

Michigan Judicial Institute
Priority Treatment and New Procedure For
Landlord/Tenant Cases Webinar

July 9, 2020

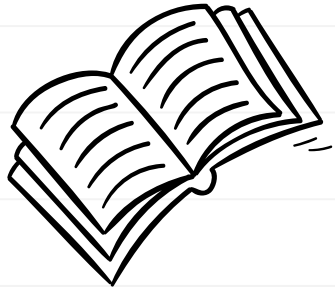
**Priority Treatment
and New Procedure For
Landlord/Tenant Cases Webinar**

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LANDLORD TENANT WEBINAR



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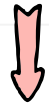
TOPICS TO COVER:

01



Administrative
Order 2020-17

02



Governor's
Eviction
Diversion
Program

03



Questions &
Answers

ADMINISTRATIVE ORDER 2020-17

HIGHLIGHTS



TRIAGE

Hearings should be scheduled according to Priority Level 1-6



SUMMONS

Court must provide written information about availability of counsel and housing assistance information with the summons



PRETRIAL HEARING

Parties must be verbally informed of:

- right to counsel
- housing assistance options
- judgment not required to receive assistance
- availability of CDRP
- possibility of Conditional Dismissal



DISCONTINUE COMPLIANCE

Once court proceeds through all priority phases and no longer has any LT filings from period between 3/20-6/30, court may notify Regional of completion and discontinue compliance

ADDITIONAL CHANGES IN AMENDED AO 2020-17

PRIORITY 1

Complaints alleging threatened physical injury to individual on leased property and trespassing/squatting added to Priority 1 phase

PRIORITY 6

All cases in Priority 1-5 that are filed after the court has moved to next priority AND nonpayment of rent of less than 30 days added to Priority 6 phase

2ND HEARING

The 2nd hearing does NOT need to be scheduled if:

- Plaintiff dismisses complaint, with/without prejudice AND without conditions; or
- Defendant was personally served and fails to appear; or
- Both plaintiff/defendant are represented by counsel and a consent judgment or conditional dismissal is filed with the court.

MOTION

A court may consider a termination case before Priority 5 if plaintiff files a motion alleging good cause to consider the case earlier.

CARES ACT

The form will allow a filer to indicate that the case was filed before the moratorium period and is not foreclosed from proceeding. Also, if filer removes fees/costs prohibited under CARES Act, must file amended complaint

RECORD

Pretrial hearings do not have to be on the record.

GOV'S EO 2020-134

EVICTION DIVERSION PROGRAM (EDP)

(EXTENDS MORATORIUM ON EVICTIONS TO 7/15)

RENTAL ASSISTANCE

- EDP rental assistance up to 90 % of amount due to plaintiff.
- Defendant's share to be paid in 12 equal monthly payments.
- Plaintiff must waive late fee & forgive one-ninth of one dollar of the remaining amount due for every dollar received as a lump sum.

ELIGIBILITY

- Eligibility will be based on tenant income and household size.
- Households up to 100% of area median income will be eligible for rental assistance.
- Half of the EDP funds will be reserved for households earning less than 50% of area median income

PAYMENTS

- Labor and Economic Opportunity grants funds to Housing Assessment and Resources Agencies (HARA).
- HARAs are responsible for making rental assistance payments.
- Every county has an assigned HARA.

COURTS, HARA AND LEGAL AID PARTNERSHIP

- Courts assist HARAs and Legal Aid by alerting tenants and landlords about the EDP via summons notification
- HARAs and Legal Aid organizations work together to serve tenants and landlords by negotiating a conditional dismissal
- Tenants and Landlords will complete short application to document eligibility
- HARAs will refer tenants to other services, like utility assistance, to support them

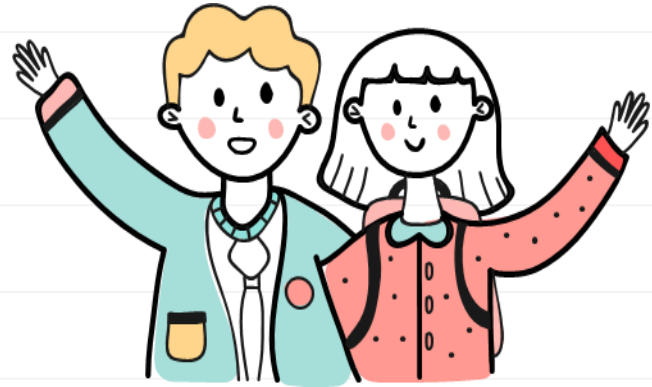
RENTAL ASSISTANCE STRUCTURE

Tenant AMI	Rental Assistance % of rent due	Tenant % of Rent Due	LL % forgiven	Future rental payments	Payment Cap for Rental Assistance
Under 50% AMI	90%	0%	1/9 of rental assistance (10%)	up to one months rent or \$1,200	\$3,500 for past due; \$1,200 future rent
50-80% AMI	75%	16.66%	1/9 of rental assistance (8.3%)	None	\$3,000
80-100% AMI	65%	27.77%	1/9 of rental assistance (7.2%)	None	\$3,000

AMI example: Wayne County, 4-person household; 50% AMI=\$39,250, 80%=\$62,800, 100%=\$78,500

THANKS!

Do you have any questions?
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