder to rent new homes.

In San Francisco, an influx of thousands of highly-paid tech workers has sent rents soaring and longstanding tenants are being pushed out as landlords seek to make a small fortune by selling their buildings or converting the units into condos.

The city's Rent Board reported 2,064 wrongful eviction appeals during the 12 months ended last June, up 45% since 2011. The total number of evictions has surpassed 5,000.

Tom Gullicksen, the director of the San Francisco Tenants Union, said the same thing happened during the dot-com boom. As a result, the city lost a large number of middle and working class residents.

"But this time is the worst," he said. "It has made the city less diverse, less artistic and, definitely, less cool."

Affordable apartments have been converted into million-dollar condos. Mom-and-pop stores have become expensive boutiques. Teachers, policemen and nurses have moved to places like

Oakland and distant suburbs like Concord and Hayward, which are also getting very expensive but are still more affordable than the city.

[http://money.cnn.com/2014/10/29/real\\_estate/evicted](http://money.cnn.com/2014/10/29/real_estate/evicted) (2014)

### **Mass Rent-Control Evictions Doubled in Los Angeles Last Year**

Mass evictions of rent-controlled buildings are the hot new thing in Los Angeles—in 2014, there were more than double the number in 2013, which was in turn a 40 percent increase over 2012 (the trend began in 2009). Using California's Ellis Act, landlords can evict all of their tenants, so long as the landlord then sells the building, turns the apartments into condos, or allows the building to be vacant for at least five years. According to the latest numbers from the Los Angeles Housing and Community Investment Department, via KPCC, in 2013, landlords evicted people from 308 rent-controlled apartments using the Ellis Act; in 2014, that number rose to **725 apartments**. "Every rent-controlled tenant should be worried, and **it's going to get worse**," says Larry Gross of the Coalition for Economic Survival.

The general manager for the LA Housing and Community Investment Department says that this uptick in evictions began in 2009, but it's been a long time since the eviction total jumped by this much (235 percent from 2013 to 2014), although it's still not at a high for the decade yet. In 2005, at the height of the real estate bubble, **5,425** units were cleared out; in 2006, 4,206 rent-controlled units dropped off the market via the Ellis Act. The eviction numbers are expected to keep rising this year and into the future, though, as housing prices rise and the demand continues to far exceed the supply of housing.

According to Gross, affected areas "span from Venice, cut through Hollywood and Koreatown, and encompass parts of Silver Lake and Echo Park"; over in the Valley, there's a "hotspot" in Sherman Oaks, Studio City, and Valley Village that seems to be affecting people who work in entertainment—notably members of the Screen Actors Guild and the American Federation of Television and Radio Artists—in numbers that Gross says he hasn't seen before. Incidentally, those areas track closely with the neighborhoods that have the vast majority of short-term Airbnb units in Los Angeles; a recent study examined how the rash of vacation rental is affecting the regular rental market in those places. (Meanwhile, in neighboring Santa Monica, the number of Ellis Act evictions nearly tripled between 2013 and 2014.)

Sure, landlords want to take advantage of an expensive real estate market and get out of the rent control game, but with LA's dire housing crisis—especially for affordable housing—the people who get booted from these apartments likely have increasing fewer options for where to go next. "This is just another sign that there's real pressure in affordable housing in Los Angeles," says a professor from USC's Sol Price School of Public Policy.

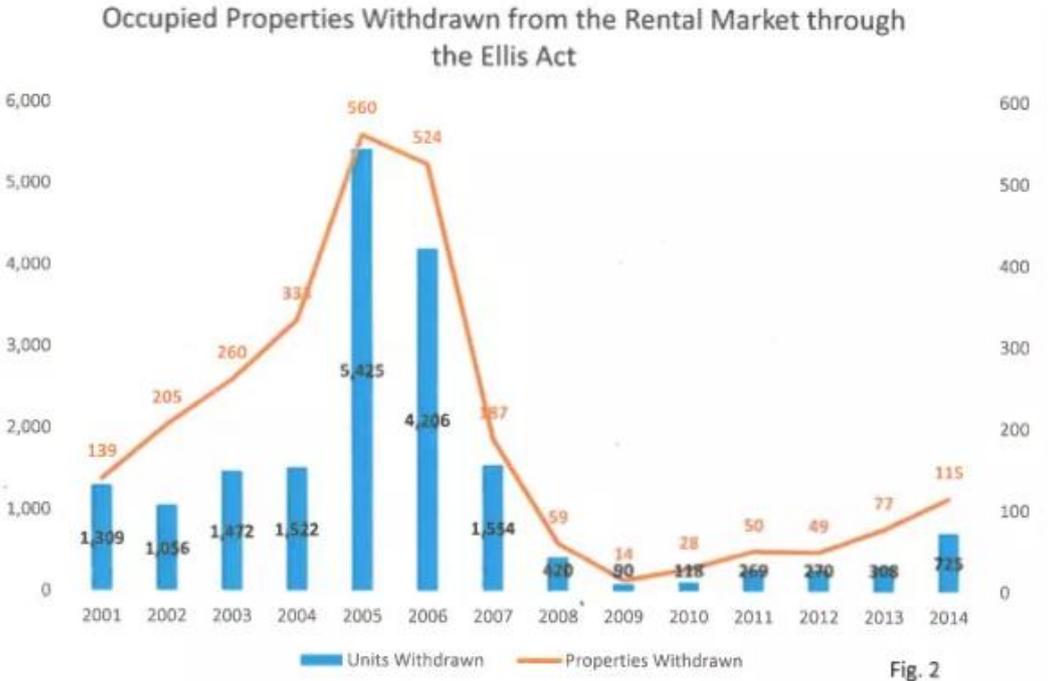


Fig. 2

Year	Units Withdrawn	Properties Withdrawn	Average Units per Property
2001	1,309	139	9
2002	1,056	205	5
2003	1,472	260	6
2004	1,522	333	5
2005	5,425	560	10
2006	4,206	524	8
2007	1,554	187	8
2008	420	59	7
2009	90	14	6
2010	118	28	4
2011	269	50	5
2012	270	49	6
2013	308	77	4
2014	725	115	6
	<b>18,744</b>	<b>2,600</b>	

Fig. 1

## **The US Is in the Midst of an Eviction Crisis**

San Francisco -- with its tech boom and housing crunch -- is infamous for Ellis Act evictions that force tenants out of a building and allow the landlord to "go out of business."

In practice, that means that many tenants are evicted from homes in up-and-coming neighborhoods. Landlords realize that they might make more profit with condominiums or other use changes, including teardown and redevelopment.

The issue has attracted nationwide attention as San Francisco's tenants attempt to fight back. Some 2,000 people are evicted annually in the city.

But San Francisco isn't the only offender. In fact, across the U.S., there's a looming eviction problem, creating yet another iteration of the housing crisis that Americans have struggled with since the Recession.

Historically, evictions were quite rare, notes Matthew Desmond, who wrote an entire book about the situation. They were, in fact, so unusual that sometimes people gathered around to watch. In other instances, they became flashpoints for protest. Groups like Eviction Free San Francisco carry on that particular tradition today.

However, a number of colliding factors make them much more common. And mass evictions aren't just taking place in regions with hot real estate scenes like San Francisco, New York and Los Angeles -- another city with skyrocketing evictions, particularly in rent-controlled housing.

For one thing, people are spending a growing percentage of their income on rent, especially among low-income communities. General cost of living is on the rise too.

And wages are not keeping pace with inflation -- one reason California and New York recently signed \$15 minimum wage laws. Even with government assistance, tenants struggle, whether they're having difficulty paying for rent-controlled housing, accessing housing with rent vouchers or waiting for months -- or even years -- on public housing lists. It's also complicated and time-consuming to apply for assistance.

