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Comment:

I have been a landlord for 32 years. As such, I have provided housing for hundreds of families and individuals. The courts should not make AO 2020-17 permanent. The Summary Proceedings Act and Michigan Court Rules should continue as is.

Rule 4.201 would delay the eviction process and conflicts with MCL 125.530. Rental certificates are at times delayed at no fault of the property owner.

Rule 4.201 G4: delays the eviction process allowing tenants to live rent free. Tenants rarely pay court judgments, especially large judgments. Non payment of rent cases rarely go to a jury trial. Tenants know they owe the rent.

Rule 4.201 G5 (a)(b): It is not always possible to get personal service. Tenants receive notice of the court proceedings from the landlord and the court mails a notice to appear. Tenants are aware of the court date. This proposal delays the court process allowing tenants to live longer at the residence without paying rent.

Rule 4.201 G5(d): The proposed rule change to require adjournment of the trial for a least 7 days infringes upon state law MCL 600.5735(2) which requires landlord-tenant cases be set for trial no more than 10 days after summons. The court cases I have been filing recently are being scheduled out for approximately three months.

Rule 4.201(1)(3) Allows tenants to continue living in the landlord's property rent free by the tenant stating they have requested assistance from an organization.

Rule 4.201(k)(2)(c) is a delay tactic for tenants providing adjournment for up to 56 days.

Rule 4.201(k)(2) creates an advice of rights pretrial which delays court cases at the expense of landlords.

Rule 4.201(k)(2)(c): Service by attachment and first class mailing should be just as acceptable as personal service. Tenants know they are behind on rent and tenants know about the court dates. Tenants choose not to attend the hearing.

The Michigan Supreme Court should reject the proposed revisions to AO 2020-17 and MCR 4.201. The changes would delay evicting non-paying tenants and burden busy district courts. The revisions would allow tenants who are not paying their rent to live for free for about 6 months. Organizations and DHS will not be able to assist tenants who owe thousands of dollars in rent. Landlords will be forced to increase rents for all tenants to cover expenses. Many landlords will lose properties and/or be forced to file bankruptcy.