



October 31, 2022

Hon. Thomas P. Boyd, Administrator
Ms. Sarah E. Roth, Administrative Counsel
Office of Administrative Counsel
P.O. Box 30052
Lansing, MI 48909

Re: ADM file 2020-08

Dear Judge Boyd:

On behalf of the National Apartment Association (“NAA”) and National Multifamily Housing Council (“NMHC”), we are writing to you about a matter of considerable importance to [our rental housing provider members and the residents we serve in the state of Michigan](#)—codifying emergency rules related to evictions during the COVID-19 pandemic into the Michigan Court Rules. We strongly urge the Court to oppose the proposed amendments that make these temporary rules permanent.

As the leading authority on housing policy and preeminent industry advocate, the NAA and NMHC have partnered for more than 25 years to represent America's rental housing industry, and we work hand-in-hand with NAA's 141 state and local affiliated associations (including the Property Management Association of Michigan (PMAM), Detroit Metropolitan Apartment Association, Property Management Association of Mid-Michigan, Property Management Association of West Michigan, and the Washtenaw Area Apartment Association) in service to our developer, owner and manager members.

Of utmost concern, the following provisions would have severe consequences on the quality and quantity of rental housing in the state and ultimately, deepen housing affordability challenges for renters overall, including those not at-risk for eviction:

- 1) preventing default judgments at the first hearing;
- 2) requiring a minimum of 2 hearings before judgment; and
- 3) mandating a 30-day stay for tenants with a pending rental assistance application.

COVID-19 highlighted housing providers' efforts to utilize all available resources and be as flexible as their circumstances allow to help their residents remain stably housed. Their businesses always do better when units are occupied and when they can fully meet their obligations to their residents, employees, creditors and the communities that they serve. Yet, it remains critical that housing providers maintain access to their only legal remedy to retake possession of their property when a renter violates the terms of their lease agreement—access to eviction courts without arbitrary delays.

These amendments exacerbate post-pandemic backlogs in eviction courts, stretching the process from weeks or months to more than a year in some jurisdictions. Meanwhile, owners and managers face even more lost rent while they wait. This is particularly challenging for operators of subsidized housing and mom and pop landlords. [Everything but 9 cents of every dollar](#) of rent funds property operations and maintenance as well as housing providers' contributions to local communities through property taxes. As gaps grow between rental income and operating expenses, this ultimately hurts those who work and live in rental housing.

Instead of further delays in the eviction court process, we urge the State, more broadly, to support and continue to invest in rental assistance programs for renters and housing providers who have been economically impacted by a public emergency. Until rental assistance programs can be fully funded and support renters with all of their emergency housing needs, it is improper to tie the eviction and rental assistance application processes so closely. Approval of these applications and awards that fully cover renters' outstanding rent debt are not guaranteed given eligibility and funding limitations.

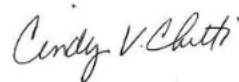
Moreover, we continue to champion responsible and sustainable solutions that stabilize renter households who are at risk of eviction, including policies that encourage more robust multifamily housing development and investments in Section 8 Housing Choice Vouchers (HCV) and program administration, as well as improvements to the HCV program.

While we highlight three proposed amendments of importance in this letter, we remain troubled by many aspects of the proposal and amplify the industry's concerns outlined in PMAM's comment letter. NAA and NMHC appreciate your consideration of our request and welcome productive dialogue between the Court and key stakeholders.

Sincerely,



Greg Brown
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Government Affairs
NAA



Cindy Chetti
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