

Order

Michigan Supreme Court
Lansing, Michigan

August 10, 2022

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-08

Amendment of Administrative
Order No. 2020-17

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

On order of the Court, the following amendment of Administrative Order No. 2020-17 is adopted, effective immediately.

[Additions to the text are indicated in underlining
and deleted text is shown by strikeover.]

Administrative Order No. 2020-17 – Continuation of Alternative Procedures for
Landlord/Tenant Cases

[Entered June 9, 2020; language as amended by orders entered June 24, 2020, October 22,
2020, December 29, 2020, January 30, 2021, March 22, 2021, April 9, 2021, July 2, 2021,
~~and~~ July 26, 2021, and August 10, 2022.]

~~On order of the Court, Administrative Order No. 2020-17 is hereby amended and
replaced with the following new language, effective immediately.~~

[First five paragraphs: unchanged.]

(A)-(D) [Unchanged.]

(E) Except as provided below, all Summary Proceeding Act cases must be adjourned for seven days after the pretrial hearing in subsection (B) is conducted. Nothing in this order limits the statutory authority of a judge to adjourn for a longer period. MCL 600.5732. Any party who does not appear at the hearing scheduled for the adjourned date will be defaulted. Cases need not be adjourned for seven days if: the plaintiff dismisses the complaint, with or without prejudice, and without any conditions; if defendant was personally served under MCR 2.105(A) and fails to appear; if plaintiff pleads and proves, with notice, a complaint under MCL 600.5714(1)(b), (d), (e) or (f), sufficient to meet the statutory and court rule requirements and a judge is available to hear the proofs; or where both plaintiff and defendant are represented by counsel and a consent judgment or conditional dismissal is filed with the court. Where plaintiff and defendant are represented by

counsel, the parties may submit a conditional dismissal or consent judgment in lieu of appearing personally at the second hearing. Nothing in this subsection supersedes the right to an attorney pursuant to 4.201(F)(2).

(F)-(I) [Unchanged.]

This order is effective immediately until further order of the Court.

VIVIANO, J. (*concurring*).

Administrative Order No. 2020-17, 505 Mich cliv (2020), as amended by 507 Mich ___ (2021), currently requires that most landlord-tenant cases be adjourned seven days after the initial court date. Today's amendment adds exceptions to this adjournment requirement for cases in which a plaintiff landlord is seeking to recover possession of the premises due to (1) manufacturing or sale of narcotics on the property, (2) a health hazard or physical injury to the property, (3) threat of or actual physical injury to an individual, or (4) taking or holding possession of the property by force or trespass under MCL 600.5714(1)(b), (d), (e), or (f), respectively. I continue to believe that we should rescind AO 2020-17 in its entirety and return all landlord-tenant cases to the procedures established by our statutes and court rules for the reasons I have previously stated.¹ However, the Court today is not considering rescission of the entire administrative order. Furthermore, the present revisions to the administrative order will enable landlords to more quickly recover possession of their premises in certain circumstances in which nonpayment of rent is not the basis on which the landlord is seeking to recover possession, which is consistent with MCL 600.5714. For these reasons, although I would prefer to rescind the order in its entirety, I concur in the amendment.

¹ See Amendment of Administrative Order No. 2020-17, 507 Mich ___ (July 2, 2021) (VIVIANO, J., dissenting).



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

August 10, 2022

Clerk