

Official Report from the People's Forum held on Jan. 22, 2022

Providing Feedback on Proposed Property Tax Injustice Compensation Legislation

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WHO WE ARE





































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I. EXECUTIVE SUMMARY

The Coalition for Property Tax Justice (the "Coalition") is a collective of grassroots organizations, including Bridging Communities, the Community Development Advocates of Detroit (CDAD), Central Detroit Christian, Detroit Action Commonwealth, Detroit Block Works, the Detroit Justice Center, Detroit Jews for Justice, Dream of Detroit, Detroit Action, Regrid, MACC Development, Metropolitan Organizing Strategy Enabling Strength (MOSES), Neighbors Building Brightmoor, Street Democracy, We The People of Detroit, the Eastside Community Network, and New Era Detroit. One of the Coalition's three main goals is to compensate Detroiters that the local government overtaxed and/or foreclosed upon for nonpayment of illegally inflated property tax bills ("Beneficiaries"). The Coalition's stance is that this was a dignity taking, which is dispossession or displacement that results in dehumanization, infantilization, or community destruction. Consequently, what is required is dignity restoration, which are compensatory efforts that place dispossessed individuals and communities in the driver's seat and allow them to determine how they are made whole.

On January 22, 2022, the Coalition and Council President Sheffield co-hosted the <u>People's Forum</u> event. Before the event, the Coalition and Council President Sheffield submitted a <u>memorandum</u> to City Council (the "Compensation Memorandum") outlining a compensation resolution based on four categories of eligible Beneficiaries. Since community input is critical to the process of dignity restoration, the goal of the event was to inform residents about the menu of options outlined in the Compensation Memorandum and solicit their feedback. More than 700 people attended the event, which opened with presentations by Council President Mary Sheffield, Congresswoman Rashida Tlaib, Professor Bernadette Atuahene, and Community Legal Advocate Sonja Bonnett. Next, attendees joined breakout rooms corresponding with their City Council District where a trained facilitator and scribe led a discussion about what compensation options community members preferred.

This report provides an overview of the event, summarizing presentations, results from a survey completed by nearly 200 Beneficiaries, and key takeaways from break out sessions for each City Council District. The following themes emerged:

• Beneficiaries want cash compensation. Cash compensation is owed to Beneficiaries and the Coalition disagrees on legal and moral grounds with the City of Detroit's <u>Corporation Counsel's opinion</u> that it would be unlawful for the City to provide cash compensation. The event



described Corporation Counsel's opinion and invited attendees to join the fight in challenging it. Still, Beneficiaries made clear that cash compensation is necessary: the majority of survey respondents ranked cash payments as their most preferred compensation option, and Beneficiaries indicated that cash compensation emerged as the most effective way to restore dignity during breakout groups.

- In lieu of cash payments, Beneficiaries said that repair grants, tax credits, and rehabbed land bank homes are acceptable forms of compensation, but want agency over how the City distributes these options. Beneficiaries saw these forms of compensation as ways for the City to invest in Detroit neighborhoods and partially restore access to generational wealth that was illegally taken, but only if they have a say in determining how they are accessed and used. For instance, some Beneficiaries said they want to be able to choose their own contractors for repair grants; want tax credits not only for the amount taken, but also in perpetuity going forward; and want compensation options to be inclusive of people who moved away or no longer own their home.
- Beneficiaries want an apology for being harmed by property tax injustice as well as transparency and accountability so that the City and County will not repeat the cycle of dignity takings. In addition to being compensated for the financial loss that Detroiters suffered, Beneficiaries want resources to support them in dealing with the irreparable and intergenerational mental health consequences of dignity takings. They say the government must apologize and be held accountable for the wrong committed; transparency in the taxation process (e.g., assessment notices, HOPE exemptions); and broader access to information about exemptions and support so that this does not happen again.

II. BACKGROUND

A. The Coalition for Property Tax Justice

The <u>Coalition for Property Tax Justice</u> (the "Coalition") is a collective of grassroots organizations convened to achieve the following three goals:

- 1. stopping the City's unconstitutional property tax assessments;
- 2. providing compensation to Detroiters that the local government overtaxed and/or foreclosed upon, and



3. preventing the County from foreclosing on owner-occupied homes until the City verifies the legality and equity of its property tax assessments.

