



**For Immediate Release**  
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**LDF, ACLU of Michigan, and Covington & Burling File Amicus Brief Defending Black Detroit Homeowners' Right to Due Process in Challenging Unfair Tax Assessments**

Today, the NAACP Legal Defense and Educational Fund Inc. (LDF), the American Civil Liberties Union of Michigan, and the law firm of Covington & Burlington LLP submitted an amicus brief in support of the plaintiffs-appellants in *Howard v. Detroit*, a case before the U.S. Court of Appeals for the Sixth Circuit concerning the rights of Detroit homeowners to due process in federal court.

The plaintiffs in the case are thousands of predominantly Black homeowners who are challenging Detroit's failure to provide adequate notice of their rights to appeal property tax assessments conducted in 2017. The plaintiffs allege that Detroit did not give them a reasonable opportunity to review and challenge the assessments of their properties, effectively leaving them with the harrowing choice of either overpaying in property taxes or risking delinquency and property foreclosure.

In 2017, Detroit was late in sending assessment notices to over 260,000 homeowners in the city—with many of the notices landing in mailboxes on the very day of the deadline for when they could be challenged. In the mailed notices, the city made it clear that the homeowners were too late to challenge the assessments using the state's process, but also explicitly specified that there was no alternative to that very process. As plaintiffs allege, Detroit did not take sufficient steps to correct the deficient notice. In response to this, and in the context of Detroit's own acknowledged history of making property assessment errors that disproportionately harm Black homeowners in the city, plaintiffs filed a federal complaint alleging that their due process rights were violated.

But a district court dismissed plaintiffs' claims on the basis that they are barred by the Tax Injunction Act—erroneously pointing to Detroit's bureaucratic, rigid, and ultimately inaccessible review process as evidence of a remedy provided by the state. The amicus brief argues that the review process offered by the city and state in this case was clearly not "plain, speedy and efficient" as is required by the federal legislation, and as such does not bar plaintiffs' claims for federal relief.

"The deprivation of the plaintiffs' constitutional rights in this case is the latest in the shameful history of Black Detroit homeowners being marginalized and outright harmed by policies and practices that directly undermine the economic security of their families and communities," said Coty Montag, Senior Counsel at LDF. "These homeowners — and the generations of Black Detroiters to come after them — should not be left to pay the costly and potentially devastating consequences of the city's errors. The plaintiffs are entitled under the law to vindicate their due process rights in federal court."

“Federal court is literally the only avenue that thousands of Detroit homeowners have left to challenge their 2017 property assessments, given that the city completely shut them out of its convoluted system of review, which the court itself ruled was ‘virtually inaccessible,” said Shankar Duraiswamy, partner at Covington. “To hold otherwise would fault plaintiffs for Detroit’s multiple, avoidable mistakes and compound the injustice already suffered by these homeowners.”

LDF, ACLU of Michigan, and Covington have been successful in recent civil rights challenges brought against the City of Detroit. In 2018, they settled *MorningSide v. Sabree*, which alleged that a series of unfair procedural and logistical obstacles prevented low-income homeowners from receiving a poverty tax exemption under Detroit’s Homeowner Property Tax Assistance Program. These obstacles, combined with the fact that few eligible homeowners knew about the program, resulted in tens of thousands of low-income Detroiters losing their homes for the inability to pay taxes they never should have had to pay.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*