On the landlord side, growing real estate markets prove to be an irresistible temptation -- especially in neighborhoods that are rapidly gentrifying. Particularly for large property consortiums and developers,

there's an incentive to leverage real estate value, and the best return on investment isn't a handful of rent-controlled apartments. Upscale condos, or new buildings with many units can all be rented at higher price points.

That drives landlords across the country to seek opportunities for eviction, whether they take advantage of laws like the Ellis Act or crack down on people who fall behind on rent. Smaller landlords struggle with maintenance costs, property taxes and mortgages.

Rents interact closely with poverty. Some one third of Americans lack savings entirely. Many more are ill-prepared for unexpected financial events and live from paycheck to paycheck. When rent represents a huge proportion of their expenses, they may struggle to meet their other needs. Tenants can quickly find themselves falling behind.

What happens next can be a vicious cycle. Landlords evict tenants; they lose out on deposits -- and therefore don't have any money up front to get established in new housing; and when they seek new rentals, their negative history may count against them.

Consequently, tenants can find themselves trapped in a cycle where they bounce from rental to rental, unable to afford their rent. There are also substantial racial inequalities -- people of color tend to have lower wages and overall net worth, putting them at greater risk of eviction.

Eviction doesn't just have short term consequences. In the long term, it can be associated with depression and other mental health implications. Children, who may be yanked from schools and friends as their parents move, especially suffer. Families also lose belongings, including beloved items that may be important to children.

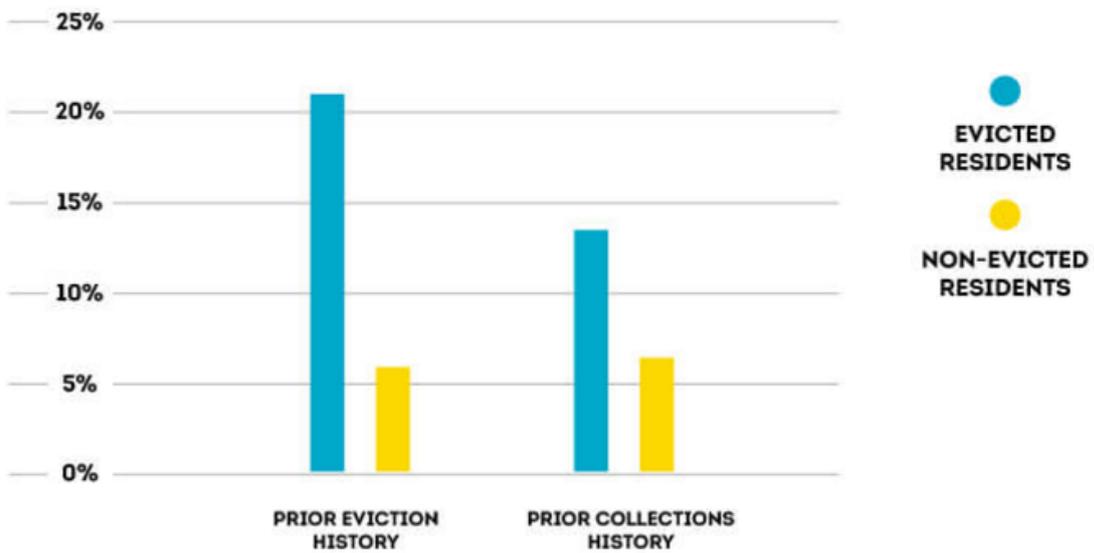
And some struggle to keep their pets. During the foreclosure crisis, many shelters noticed an uptick in owner surrender rates. Now, the same thing is happening as a result of the eviction crisis.

The social consequences of evictions are huge -- and the government is in the best position to do something about the situation. More aggressive development and promotion of public housing subsidies, increased wages and subsidized education would all be productive steps to lift people out of systemic poverty.

While these measures won't resolve all the problems associated with gentrification, they would make it much easier for displaced tenants to find new housing. And thoughtful policies could lower overall eviction rates by radically reducing the number of people thrown to the curb for an inability to pay rent.

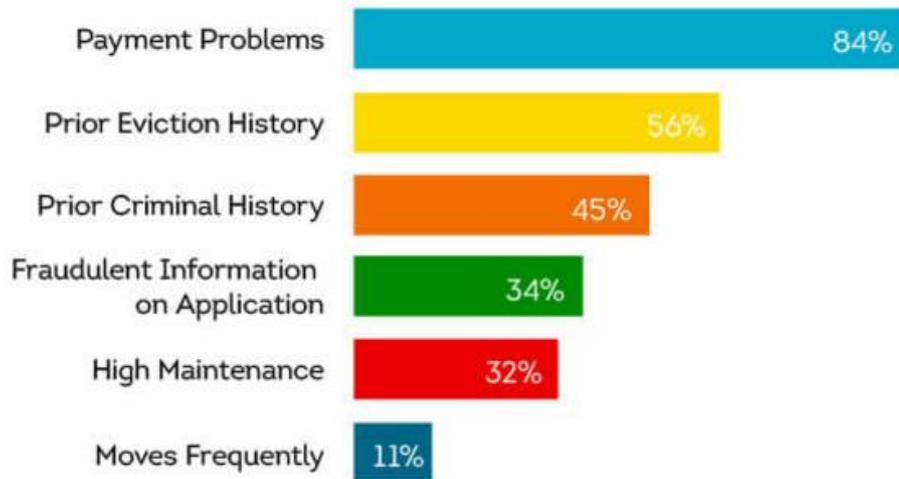
## EVICTED RESIDENTS

Evicted residents have nearly three times as many prior eviction and rental-related collection records than non-evicted residents



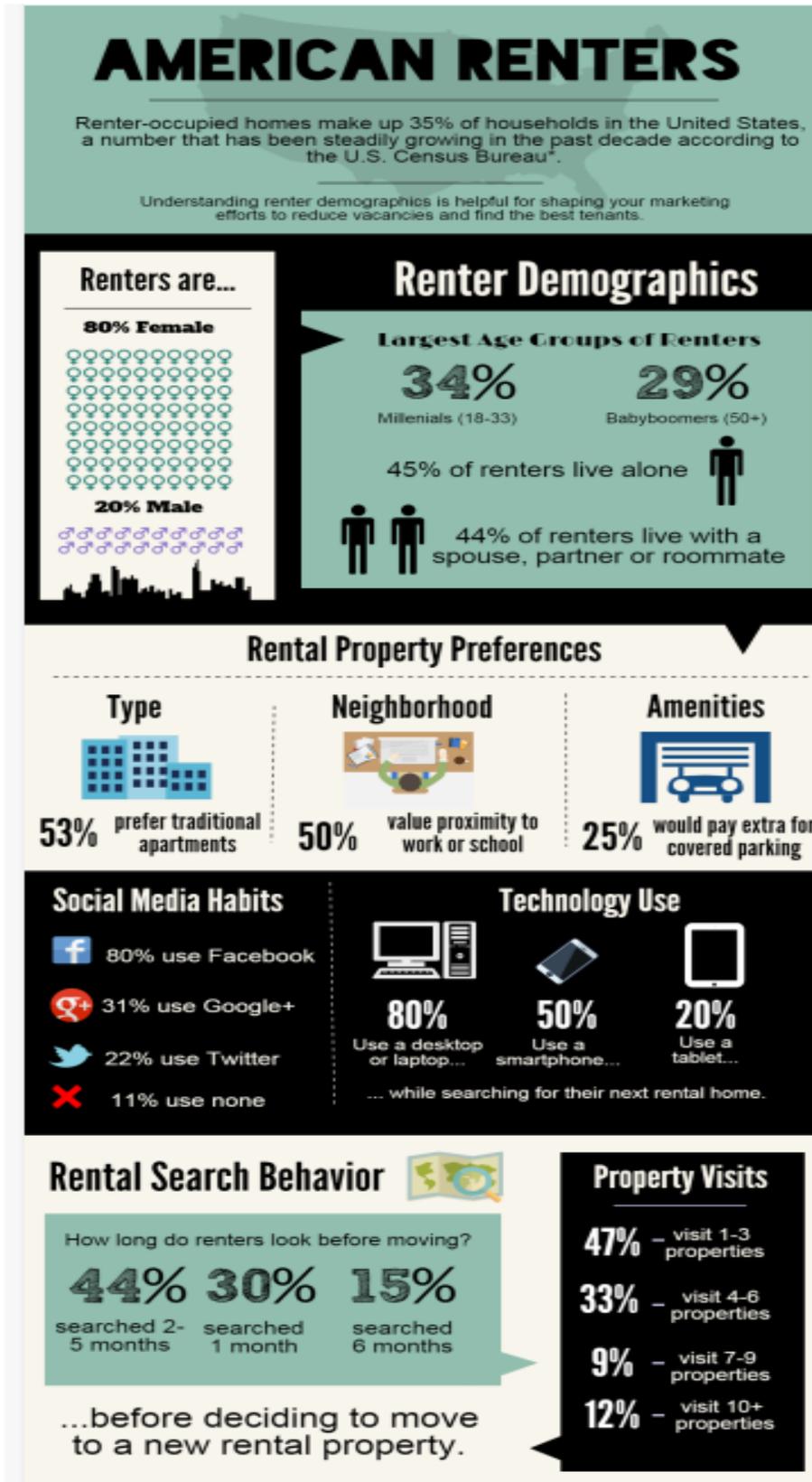
<https://www.mysmartmove.com/SmartMove/blog/true-cost-eviction.page>