While the Coalition organized the People's Forum event to advance its second goal, the collective has already secured several wins, including:

- helping to negotiate, monitor, and enforce the Morningside class action lawsuit settlement that expanded access to the Poverty Tax Exemption (PTE);
- drafting and winning local legislation to solidify and extend the PTE protections won through the *Morningside* lawsuit;
- pressuring the Wayne County Treasurer to place a moratorium on property tax foreclosures of owner occupied homes in 2020, 2021, and 2022;
- establishing a Property Tax Appeals Project in 2019, which has successfully challenged the illegally inflated property tax assessments of over 250 Detroit homeowners:
- launching the #BlackHomesMatter Fund to compensate overtaxed Detroit homeowners, using monies that do not come from city taxpayers; and
- drafting an ordinance to substantially reform property tax administration in Detroit.

B. The Coalition's Fight for Compensation

The People's Forum event was an extension of the Coalition's previous compensation work, which includes:

- (1) convening an interagency working group in 2019 alongside Council President Sheffield to explore compensation options;
- (2) defeating Mayor Mike Duggan's deficient 2020 compensation resolution; and
- (3) drafting a new compensation resolution in alignment with the concept of dignity restoration, where dispossessed individuals and communities are in the driver's seat, determining how they are made whole.

Compensation Working Group

City Council President Mary Sheffield worked with the Coalition to convene a working group, exploring whether it was possible to create legislation that



would provide Beneficiaries a path towards healing through compensation. Formed in the spring of 2019, the working group consisted of representatives of the following agencies: City Council President Sheffield and District 5 policy analysis division, Corporation Counsel, Legislative Policy Division, Housing and Revitalization Department, Detroit Land Bank Authority, Cass Community Social Services, Southwest Economic Solutions, and the Coalition.

The working group researched, discussed, and evaluated potential compensation options for Beneficiaries, initiating additional sub-meetings with other city departments when necessary to follow up on specific questions that arose around capacity, administration, and financing. The main working group findings were as follows:

- One existing city department should take a leadership role in compensation administration and eligibility determination. The Housing and Revitalization Department of the City of Detroit (HRD) could be the main organizing body for this compensation program. In the event HRD cannot fulfill this task, a non-profit organization could fill this role.
- Beneficiaries should include those that the City assessed in violation of the Michigan Constitution between 2008 and 2017 and those who the County foreclosed on for nonpayment of the City's illegally inflated tax bills.
- The City should prioritize certain subpopulations within the larger group of Beneficiaries. This could include people who are living at or below the federal poverty level, do not own property, reside in Detroit despite foreclosure, were long-time Detroit residents prior to property tax foreclosure, or were foreclosed on while eligible for the income-based property tax exemption (also known as the Homeowners Property Exemption (HOPE), the Homeowners Property Tax Assistance Program (HPTAP), and the Poverty Tax Exemption (PTE)).
- The task force proposed a series of in-kind compensation options that included home ownership, rental, employment, and small business services currently offered within the City of Detroit. The goal was to provide Beneficiaries with compensation in the form of additional resources that they cannot obtain on their own.
- When dealing with in-kind benefits, it is crucial to extend existing programs rather than giving Beneficiaries priority in existing programs.
 This will ensure the individuals in line for existing programs are not competing with Beneficiaries for resources.
- Funding is required for outreach and educational materials, administrative costs, and extended in-kind options such as home repair,



expanded employment assistance programs, down payment assistance, and property tax credits. The working group explored different funding sources including: banks (Community Reinvestment Act, the JP Morgan Chase Foundation, and the Flagstar Bank), corporations (DTE Energy, General Motors, and Quicken Loans), a variety of foundations and private donors, and state and federal government programs.

- Community input and feedback is critical to the process of dignity restoration. The City must solicit community feedback through focus groups and community meetings. The City should work with nonprofit organizations in different areas of the City to locate Beneficiaries.
- Most important, unconstitutional property tax assessments and the corresponding tax foreclosure crisis constituted a dignity taking, which is involuntary property loss accompanied by dehumanization, infantilization, or community destruction.¹ Homeowners lost more than mere bricks and mortar, they lost intergenerational wealth and the emotional landscapes intertwined with their physical property. Consequently, the working group agreed that the foundational principle that should underpin compensation is dignity restoration, which puts dispossessed individuals and communities in the driver's seat, allowing them to determine how they are made whole. That is, by giving Beneficiaries a menu of options and allowing them to choose how they are made whole, this honors their agency and worth, which is the most crucial aspect in the journey to making citizens and the City whole again.

