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Comment:

I am writing in support of the changes to MCR 4.201, the eviction case court rule, that the Supreme Court has proposed.

This proposed rule would inform tenants of available housing resources and give them more time to access their right to legal counsel and/or search for new housing. This will help tenants avoid court judgments and evictions that cause harm to their families and communities, induce mental trauma, further poverty, contribute to poor performance in school, causes neighborhood blight, and creates a public record for vulnerable people that can ruin credit (if collections are pursued) and make it even more difficult to find new housing. This proposal is a common-sense, dignified solution that can prevent unnecessary evictions. As to MCR 4.201(B)(3)(c), the legal relationship between a landlord and tenant is a two-way obligation. Plaintiffs should be required to follow the law if they want to leverage the court to evict tenants.

As research has shown (see, for example, the U of M Poverty Solutions Eviction Report), the eviction filing rates in Michigan are very high, especially in cities with large Black and low-income populations like Detroit. The occurrence of default judgments is high, and the proportion of tenants being represented by an attorney is very low. In Detroit, recent research suggests that modified court procedures have reduced the rate of default judgments and increased tenants' access to counsel, but the vast majority of eviction cases are filed by landlords who do not comply with local health and safety codes. The proposed court rule amendments can better ensure basic tenant protections.

Within its authority, the Court is giving some basic consideration to the fact that Michigan and the entire country are in a rental housing crisis.

Evictions cause tremendous harm not only to the evicted families, but also the communities they live in. The proposed court rule changes may help reduce some of this harm. Please approve the proposed changes and take all actions within your power to protect the rights and lives of tenants.

I believe these changes to the court rules would confer basic fairness on the evictions process, and would hopefully be a step towards ensuring that more eviction orders are made based on the merits, and fewer result from procedural technicalities. Default rules are often difficult to understand, sometimes even for lawyers. Although the pandemic crisis which led to these temporary rules has somewhat abated, the housing crisis has only deepened, and it is more important than ever that renters who rightfully belong in their homes get to stay. Sincerely,

Rebecca Millican
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