## TOP LANDLORD CONCERNS ABOUT TENANTS



<https://www.mysmartmove.com/SmartMove/blog/true-cost-eviction.page>

# Demographics



### Rental Property Preferences

#### Type

**53%** prefer traditional apartments

#### Neighborhood

**50%** value proximity to work or school

#### Amenities

**25%** would pay extra for covered parking

### Social Media Habits

- 80% use Facebook
- 31% use Google+
- 22% use Twitter
- 11% use none

### Technology Use

**80%**

Use a desktop or laptop...

**50%**

Use a smartphone...

**20%**

Use a tablet...

... while searching for their next rental home.

### Rental Search Behavior

How long do renters look before moving?

**44%**

searched 2-5 months

**30%**

searched 1 month

**15%**

searched 6 months

...before deciding to move to a new rental property.

### Property Visits

- 47%** - visit 1-3 properties
- 33%** - visit 4-6 properties
- 9%** - visit 7-9 properties
- 12%** - visit 10+ properties

<http://ziegelgroup.com/tag/tenant/>

## U.S. Households: How Many Rent, How Many Own?

U.S. Households- Renters & Owners				
Type of Household	Households	% of U.S. Total	Residents	% of U.S. Total
Renter-Occupied	43,267,432	37%	110,175,847	35%
Owner-Occupied	73,991,995	63%	200,617,048	65%
<b>Total</b>	<b>117,259,427</b>	<b>100%</b>	<b>310,792,895</b>	<b>100%</b>

Source: NMHC tabulations of 2014 American Community Survey microdata. Updated 9/2015. Note: Does not include non-housing units.

Tenure by Age of Population				
Age Distribution	People in Rental Housing	Share	People in Owner-Occupied Housing	Share
Under 30 Years Old	55,916,372	51%	66,868,632	33%
30 to 44 Years Old	25,219,932	23%	35,872,732	18%
45 to 64 Years Old	20,214,476	18%	61,975,072	31%
65 Years and Older	8,421,411	8%	36,304,272	18%
<b>Total</b>	<b>109,772,192</b>	<b>100%</b>	<b>201,020,704</b>	<b>100%</b>

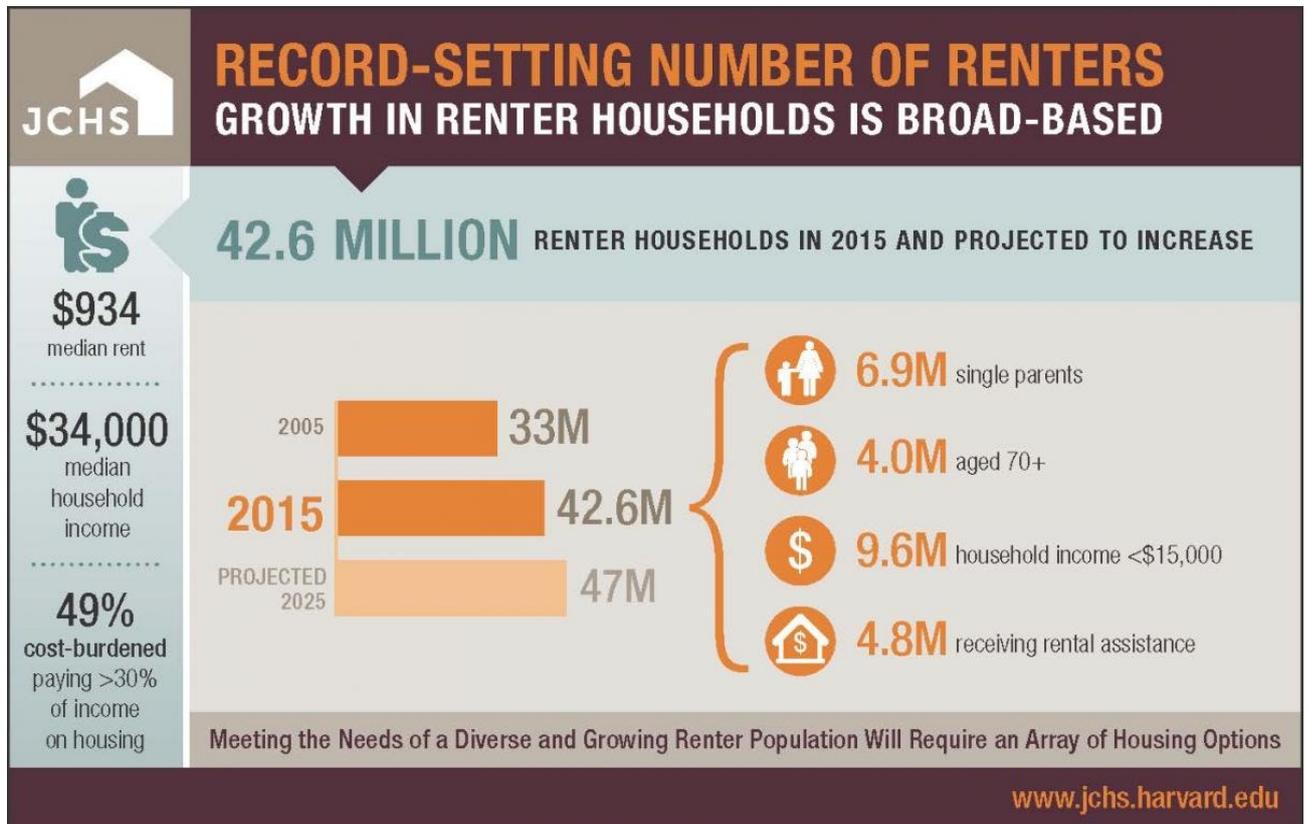
Source: NMHC tabulations of 2014 American Community Survey microdata. Updated 11/2015. Note: Does not include non-housing units.

Tenure by Age of Householder				
Age Distribution	Renter-Occupied Households	Share	Owner-Occupied Households	Share
Under 30 Years Old	9,609,909	22.26%	2,857,208	3.86%
30 to 44 Years Old	14,470,555	33.52%	16,099,568	21.73%
45 to 64 Years Old	12,986,941	30.08%	33,117,238	44.70%
65 Years and Older	6,108,623	14.15%	22,009,380	29.71%
<b>Total</b>	<b>43,176,028</b>	<b>100.00%</b>	<b>74,083,392</b>	<b>100%</b>

Source: NMHC tabulations of 2014 American Community Survey. Updated 11/2015. Note: Does not include non-housing units.