Defeating Mayor Duggan's Deficient 2020 Compensation Resolution

In 2020, Mayor Duggan proposed a Resolution to compensate individuals harmed by the City's over assessments. At the <u>Detroit City Council Formal Session</u> on November 24, 2020, City Council rejected the proposed Resolution in a 5-4 vote. While the Resolution was a promising step to advance compensation to Beneficiaries, it was fatally deficient for two primary reasons: (1) it only provided compensation to individuals over assessed between 2010 and 2013, and (2) by not extending existing programs, it placed Beneficiaries at the front of the line, displacing other Detroiters in need of critical resources.

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¹ See Bernadette Atuahene, Dignity Takings and Dignity Restoration: Creating a New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required, 41 Law & Soc. Inquiry 796 (2016).



While the years of eligibility in the Mayor's Resolution were 2010–2013, the data undeniably show that illegal over assessments started during the 2008 Great Recession when home values began to decline and continued, at least, until the City completed a parcel-by-parcel reappraisal in 2017. As such, compensation should, at a minimum, provide compensation for Beneficiaries between 2008 and 2017. The City tried to justify only compensating homeowners affected between 2010 and 2013 by stating that the average assessed values in the City fell after 2014. Averages, however, hide the fact that the City was over assessing the lowest valued homes while it was under assessing the highest valued homes.

The Resolution was also deficient because it placed Beneficiaries at the front of the line for city benefits with existing waitlists such as the senior home repair grant program and affordable housing projects. This was unacceptable because it placed Beneficiaries in competition with other victims of predatory housing practices, such as exclusionary zoning, racially restrictive covenants, urban renewal, blockbusting, redlining, and predatory mortgage lending. This ran contrary to one of the Task Force's key findings about how compensatory programs should be structured.

Drafting a New Compensation Resolution

In partnership with Council President Sheffield, the Coalition drafted a new Compensation Resolution based on the following principles:

- The Mayor and City Council must compensate homeowners overtaxed and/or foreclosed between 2008-present. Detroit's Assessment Division performed a state ordered property-by-property reappraisal in 2017, but data shows that the City is still illegally assessing most lower valued properties even today. As such, the new compensation resolution plans to compensate more Beneficiaries than originally contemplated by President Sheffield's working group.
- The Compensation Fund must center dignity restoration. Dignity restoration addresses deprivations of both property and dignity. Through voice, agency, and compensation, dignity restoration places dispossessed individuals and families in the driver's seat, allowing them to determine how they are made whole. City Council must incorporate feedback from impacted people and communities when constructing the compensatory options.



• The Mayor and City Council must establish new funding streams to compensate Beneficiaries. Without new funding streams, Beneficiaries will be in competition with other Detroiters for limited resources.

C. The Compensation and Property Tax Reform Proposals

Before the People's Forum event, the Coalition and Council President Sheffield submitted the <u>Compensation Memorandum</u> outlining a compensation resolution, which outlined four categories of Beneficiaries eligible for compensation.

Foreclosed Homeowners:

- 1. Foreclosed Exempt: Homeowners the County foreclosed upon, despite their eligibility for the income-based property tax exemption, otherwise known as HOPE, HPTAP, and/or the PTE (the "Exemption").
- 2. Foreclosed Not Exempt: Homeowners that the County foreclosed upon, although they were *not* eligible for the Exemption.

Affected Homeowners (overtaxed but not foreclosed):

- 3. Affected Exempt: Homeowners eligible for the Exemption who the County did not foreclose upon.
- 4. Affected Not Exempt: Homeowners *not* eligible for the Exemption who the County did *not* foreclose upon.

The memorandum proposed a different menu of compensation options for each category of eligible homeowners. These compensation options for each eligible group include:

	Foreclosed	Affected (Non-Foreclosed)
Exempt	1. Employment and small business support; AND 2. \$1 Sidelot; AND Either 3, 4, or 5: 3. Detroit Land Bank Rehabbed & Ready Home; OR 4. Detroit Land Bank non-rehabbed home with a home repair grant; OR 5. Rental voucher (e.g. federal "Section 8" or state "Housing Choice Vouchers").	3. Property tax credits; OR



Non-Exempt	Employment and small business support; AND Sidelot; AND	Employment and small business support; AND
	2. \$13186100,711412	Either 2 or 3:
	Either 3, 4, or 5:	2. Property tax credits; OR
	3. Detroit Land Bank Rehabbed & Ready Home; OR	3. Home repair grant.
	4. Detroit Land Bank non-rehabbed home with a home repair grant; OR	
	5. Rental voucher (e.g. federal "Section 8" or state "Housing Choice Vouchers").	

