



## MICHIGAN COURTS NEWS RELEASE

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# **Supreme Court Defines Pioneering Approach for Courts to Resume Landlord/Tenant Cases**

*Order Focuses on Protecting Rights and Health of All Participants*

LANSING, MI – June 9, 2020 – The Michigan Supreme Court today entered [Administrative Order No. 2020-17](#) to define how trial courts statewide will resume processing landlord/tenant cases. Previous orders from the Court, the state of Michigan, and the federal government have temporarily halted such proceedings. The order focuses on making sure that the health of all participants is protected, cases are filed and disposed of in a reasonable period of time, and defendants are made aware of their right to legal counsel and of the availability of resources to help pay rent.

“With this order, the Court is pioneering a new approach for processing cases that protects public health and helps courts be more efficient while being more responsive to the needs of the public,” said Chief Justice Bridget M. McCormack. “Getting this process right is a win-win scenario for the community and for courts.”

Given that approximately 17,000 landlord/tenant cases are filed each month, the State Court Administrative Office estimates that more than 75,000 cases could potentially be filed in district courts statewide once the pause in case filing is ended. To address the coming deluge of cases, [AO No. 2020-17](#) sets priorities for processing cases based on the length of time rent has not been paid, urges additional use of remote proceedings, highlights the availability of Community Dispute Resolution Program offices to help resolve cases, and expands use of conditional dismissals.

Important highlights of the order include:

- Each landlord/tenant case must be scheduled for a specific date and time. This is in contrast to the traditional process of having a large group of cases scheduled for a certain period of time. This process change is vital to complying with social distancing requirements needed to protect public safety.
- Cases scheduled first will be those in which illegal activity or extensive physical damage to the premises have been alleged. Cases in which rent has not been paid for 120 days or more will have second priority while cases with lesser arrearages will be scheduled later. Courts should not proceed to hearing cases with a lower priority until cases with a higher priority have been scheduled for hearing.

- In cases where a remote hearing is scheduled for a first proceeding and the defendant fails to appear, a default judgement will not be entered unless the defendant was personally served a summons to appear, and the case will be rescheduled via mail notice for an in-person hearing.
- At the initial hearing, each court must inform defendants regarding their statutory right to legal counsel. To assist defendants who cannot afford counsel, courts must provide information about local legal aid offices and are encouraged to have legal services available either in person or via remote means whenever hearings are scheduled.
- In every case, as long as the defendant appears at the initial pretrial hearing to be advised of their rights, the court will adjourn the case for one week so that the defendant has time to exercise those rights.
- Defendants must also be informed of the availability of rental payment assistance from the Michigan Department of Health and Human Services, the Michigan State Housing Development Authority and other community agencies.

At the state level, [Executive Order 2020-85](#) temporarily suspended evictions and precluded any person from entering residential property to remove or exclude a tenant from the premises, except when the tenant poses a substantial risk to another person or an imminent and severe risk to property.

The federal government imposed a moratorium until July 25, 2020, on the filing of summary proceeding actions to recover possession of premises for nonpayment of rent that meet certain parameters. [Administrative Order No. 2020-8](#) requires a complainant who files a summary proceeding action before July 25, 2020, for possession of premises for nonpayment of rent must also submit verification indicating whether the property is exempt from the federal moratorium.