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Comment:

We have a backlog of over 50 applicants looking for affordable housing in my community but cannot provide housing for those applicants because we have so many units occupied by residents using the court rules to avoid both paying rent and moving out. The attitude of some residents seems to be "why pay rent when the courts will let me live here without paying?"

Evictions are already taking up to 6 months to complete making the waiting list even longer.

The Court may have good intentions, but it is hurting families seeking affordable housing.

Specifically, the Court should reject the following proposed revisions:

1. MCR 4.201(B)(3)(c) appears designed to create a way for tenants to block landlords' path to the courthouse doors by preventing a landlord from evicting tenants if they have any issue with rental registration or occupancy certificates, even if minor. Some municipalities don't even offer certificates of compliance and often the tenant is the one causing the damage resulting in a lack of certificate. Certificates in my area are denied for things as small as a rip in a window screen.
2. MCR 4.201(F)(1) eliminates the requirement for tenants in eviction proceedings to answer a complaint at the first hearing. Given that defendants in most evictions for nonpayment have no defense for failing to fulfill their contractual obligation for using the plaintiff's property, this change appears to be designed merely to delay eviction proceedings and force property owners to forfeit the use of their property without compensation.
3. MCR 4.201(F)(5)(d) similarly provides for an adjournment "for at least 7 days" and appears to be another stall tactic for defendants to continue using the plaintiff's property without paying and often this time frame is much longer than 7 days requiring owners to be without rent for additional months.
4. MCR 4.201(G)(4) also appears designed to delay proceedings by allowing defendants to request a jury trial up until two days before a trial date. Michigan Law currently requires residents to demand a jury when answering the complaint. This is not an unreasonable time frame.
5. MCR 4.201(I)(3) again allows defendants to continue residing in the plaintiff's property without paying rent merely by indicating to the court that the defendant has requested third-party assistance. Even if there is no proof of that request. Perhaps that approach had merit when programs using COVID Emergency Rental Assistance had significant backlogs and took time to process many applications, but we are beyond that point. Most cases do not make it to court until a resident has been living rent free for at least 60 days, so a resident who wants to seek third-party assistance to pay rent has plenty of time to obtain that assistance before a hearing.
6. MCR 4.201(K)(2)(c) requires personal service of a tenant before seeking a Judgment for failing to appear at a first hearing, which diverges from the service requirements for every other type of case. Service by attachment, combined with first-class mailing and all the other means permissible under the Court Rules should have the same weight as personal service with regards to notification of hearings. Posting a notice of eviction on a resident's front door should be sufficient and the reality is that tenants know when they are not paying their rent and often ignore court summons as a means of delaying eviction.

The Michigan Supreme Court should reject the proposed revisions to AO 2020-17 and MCR 4.201 because they cause unnecessary and unjust delays in the judicial process. The prior process properly balanced parties' rights in a manner that ensured residents had sufficient notice of hearings while also returning property to owners when residents do not fulfill their contractual obligations.

To ensure that Michigan returns affordable housing to the rental pool as quickly as possible, the Court should reject the proposed rule changes.

Thank you,
Renee Hill