

Order

Michigan Supreme Court
Lansing, Michigan

September 7, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2020-08

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

Proposed Rescission of Administrative
Order No. 2020-17 and Proposed
Amendment of Rule 4.201 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering a rescission of Administrative Order No. 2020-17 and amendment of Rule 4.201 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[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~~

~~Many people believe that our state is finally at the end of the pandemic. Still, the
court system will long be dealing with the effects brought about by the greatest health crisis
in our generation.~~

~~Throughout the pandemic, federal response to this problem has taken two forms:
eviction moratoria and direct state aid. Several eviction moratoria were imposed, both by
Congress (Pub L. 116-136) and by the CDC (published at 85 FR 55292 and extended by
Order dated March 28, 2021), prohibiting evictions for tenants in certain types of
government-supported housing or who meet certain income restrictions. Those moratoria
have since been lifted.~~

~~The second type of federal response — direct aid to states to provide for rental
assistance programs is also coming to an end. However, the need for that programming
continues, even assuming the health risks associated with the typical manner of processing
eviction proceedings has eased.~~

~~The use of remote technology to the greatest extent possible is as important today as it was three years ago. Now is the appropriate time to consider what changes in procedure, adopted with as much speed and thought as possible in the midst of a pandemic, should be retained or changed before becoming permanent practices in our state courts. This effort has been based on input from state court stakeholders, but even early data showed us that expanded use of technology has improved rates of participation and been a boon to issues related to access to justice.~~

~~Therefore, the Court adopts this administrative order under 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, directing that all local court rules created pursuant to MCL 600.5735(4), that in their implementation require a written answer are temporarily suspended.[†] Unless otherwise provided by this order, a court must comply with MCR 4.201 with regard to summary proceedings.~~

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

Rule 4.201 Summary Proceedings to Recover Possession of Premises

(A)-(B) [Unchanged.]

(C) Summons.

(1) The summons must comply with MCR 2.102, except that it must command the defendant to appear for trial in accord with MCL 600.5735(2), unless by local court rule the provisions of MCL 600.5735(4) have been made applicable. If a court adopts a local court rule under MCL 600.5735(4), both of the following apply:

(a) Pursuant to subrule (F)(1)(b), the defendant must be allowed to appear and orally answer the complaint on the date and time indicated by the summons.

(b) The court must abide by the remaining requirements of this rule.

[†]~~The courts with local court rules include: 1st District Court (Monroe County); 2A District Court (Lenawee County); 12th District Court (Jackson County); 18th District Court (City of Westland); 81st District Court (Alcona, Arenac, Iosco, and Oscoda Counties); 82nd District Court (Ogemaw County); and 95B District Court (Dickinson and Iron Counties).~~

(2)-(3) [Unchanged.]

(D)-(O) [Unchanged.]

Staff Comment (ADM File No. 2020-08): The proposed rescission of AO 2020-17 reflects the Court’s review of the public comments received in this same ADM File regarding additional amendments of MCR 4.201. The proposed amendment of MCR 4.201 would ensure that courts with a local court rule under MCL 600.5735(4) implement their local court rule in accordance with the other provisions of MCR 4.201.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2024 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2020-08. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

September 7, 2023

A handwritten signature in blue ink, appearing to read "Larry S. Royster".

Clerk