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Comment:

As a small landlord, I am dependent on a regular income stream. I have 10 properties; disruption in more than one at a time can cause significant income loss. The present system allows tenants plenty of time to avoid default judgment. They can apply for assistance long in advance of eviction proceedings. Property managers routinely provide notice of resources available when tenants fall behind. By the time we get to eviction, the tenant is generally far behind in rent and has shown no interest in looking for help. Most tenants want to pay their bills. But tenants who are served with eviction notices are a small minority, and they are generally, in my experience, interested in dragging out the process and avoiding responsibility. Blanket rules affect all cases, but all cases aren't the same. Summary resolutions are appropriate where the tenant simply fails to respond or show up. Longer processes are fair for tenants who make good faith efforts. Those tenants are making good faith efforts long before the eviction is filed. I would suggest that tenants wanting to take advantage of a stay, or avoid a default judgment, be required to make some showing of good faith, to the discretion of the judge. I am greatly concerned that the SCAO is, by this rule, not simply amending court process, but making public policy. The moratorium during the epidemic was needed, but the emergency has passed. The courts are amending processes that materially affect the property rights of Michigan citizens, without appropriate due process. I am all for fairness and efficient court administration, but I question the validity of the court unilaterally imposing rule changes that fundamentally change a function created by the legislature. This is particularly true here, where every single change made works to the benefit of tenants and to the detriment of property owners. This should be a legislative matter.