[http://www.nmhc.org/Content.aspx?id=4708#Apt\\_House\\_Income](http://www.nmhc.org/Content.aspx?id=4708#Apt_House_Income)

Total number of rental units:



Source: <http://www.jchs.harvard.edu/americas-rental-housing>

## **Dollars spent in legal fees associated with evictions**

Potential Costs of a Formal Eviction:

**Lost Rent:** \$3,000

Unpaid rent before, during, and after the eviction proceedings (3 months)

**Lawyer:** \$500

Legal fees to an attorney, if you hire one.

**Court Costs:** \$150

Court filing and administrative fees (varies by county).

**Sheriff:** \$50

Fees to hire the Sheriff to execute the Writ of Possession.

**Locksmith:** \$150

To change the locks on the day of the eviction.

**Repairs:** \$1,000

Malicious damage and junk removal – although less since you didn't lock them out.

**Cleaning fees:** \$500

Do you really think they are going to clean if you evict them?

**COST OF FORMAL EVICTION:** \$5,350

Obviously, these numbers will vary depending on your rent price, county, and whether or not your tenant vacates willingly. From what I've heard from other landlords, tenants do less malicious damage if you go through the court

## San Francisco's eviction crisis 2015

1. Over 8,500 tenants received eviction notices during the past five years.

This first stat is a doozy: 8,619 tenants officially received eviction notices from 2010 to 2015. Remember how the city has a population of about 900,000? Accounting for migration, that means that around 1% of the city was served eviction notices (remember, more than one person lives in most units).

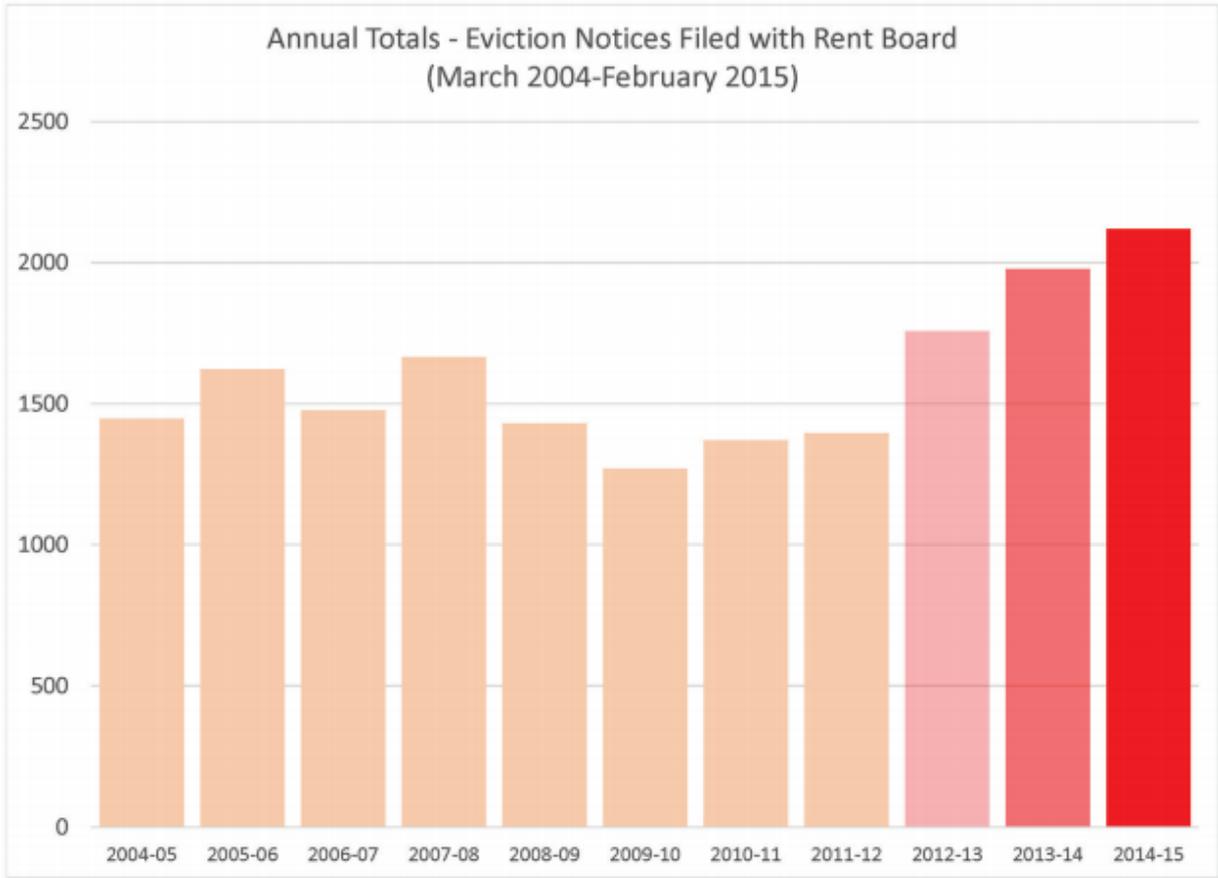
2. To break it down more, eviction notices went up by 50%, from 1,400 in fiscal year 2010–2011 to 2,100 in 2014–2015.

This is a 50% increase in five years or, in other words, about 10% higher year to year, as the data trends up every year from 2010 to 2015. This doesn't bode well, and it's predicted that 2015 will have registered 2,700 evictions once the dust has settled.

Here's a terrifying thought experiment: if eviction notices continue to increase by 10% per year, how long until everyone—all 900,000 of us—are evicted? The answer is 2078. Let's hope that by then we've all uploaded our consciousnesses into a computer, rendering us unevictable.

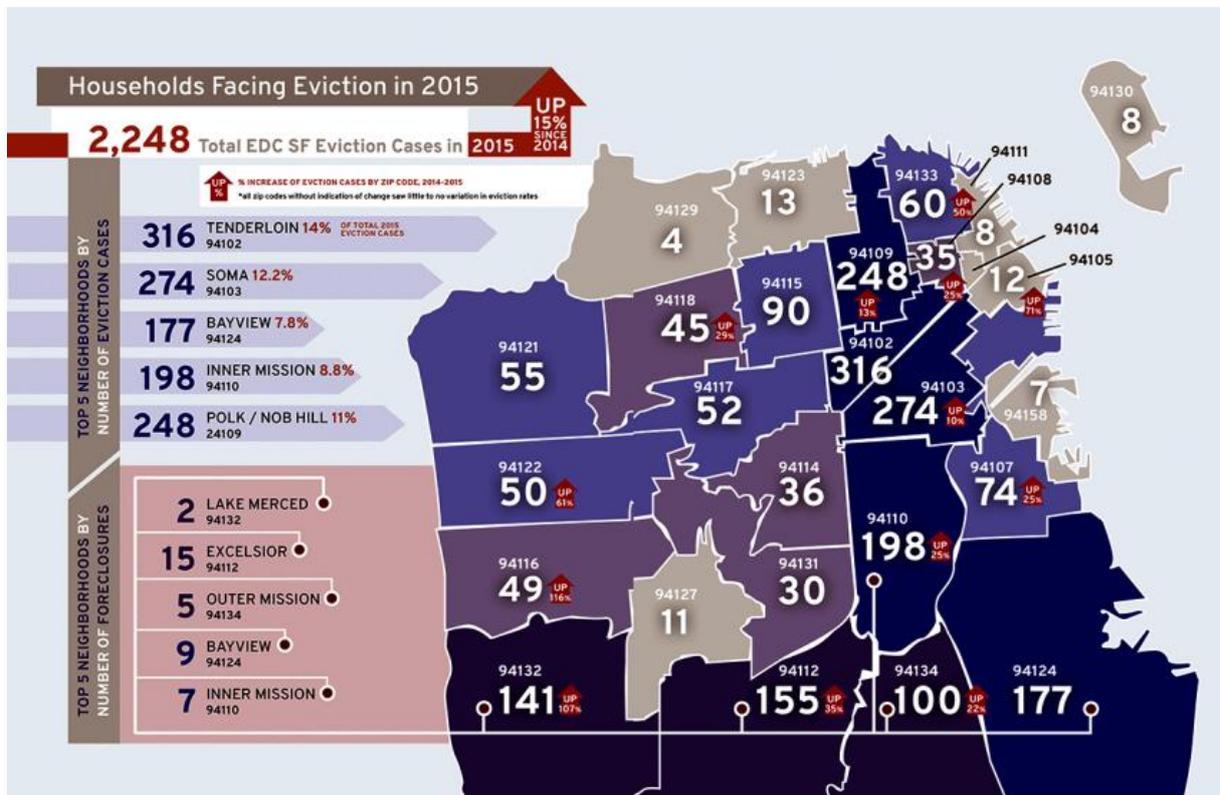
<https://thebolditalic.com/here-are-the-hard-numbers-behind-the-eviction-epidemic-in-san-francisco-the-bold-italic-san-c603b3b1086d#.b3cpc9kmf>

