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Comment:

I am a practicing real estate attorney with over 20 years of experience. I am writing in opposition to the proposed amendments to MCR 4.201. While I understand, in theory, what the proposed amendments are attempting to accomplish, I do not think, in practice, it will have the intended effect. As a matter of fact, I think it will have an adverse impact to the landlord/tenant eviction process and, more importantly, to the people the rule is attempting to protect.

First, it is undisputed that judicial dockets have yet to recover from the impact of COVID-19. The addition of hearings and appearances in the landlord/tenant process as proposed will only exacerbate delays in resolving disputes.

With respect to the impact on potential residents, I think the proposed amendments to the rule will, in addition to other unintended consequences, cause rental rates to increase and make it more difficult to obtain quality housing.

Because of additional hearings and time to evict a non-paying tenant, the costs associated with evictions will increase. In addition, the risk of bad debt associated with non-paying tenants will increase. It would be naïve to think that landlords are willing to absorb these costs/risks. It will be absorbed by the very group the proposed amendments are attempting to protect in the form of rental increases.

Finally, with it being so difficult/time consuming to evict a non-paying tenant, landlords will be less willing to rent to a person that may have adverse matters reported on their credit report. This may make it more difficult for a person that may have previously experienced financial hardship to recover from that situation and obtain quality housing.