These options were presented by speakers at the People's Forum event and summarized in a <u>handout</u> shared with event attendees.

III. THE PEOPLE'S FORUM

A. Host & Speakers

The Coalition and Council President Sheffield co-hosted the event. Congresswoman Tlaib, President Sheffield, Professor Bernadette Atuahene, and Community Legal Advocate Sonja Bonnett opened the event with presentations.

President Sheffield highlighted the City's progress on housing issues. She discussed the passage of an inclusionary housing ordinance, which channels funding to housing for low-income families, her work to champion the continuation of the home repair grant programs, and the reform of the HOPE application. She also highlighted the outcomes of the 2019 working group that she convened with the Coalition, explaining that the main finding of the group was that dignity restoration must be a central component of the City's compensation program. Lastly, she told attendees that she is working with the Legislative and Policy Division ("LPD") on an ordinance and resolution, which will reflect feedback given at the forum event.

Congresswoman Tlaib discussed her efforts to support the Coalition and President Sheffield's work at the federal level. Congresswoman Tlaib explained that she had sent letters and data to Mayor Duggan that show the continued over assessment of Detroit's low-value homes. Congresswoman Tlaib emphasized that the participation of community members at the forum is significant because the City continues to deny the ongoing over



assessments. In response to local inaction, Congresswoman Tlaib explained her work to involve the Department of Housing and Urban Development in the fight for compensation and equitable assessments.

Community Legal Worker Sonja Bonnett discussed her personal experience with the property tax foreclosure crisis. The City and County confiscated Ms. Bonnett's home for nonpayment of her illegally inflated tax bills. Ms. Bonnett explained that tax foreclosure impacted not just her housing stability, but also financial stability, familial stability, and her health. Ms. Bonnett underscored the importance of community participation in the forum as a critical element of dignity restoration.

Lastly, Professor Bernadette Atuahene presented on the data that shows the continued over assessment of property taxes in Detroit. Professor Atuahene explained that the County has taken 1 in 3 Detroit homes through tax foreclosure since 2009. She also explained that not only are property taxes illegally inflated in Detroit, but they are also inequitable and regressive, meaning the lowest-valued homes are taxed at a much higher rate than the highest-valued homes. Professor Atuahene contextualized the property tax foreclosure crisis as the most recent chapter in a long history of structural racism in housing policy; she talked about racially restrictive covenants, redlining, urban renewal, blockbusting, and predatory mortgage lending as precursors to this crisis.

After these opening remarks, attendees joined breakout rooms corresponding with their City District where a trained facilitator and scribe led a discussion about what compensation options community members preferred.

B. Promotion & Attendance

The Coalition, its member organizations, and Council President Sheffield promoted the People's Forum. 1,591 people registered for the event. Over 700 attendees tuned into the live event and participated in breakout room discussions. 208 Detroiters completed a survey at the event describing which compensation options they prefer and providing other feedback on the Coalition's compensation proposals. Since airing, the event has also been viewed 323 times on Youtube and 330 times on Facebook.



C. Methods

This report is based on quantitative and qualitative data collected from People's Forum participants. Additionally, this report summarizes results from an online survey conducted among participants, which asked respondents about their experiences with homeownership, overassessment, property tax foreclosure, and preferences regarding compensation. Most importantly, 94% of the survey sample were Beneficiaries (current or former Detroit homeowners or their family members who identified as being overtaxed by the City). This report summarizes quantitative survey results, using descriptive statistics and figures, and analyzes qualitative results for major themes.

Lastly, the report summarizes main points of agreement among forum participants during breakout groups, which were organized by city council districts. To compile these summaries, trained research assistants reviewed recordings and chat transcripts of each break out group, identifying major themes expressed during the session. Research assistants then corroborated these main takeaways with those articulated by breakout group "scribes" to the full session of participants at the end of the event.

