

Name: Detroit Jews for Justice

Date: 10/28/2022

ADM File Number: 2020-08

Comment:

I am writing on behalf of Detroit Jews for Justice in support of the changes to MCR 4.201, the eviction case court rule, that the Supreme Court has proposed. Our organization has long been a partner in the fight for housing equity in the Detroit and have seen the disorienting and devastating effects of the eviction process on poor communities of color.

While the Court's proposed changes would not significantly alter the legal eviction process, they would inform tenants of available housing resources and give them slightly more time to access their right to legal counsel and/or search for new housing. This could help tenants avoid possession judgments and bailiff evictions that cause harm to their families and communities, including homelessness, trauma, job loss, overcrowding, destruction of personal property, a scarlet "E" on their record that perpetuates housing instability. In nonpayment of rent cases, the rule changes would help tenants and landlords by building a little more time into the process to access rental assistance. We support the 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. We feel that the proposed court rule amendments can help maintain positive changes to the eviction process and better ensure basic tenant protections.

These changes are well within the authority of the court to supervise the eviction court case process. They don't go as far as we think Michigan law must go to make the eviction process fair for tenants or address the eviction crisis. Even with the proposed changes, evictions will still proceed much faster than other court cases, and still far too fast for many tenants to know their rights or access relief. Power, information, and resource inequities will still characterize tenants' relationships to landlords, judges, and attorneys, and the law will still favor landlords by default. Steadily rising rents and a huge scarcity of decent or affordable rental housing, especially for lower income families of color, only increases the power that landlords have over their tenants and eviction pressures. 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.

Sincerely,

Detroit Jews for Justice

Allison Zeff, Executive Director