



December 29, 2023

Larry Royster, Clerk of the Court
Michigan Supreme Court
(submitted via Court's online comment portal)

Re: ADM File No. 2020-08 – proposed rescission of AO 2020-17 and ensuring that implementation of local court rules accords with MCR 4.201

Dear Clerk Royster:

As the housing attorney at the Michigan Poverty Law Program and coordinator of the Michigan Housing Task Force (a group of more than 300 housing advocates, primarily attorneys working for legal aid organizations), I write to commend and thank the Court for making this proposal (and for the significant amendments to MCR 4.201 it made at the same time). We fully support the pending proposed change to MCR 4.201(C)(1).

As the proposed amendatory language essentially says, it would rightly ensure alignment of any local rule adopted under MCL 6000.5735(4) with the amended MCR 4.201, including the advice of “rights and information” under MCR 4.201(K).

By requiring that tenant defendants be allowed to orally answer the complaint on the date and time stated on the summons, the proposed change will facilitate access to justice and enhance the securing of the due process rights of those defendants. The proposed change would ensure that “5-day [local] rules” don’t impose improper barriers to tenants getting their day in court.

The proposed change will also make MCR 4.201 more consistent with the summary proceedings statute. MCL 600.5735(4) only allows for adjustment of the time for setting an initial hearing. It does not support a protocol that requires a tenant defendant to file a written answer within 5 days of getting served to get a hearing, as most 5-day rules did.

Thank you for your consideration of this comment. We urge the Court to adopt the proposed change,

Sincerely yours,

MICHIGAN POVERTY LAW PROGRAM

/s/
James E Schaafsma
Housing Attorney