D. Results: Compensation Preferences Among Beneficiaries

1. Survey Findings

a. Survey Respondent Characteristics

- 206 attendees completed the compensation survey
- The survey measured the respondents preference for the following six compensation options:
 - o (1) property tax credits to use against future property tax bills,
 - o (2) Section 8 rental vouchers,
 - o (3) home repair grants,
 - (4) homes from the Detroit Land Bank Authority's (DLBA) Rehabbed & Ready program,
 - \circ (5) DLBA homes as-is with a home repair grant, and
 - o (6) cash payments.
- Among survey respondents, 94% (n=193) were Beneficiaries: current or former Detroit homeowners (or their family members) who the City overcharged or the County foreclosed upon.
 - o Other respondents (6%) included 13 attendees.
 - The results below are reported only for respondents who identified as Beneficiaries.



- 50% of Beneficiaries (n=97) indicated that they qualified for the Homeowners Property Exemption (HOPE) program now or in the past.
- 26% of Beneficiaries (n=50) said that they owned a home in Detroit that Wayne County took through tax foreclosure (74% said they were never foreclosed upon)
- The four homeowner compensation categories were represented among Beneficiaries who completed the survey (Figure 1):
 - o Category #1) 38% (n=79) identified as Affected Not Exempt
 - o Category #2) 31% (n=64) identified as Affected Exempt
 - Category #3) 16% (n=32) identified as Foreclosed Exempt
 - o Category #4) 9% (n=18) identified as Foreclosed Not Exempt
- Note: because foreclosed homeowners were underrepresented among survey respondents who identified as Beneficiaries (and presumably all event attendees), their preferences may not have been featured as strongly in district-level break out group discussions.

Categories of Homeowners

1) Affected Not Exempt
2) Affected Exempt
3) Foreclosed Exempt
4) Foreclosed Not Exempt
Other

Figure 1: Beneficiaries by compensation category

b. Compensation Preferences

Compensation preferences were fairly consistent across the four categories of Beneficiaries, despite these groups' diverse experiences of injustice.

Beneficiaries want cash compensation.

- Regardless of the homeowner compensation category a person belonged to. Beneficiaries wanted to be compensated in the form of cash payments.
 - 44% of all Beneficiaries ranked cash payments as their 1st compensation preference (by far the most preferred category)



• The majority (57%) ranked cash payments as their 1st or 2nd compensation preference.

Repair grants and tax credits were the most preferred compensation options after cash payments.

- 84% of Beneficiaries ranked repair grants as their 1st, 2nd, or 3rd compensation preferences, though this preference was slightly more common among Affected (non-foreclosed) Beneficiaries (87%) than Beneficiaries who had been foreclosed upon (74%).
- 76% of Beneficiaries ranked tax credits among their top 3 compensation preferences, though this preference was more common among Affected (non-foreclosed) Beneficiaries (79%) than Beneficiaries who had been foreclosed upon (66%).

Rehabbed land bank homes were also ranked highly, but more common among homeowners whose homes were taken through unjust tax foreclosures.

- 54% of Beneficiaries who were unjustly foreclosed upon identified a rehabbed land bank home as their 1st, 2nd, or 3rd compensation preference; still 33% of non-foreclosed Beneficiaries ranked this option among their top 3 preferences.
- 30% of foreclosed Beneficiaries identified non-rehabbed land bank homes (with a repair grant) among their top 3 preferences, compared to 18% of non-foreclosed Beneficiaries.

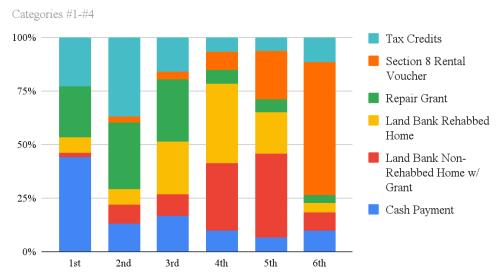
The least preferred compensation option was Section 8 rental vouchers.

• 62% of Beneficiaries ranked Section 8 rental vouchers as their least preferred compensation option, and 85% ranked it as their last (6th) or second to last (5th) preference.



Figure 2: Compensation Preferences Among Beneficiaries





c. Qualitative Analysis

The Qualitative portion of the survey consisted of two questions. The first was, "Are there any other compensation options that you want?" and the second, "Do you have any other comments about what the City should do to compensate Detroiters?"