The number of evictions in San Francisco has steadily increased over the past five years—the rate is now higher than it has been in over a decade. This increase is reflected in Rent Board data and also in the experience of organizations that counsel and serve tenants.



<http://www.antievictionmappingproject.net/FINAL%20DRAFT%204-20.pdf>

San Francisco data for 2015:



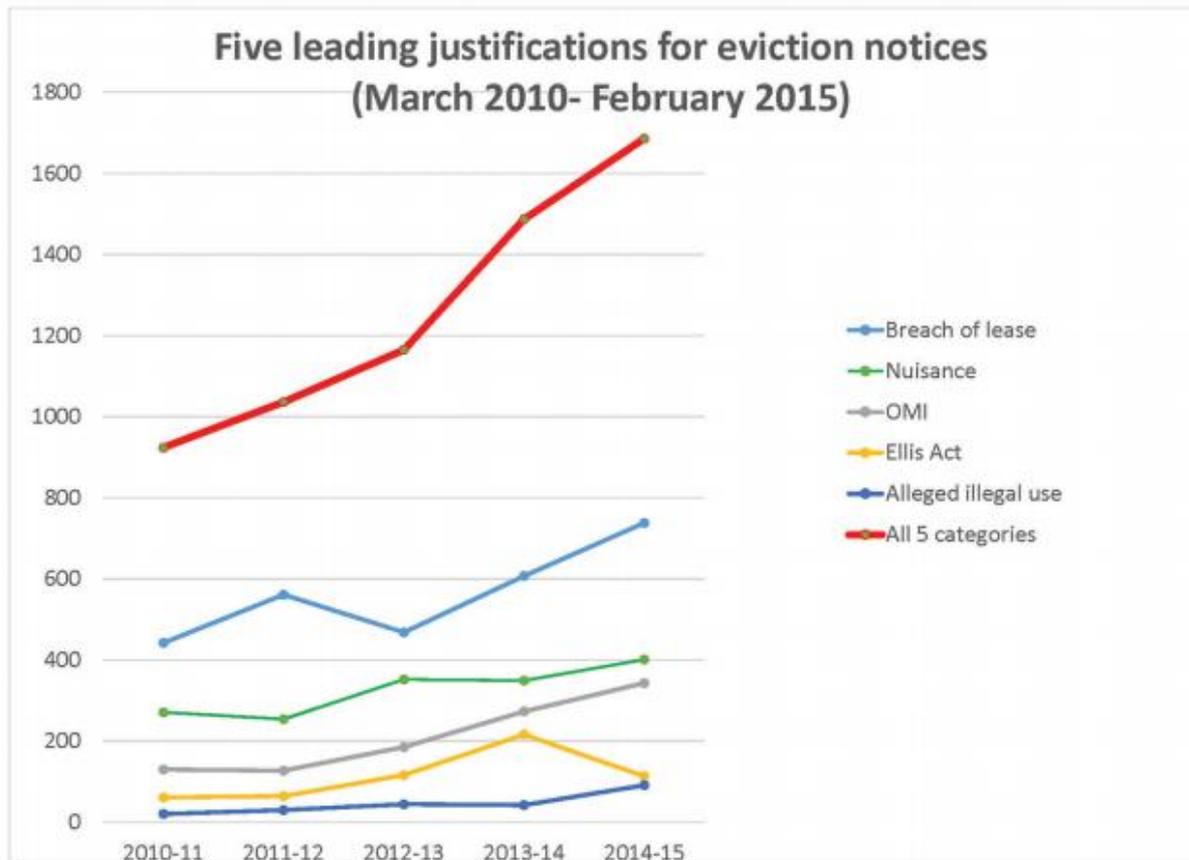
<http://www.antievictionmappingproject.net/FINAL%20DRAFT%204-20.pdf>

An analysis of the separate categories of the leading justifications for evictions reveals the trends that are driving the increase. The five leading “just cause” categories reflected in the chart below are:

- Breach of lease—Under the Rent Ordinance owners may evict a tenant for failing to correct a violation of a lease agreement.
- Nuisance—Tenants who substantially interfere with the “the comfort, safety or enjoyment of the landlord or tenants in the building” may be evicted (see page 7 for examples of abuse of this category).
- OMI (Owner Move In)—Landlords may recover a unit for their own residence or for their immediate relative.
- Ellis Act—Under state law landlords may evict all tenants from a building if they intend to stop renting the building and follow certain procedural requirements.

• Illegal use—Intended to address situations where tenants are engaged in wrongful activities, this justification is now being used to evict tenants from units where the landlord failed to obtain permits to construct the units and hence the units themselves are “illegal.

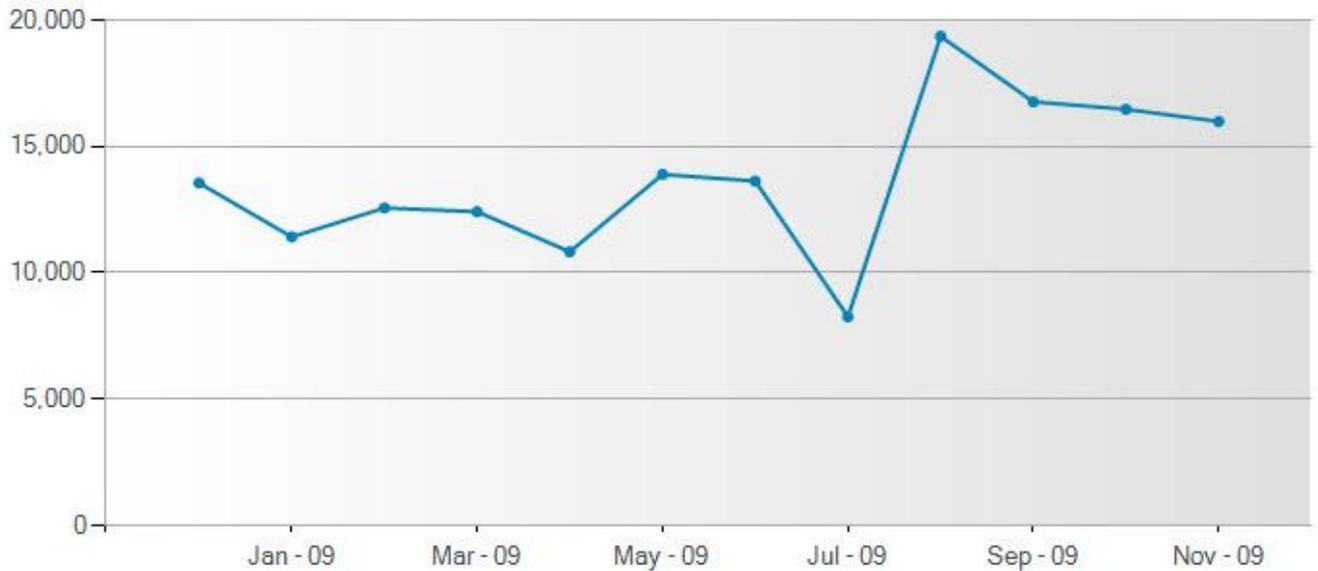
OMI and Ellis Act evictions are often described as “no fault” eviction. The others are increasingly being used as “low fault” grounds for evictions.



