

Name: Paul Bastas

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ADM File Number: 2020-08

Comment:

I am currently employed by Kaftan Communities. For almost 60 years the focus of this organization has been committed to building and creating affordable family-based communities. We currently offer about 2,500 residential homes that many Michigan residents proudly call home.

Please accept these comments in opposition to the proposed amendments to Michigan Court Rule 4.201 – ADM File No. 2020-08.

There is no doubt that the COVID-19 pandemic caused tremendous difficulties for many individuals and caused many to struggle during this period. However, to make permanent these rules of justice designed to assist people in a unprecedented time of need is neither appropriate nor does it further fair and efficient administration of justice. The decision to proceed with the eviction process is never an easy business decision for us to proceed with. However, these new rules will negatively impact all tenants, landlords, workers and the overall general public.

Rule 4.201 (B)(3)(c): A required affirmation of compliance with local and state health and safety laws in this rule conflicts with MCL 125.530.

Rule 4.201 (G)(4): Non-Payment of Rent cases rarely go to a jury trial, so the proposed allowance for a defendant to wait until two days prior to the trial date to demand a jury trial will only provide for unnecessary delaying tactics and place a significant administrative burden on district courts. If anything, this will create a major burden upon the court systems.

Rule 4.201 (G)(5)(a) and (b): The proposal to require personal service of process before a default judgement can be entered will further delay the court process. When you consider a defendant has already been provided with a written notice from the property owner, and the court has mailed the defendant a notice to appear, this proposal is completely unnecessary and does not advance the goal of ensuring the parties proper review of their claims. These non-paying residents as well aware of their agreed upon obligation to pay their housing rent on a timely basis.

Rule 4.201 (G)(5)(d): The proposed rule change to require adjournment of the trial for at least 7 days infringes upon state law – specifically MCL 600.5735(2) – which requires landlord tenant cases be set for trial no more than 10 days after summons.

Rule 4.201: The current proposal treats termination of tenancy cases the same as non-payment of rent cases. This change would further delay court proceedings and add an administrative burden to already overburdened court administrative staff. Michigan Law separates these two types of cases for good reason and court rules should not attempt to change that.

Rule 4.201 (I)(3): The addition of a 30-day stays of proceedings related to rental assistance application is simply unconstitutional. State law provides for recovery of possession due to non-payment, and this requirement intrudes upon that pathway. Many non-paying residents have used these excuse to delay their court dates knowing that they had not applied for any assistance or received assistance but used those funds for other personal expenses.

Keeping these homes off the market with non-paying residents can a severe impact on preventing the creation of needed housing. Many landlords have had to defer needed repairs to their communities due to lack of funds. These deferred repairs can lead to unnecessary neighbored blight.

Sincerely,

Paul Bastas