The majority of survey respondents said that they want the money that was taken from them through illegal overtaxation and home foreclosures to be returned. One of the most common suggestions was to do this through either tax credits or exemptions. While tax credits would be an acceptable form of compensation, most respondents indicated that they would prefer cash payments. Additionally, the possibility of home repair grants as well as grants to start new businesses were mentioned by some.

Another theme was that many respondents indicated that they want the city to invest in their communities. In addition to the financial loss many Detroit residents suffered, overtaxation and dignity taking also harms mental health. As a result, many respondents indicated they want support for their mental health. Some respondents felt that those who were forced to move out of the city or those who have died should be compensated as well, and it is the City's responsibility to make sure this happens. Finally, several respondents indicated that they want transparency in the property taxation process and



access to information about exemptions and support so that this injustice does not happen again.

2. Findings by City Council District

a. Districts 1 and 3

- The City should create a legacy fund, or some form of compensation, for children and other dependents whose deceased parents or grandparents were overtaxed and/or foreclosed on and were planning to leave the home to their children.
- Compensation should include a grant to build on side lots and exempt these structures from future taxes, as well as lift certain use restrictions on the lot (e.g. zoning restrictions).
- The City should provide compensation for those who paid inflated taxes but decided to sell their house and leave Detroit.
- There should be some form of compensation available for renters who, although they paid their rent on time, were displaced when their landlord was foreclosed on due to illegally inflated taxes.
- If the City cannot provide cash compensation, they should provide a "City Voucher" that can be applied against City services.

b. District 2

- Residents primarily want cash compensation.
- Residents should have an active role in deciding compensation options, and compensation should be individualized.
- The City should issue a formal apology, perhaps through a resolution.
- Compensation should include mental health, counseling, and other resources to heal trauma.
- Residents were supportive of all the proposed options, and wanted them available for everybody who was affected.
- Compensation should be available for folks that moved out of Detroit, as well as those who survived a family member who was unjustly foreclosed on.
- Residents want the opportunity to build generational wealth for their families.



c. District 4

- Individuals and communities should be in charge of determining the appropriate compensation to be made whole.
- Residents want an audit of the Office of the Assessor and increased transparency.
- Residents complained of previous difficulties with the poverty tax exemption due to excessive paperwork and administrative barriers. Compensation should instead be easily accessible.
- Residents want Land Bank non-rehabbed homes with home repair grant options where they can select their own contractors and be given at least 18 months to get them up to code.

d. District 5

- Residents want the home repair grants to be sufficient to really modernize homes, including green retrofitting, and the freedom to decide how to use them.
- Residents want the City to restore the wealth that was lost with interest (given that homeowners lost the opportunity to benefit from rising property values in the City), as well as a guarantee of future protection from the City, including tax credits.
- Compensation should include as many options as possible, and everyone who was affected should be compensated.

e. District 6

- Residents complained of bad experiences with administrative red tape, complicated language, and general lack of accessibility for existing programs. A compensation program must be accessible and remove barriers.
- The City needs to address building, retaining, and restoring the generational wealth that was stolen.
- Compensation should be occurring at a community level. It should include protecting existing residents from gentrification.
- Home repair grants are a priority, and should be accessible. Home repair compensation should also include help with connecting to reliable contractors and other resources.
- Compensation should also include property tax credits.



f. District 7

- There is consensus around what is offered in the menu of compensation options.
- Residents want to ensure that the community gets priority access over corporations for employment and development opportunities.
- Residents want more than just restoration of what was taken but also exemption from taxes going forward. Options explored included future tax exemptions and tax credits.
- Residents also emphasized the need for more accuracy and transparency going forward. For example, notices that show how taxes are calculated as well as general education on the breakdown of property tax calculation. It was suggested that this could be done as a collaboration between a group of residents and city council.

IV. CONCLUSION

The Coalition's People's Forum event was a critical moment in the dignity restoration process. Beneficiaries led the conversation about how the City of Detroit should provide compensation for its ongoing over assessments and the ensuing property tax foreclosure crisis. Beneficiaries expressed clear preference for cash payments, property tax credits, and home repair grants as forms of compensation. The City of Detroit should use the data collected from this event to shape its compensation programs. The event is a model for how to engage in the dignity restoration process with the City giving Beneficiaries a menu of options and Beneficiaries shaping that menu.