<http://www.antievictionmappingproject.net/FINAL%20DRAFT%204-20.pdf>

# Michigan

The following chart shows the total number of Michigan properties that received some type of foreclosure filing such as a Default Notice, Sheriff's Sale, or Eviction through the month of November (2009).



<http://michiganforeclosurehotline.com/foreclosure-statistics>

## Eviction: What is it and How Does it Start?

Eviction is the legal process of making a tenant move out of a rental home. In Michigan, the law allows for faster access to court and a quicker resolution in an eviction case than a lawsuit would usually take.

It's illegal for a landlord to evict you without going to court and getting an eviction order first. Your landlord can't do anything that prevents you from having access to your home without an eviction order. Your landlord must not:

Use force or threaten to use force to make you leave or keep you out of your home

Enter your home without your permission, unless it's an emergency

Remove, withhold, or destroy your property

Change, alter, or add locks or security devices to the home without your permission

Board up the premises to prevent entry or make it more difficult

Cause an interruption or shut-off of water, electric, or gas service

Cause loud noises, bad odors, or other nuisances

Put your belongings out on the street

If your landlord does anything to remove you from your home or keep you out of your home by force without an eviction order, you can sue your landlord. If the court rules in your favor, you could be able to stay in the home and recover up to three times the amount of your actual damages or \$200.00 per day, whichever is more. If your landlord gets an eviction order, only the sheriff or court bailiff can physically remove you and your belongings from the home.

If you moved into the home without permission or some other legal right to be there, the landlord can probably legally remove you and your belongings. The landlord does not have to go to court to do this. The landlord does not need to have the sheriff or a court officer remove you from the home. This only applies if you moved in without permission or by using force.

## Reasons for Eviction

There are eight reasons your landlord can start eviction proceedings:

You haven't paid rent;

You didn't move when your lease ended;

You violated a lease term that the lease says will lead to eviction;

You caused extensive and continuing physical damage to the home;

You created a serious and continuing health hazard in or to the home;

You were involved in illegal drug activity on the property; or

Your landlord believes there is "just cause" or "good cause" to evict you from a mobile home park or from federally subsidized housing. These types of evictions have special rules. See the Eviction from Subsidized Housing toolkit or the I'm Being Evicted From a Mobile Home Park toolkit to learn more.

## Notice Requirements

You are probably entitled to notice before your landlord can evict you. There are two kinds of notice. Both kinds tell you why your landlord wants you to leave and how much time you have to act to avoid a lawsuit.

Your landlord must give you a demand for possession before starting an eviction for:

Nonpayment of rent

Illegal drug activity on the property

Physical damage to the property or creating a health hazard

Just cause for mobile home or subsidized housing tenants

Your landlord must give you a notice to quit before starting an eviction for:

Violating a lease provision where the lease allows for termination

There's no written lease or it's a month-to-month lease, and your landlord wants you to move

Your landlord might not be required to give you a notice to quit or demand for possession if you're being evicted for staying after your lease ends.

If you forced your way into the home or kept it by force, you are not entitled to notice. This is sometimes called trespassing or squatting. If you are trespassing or squatting, you are not a tenant. The landlord does not have to go to court to evict you. The landlord can remove you from the property.

If a notice to quit or demand for possession is required, your landlord can serve it in one of three ways:

By giving it to you in person

By leaving it at your home with a member of your family who is old enough and responsible enough to give it to you, with a request that it be given to you

By mailing it to you

The notice must:

Be in writing

Be addressed to the tenant

Describe the rental property, usually by giving the address

Give the reason for the eviction

State how much time the tenant has to fix the problem, if there is one

Include the landlord’s address and the date of the notice

After getting a notice, you have a certain amount of time to fix the problem, pay rent or take some other action, or move out of the property. If you haven’t done what the landlord requires by the time the notice expires, your landlord can go to court and begin the process to evict you. The amount of time you have to act depends on the reason for the eviction.

<b>Reason for Eviction</b>	<b>Time before Landlord can sue after serving notice or demand for possession</b>
Tenant hasn’t paid rent	7 days
Tenant has injured the home	7 days
Tenant has created a health hazard	7 days
Illegal drug activity on the property	24 hours
Violating a lease provision	30 days
Forceful entry/forceful stay/trespass	No notice required
Tenant has stayed after lease ended	30 days' notice is required if it’s been more than 30 days since the lease ended. Notice may not be required if it’s been less than 30 days.
Just cause for mobile home owners or subsidized housing	The time required varies. To learn more, read Mobile Home Evictions - Special Rules.
Tenant doesn’t have a written lease or it’s a month-to-month lease	One rental period

Read the Notice to Quit or Demand for Possession when you get it. If you want to continue living on the property, you may be able to take steps to fix the problem. If you and your landlord can resolve the problem, there may be no need for a court case.

For example, Larry Landlord gave Therese Tenant a demand for possession that said she owes \$500.00 rent. He gives it to her on September 1st. Therese could:

Pay the money by September 8th, and stay in the home

Move out by September 8th, (Larry could still sue Therese for the amount of rent she owes)

Talk to Larry to see if they can work something out by September 8th (maybe she doesn't think she owes the amount of rent he says she owes)

Do nothing and wait for Larry to sue (if she chooses to do this, Therese should also get ready for the court case)

If instead Larry gives Therese a notice to quit on May 1st because he thinks she's gotten a dog when the lease specifically says no pets and the lease states violating it will lead to eviction, she can:

Move out by June 1st

Talk to Larry to see if they can work something out

Wait for Larry to sue (if she chooses to do this, Therese should also get ready for a court case)

<http://michiganlegalhelp.org/self-help-tools/housing/eviction-what-it-and-how-does-it-start>

### **Top 5 Reasons Landlords Lose an Eviction Case in Michigan**

I've been around landlords for over 16 years. The side benefit of that is I hear all the reasons why something went awry—especially with eviction cases. Here are the top five reasons that landlords I know say they lost their case:

They used the wrong form for the type of eviction they were attempting to do, e.g. they used a Notice to Quit, Termination of Tenancy form instead of a Demand for Possession, Non-Payment of Rent form.

They didn't give the tenant the proper amount of notice (in terms of days) for the type of eviction they were doing. The number of days differs for the type of eviction and by how the notice was served.

Their lease wasn't up to snuff. The lease was either missing important terms required within the state or included terms that were flat out illegal.

Their unit was not currently registered and certified. If the tenant complains about the unit not being up to code and it isn't, the case could be completely thrown out. (Worse yet: the judge could rule that the landlord owes the tenant all the paid rent since the beginning of the lease since the unit was not legal.)

They went and shot their mouth off. It doesn't take much to say the wrong thing. "But your Honor, they are not only late with the rent, they party all the time." Judge's response: "So, you're saying that you want to evict them for partying—not for non-payment? In that case, you used the wrong notice form. Case dismissed." Believe me; the list of wrong things that can be said is endless.

OK, I can't help but include one more: They did the wrong type of eviction for the problem at hand.

This topic could be expanded to include those little errors in the process that delayed judgment or prevented the landlord from getting the judgment they were expecting. But, I'll stay focused for now.

<https://www.biggerpockets.com/forums/52/topics/258591-top-5-reasons-landlords-lose-an-eviction-case-in-michigan>

Large Cities: Population, Housing, and Renters				
City Names	Population	Total Occupied Housing Units	Total Apartments	Apartments Percent Of All Housing
New York, NY	8,491,079	3,148,067	1,591,130	51%
Los Angeles, CA	3,928,827	1,343,084	555,840	41%
Chicago, IL	2,722,407	1,031,672	311,349	30%
Houston, TX	2,240,796	834,204	341,663	41%
Philadelphia, PA	1,560,297	577,862	85,872	15%
Phoenix, AZ	1,537,045	532,210	122,566	23%
San Antonio, TX	1,436,723	492,940	118,234	24%
San Diego, CA	1,381,083	493,446	143,885	29%
Dallas, TX	1,281,031	484,335	196,962	41%
San Jose, CA	1,015,796	312,227	67,688	22%
Austin, TX	912,798	360,996	127,427	35%
Jacksonville, FL	853,376	320,809	66,643	21%
Indianapolis, IN	851,353	328,526	71,742	22%
San Francisco, CA	852,469	353,406	139,865	40%
Columbus, OH	836,293	339,145	93,810	28%
Fort Worth, TX	812,553	281,924	61,748	22%
Charlotte, NC	809,974	310,106	82,953	27%
Detroit, MI	680,281	253,490	43,921	17%
El Paso, TX	679,024	218,127	38,345	18%
Memphis, TN	656,876	250,553	48,319	19%
Seattle, WA	668,337	304,564	115,601	38%
Denver, CO	663,862	281,928	93,095	33%
Washington, DC	658,893	277,378	116,711	42%
Boston, MA	656,051	253,749	88,162	35%

Source: NMHC tabulations of 2014 American Community Survey, 1-Year Estimates. Updated 9/2015.

[http://www.nmhc.org/Content.aspx?id=4708#Rent\\_and\\_Own](http://www.nmhc.org/Content.aspx?id=4708#Rent_and_Own)

State Distribution of Apartment Residents, 2014			
State	Population in Occupied Housing Units	Number of Apartment Residents	Apartment Resident Share of State Population
Alabama	4,730,907	364,259	7.7%
Alaska	708,421	59,179	8.4%
Arizona	6,580,081	734,013	11.2%
Arkansas	2,884,185	195,764	6.8%
California	37,985,370	6,386,651	16.8%
Colorado	5,238,386	696,131	13.3%
Connecticut	3,478,451	369,589	10.6%
Delaware	910,104	85,718	9.4%
District of Columbia	618,600	221,898	35.9%
Florida	19,461,834	2,513,136	12.9%
Georgia	9,835,687	1,063,314	10.8%
Hawaii	1,375,345	190,947	13.9%
Idaho	1,604,863	84,238	5.2%
Illinois	12,580,170	1,427,889	11.4%
Indiana	6,407,773	539,677	8.4%
Iowa	3,007,199	248,820	8.3%
Kansas	2,824,897	210,314	7.4%
Kentucky	4,283,110	324,171	7.6%
Louisiana	4,521,116	318,316	7.0%
Maine	1,294,459	87,112	6.7%
Maryland	5,836,593	841,277	14.4%
Massachusetts	6,497,607	815,242	12.5%
Michigan	9,683,157	836,022	8.6%
Minnesota	5,322,298	598,145	11.2%
Mississippi	2,897,745	207,528	7.2%
Missouri	5,888,717	421,763	7.2%
Montana	994,692	51,077	5.1%
Nebraska	1,829,402	197,497	10.8%
Nevada	2,802,541	414,971	14.8%

[http://www.nmhc.org/Content.aspx?id=4708#Rent\\_and\\_Own](http://www.nmhc.org/Content.aspx?id=4708#Rent_and_Own)

## **Half West Michigan's 13,332 homeless residents are without housing for the first time**

Across five counties in West Michigan, the state last year counted 13,332 men, women and children who experienced homelessness.

That's nearly equivalent to the entire city of Grandville. Or, for some shows, a full house at Grand Rapids' Van Andel Arena.

About half experienced homelessness in Kent County, and a third in Kalamazoo County. The rest were seeking shelter in the three counties that stretch along the Lakeshore: Muskegon, Ottawa and Allegan.

Their numbers are rising. Last year's count was up nearly 11 percent from the year before, including a startling 50 percent rise in the lakeshore counties, according to the Michigan State Homeless Management Information System, a program aimed at better assessing how many are without a residence.

The statistics do not account for thousands who go unnoticed each year because they don't seek help, choosing instead to move in with friends or family.

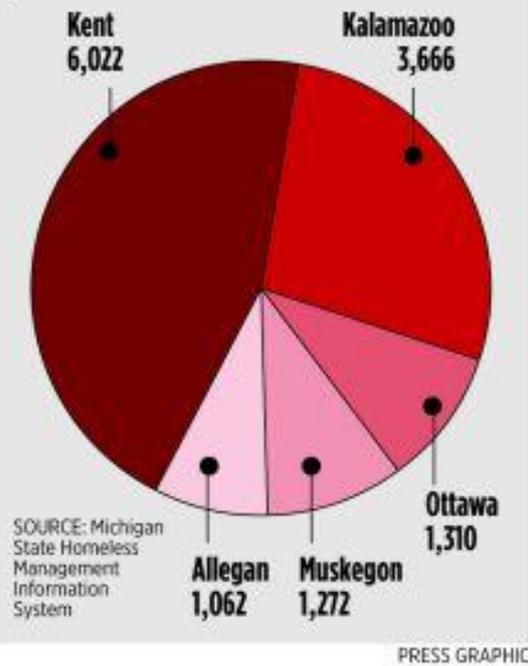
Experts believe the total will grow by the end of this year, perhaps leveling off after 2010, when the true effect of the economic meltdown is known.

In a state ranked fifth last year in homelessness, affecting 86,000 people, a coming wave of expiring unemployment benefits could compound that amount.

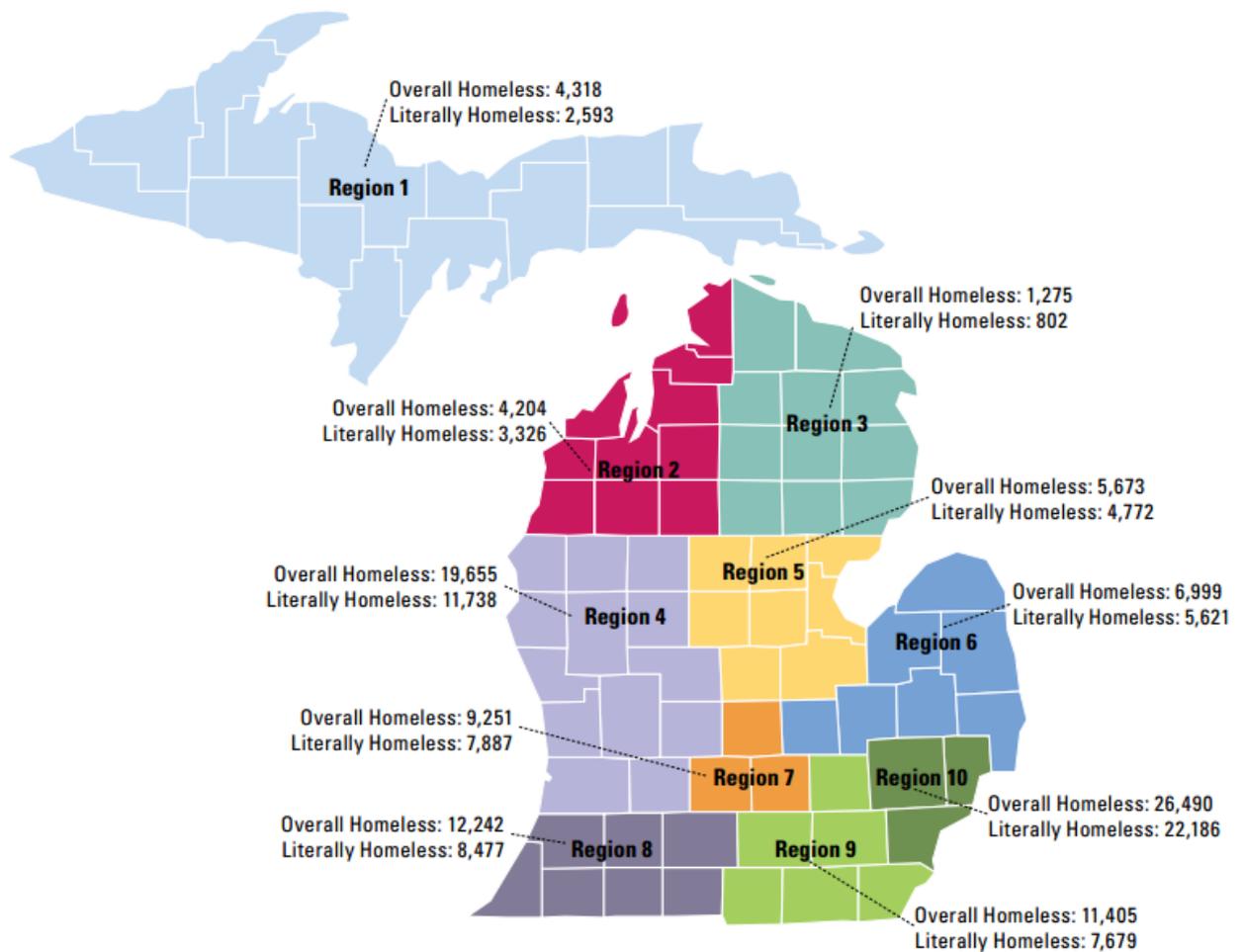
"This is going to be a major issue, and it could be a crisis," said Janay Brower, coordinator of the Grand Rapids Area Coalition to End Homelessness.

## Thousands without homes

The homeless count in five West Michigan counties was 13,332 last year, up nearly 11 percent from the year before.



[http://www.mlive.com/news/grand-rapids/index.ssf/2009/10/half\\_west\\_michigans\\_13332\\_home.html](http://www.mlive.com/news/grand-rapids/index.ssf/2009/10/half_west_michigans_13332_home.html)



The information that follows is largely based on the HMIS data where sufficient detail is available. The “Literally Homeless” include those who are on the streets or in shelters. The overall count of people who are homeless also includes those living with friends or family due to a housing crisis and are facing immediate eviction with no other resources. During 2014, new HUD data standards on which the System is based were implemented limiting trending information to those areas where we could re-analyze 2013 data. Calendar year 2014 represents a benchmark year under the new data standards and systems change implemented through coordinated assessment.

<http://thecampaigntoendhomelessness.org/LinkClick.aspx?fileticket=C3RIU3wuQUo%3D&tabid=40>

## **One-Fifth of Detroit's Population Could Lose Their Homes**

This year in Detroit, there have been 22,000 foreclosures on properties whose owners failed to pay property taxes three years in a row. Of those, 10,000 are estimated to be occupied, meaning this year's foreclosures are set to oust about 27,000 Detroiters from their homes.

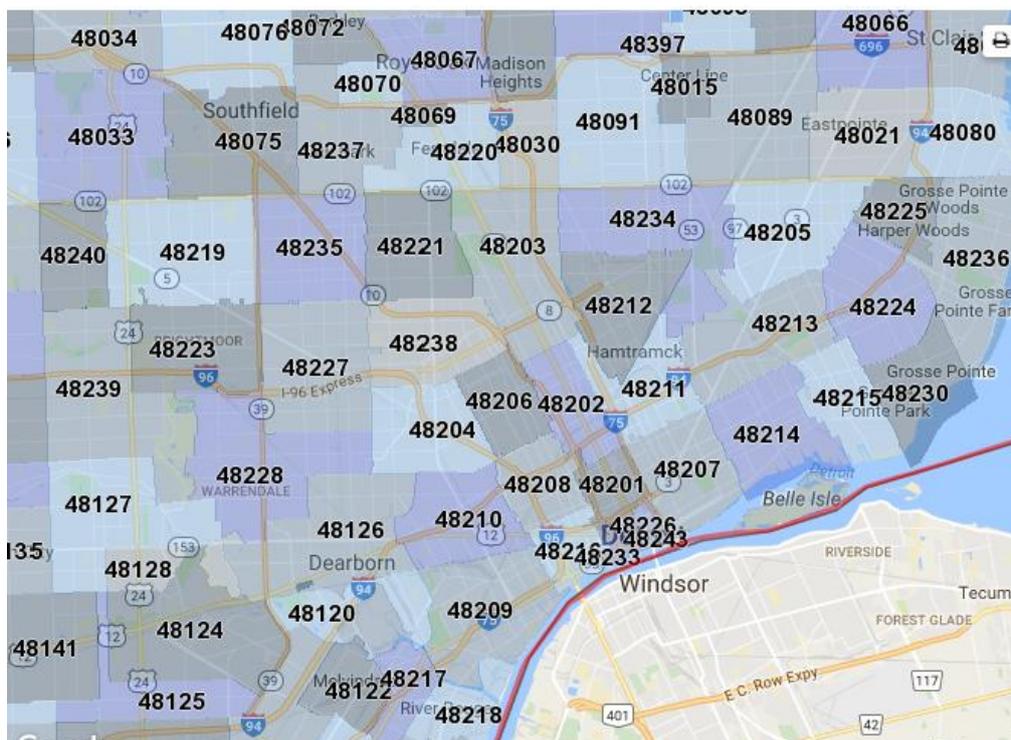
That's a large number in a dwindling city with fewer than 700,000 residents, but the figures are set to get even worse. In the next couple of months, Wayne County's treasurer will be serving foreclosure notices on 75,000 more properties, 62,000 of which are in Detroit, according to its chief deputy treasurer David Szymanski. With half of those Detroit properties estimated to be occupied, this means a further 115,000 Detroiters might lose their homes next year. (There are 110,000 properties in Wayne County that are eligible to be foreclosed on next year, 85,000 of which are in Detroit.)

In a city supposedly trying to attract residents rather than lose them, this means a potential 142,000 Detroiters—one-fifth of the city's population—will be shown the door within the next year and a half. The city has yet to announce plans for accommodating those who get evicted.

<http://www.theatlantic.com/business/archive/2014/10/one-fifth-of-detroits-population-could-lose-their-homes/381694>

## 1166 Real Estate, Housing & Property Law cases posted to LegalMatch lawyers in Detroit

- 37 cases in 48201
- 75 cases in 48202
- 51 cases in 48203
- 28 cases in 48204
- 50 cases in 48205
- 23 cases in 48206
- 22 cases in 48207
- 7 cases in 48208
- 20 cases in 48209
- 17 cases in 48210
- 3 cases in 48211
- 14 cases in 48212
- 16 cases in 48213
- 23 cases in 48214
- 16 cases in 48215
- 3 cases in 48216
- 12 cases in 48217
- 19 cases in 48218
- 67 cases in 48219
- 33 cases in 48220
- 76 cases in 48221
- 2 cases in 48222
- 41 cases in 48223
- 60 cases in 48224
- 15 cases in 48225
- 25 cases in 48226
- 62 cases in 48227
- 68 cases in 48228
- 13 cases in 48229
- 15 cases in 48230
- 1 case in 48232
- 41 cases in 48234
- 54 cases in 48235
- 12 cases in 48236
- 39 cases in 48237
- 30 cases in 48238
- 46 cases in 48239
- 27 cases in 48240
- 2 cases in 48242
- 1 case in 4828



Source: <http://realestatelawyers.legalmatch.com/MI/Detroit/landlord-tenant-law.html>