

REQUIRE PRETRIAL HEARING IN EVICTION PROCEEDINGS

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House Bill 4021 as introduced
Sponsor: Rep. Joseph A. Aragona
Committee: Judiciary
Complete to 2-18-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4021 would amend the Revised Judicature Act to newly require a *pretrial hearing*¹ in eviction *summary proceedings*. While Chapter 57 of the act provides that a summons issued in an eviction proceeding “shall command the defendant to appear for trial,” it does not require pretrial proceedings. The bill would add a provision requiring that, at the trial noticed by the summons, the court or *district court magistrate*² must first conduct a pretrial hearing consistent with guidance provided by the State Court Administrative Office (SCAO), at which the parties would have to be verbally informed of the advice required by Michigan Court Rules (e.g., the defendant’s right to employ legal counsel or to seek a jury trial).³ The bill also would newly allow district court magistrates to conduct eviction-related trials under Chapter 57, as long as they are authorized to do so by the chief judge of the district court district and are an attorney at law.

Summary proceedings means a civil action to recover possession of *premises* and to obtain certain *ancillary relief* as provided by Chapter 57 of the act and by any court rules adopted in connection with that chapter.⁴

Premises includes lands, tenements, condominium property, cooperative apartments, air rights and all manner of real property. It includes structures (regardless of whether they are fixed or mobile or are temporary or permanent), vessels, mobile trailer homes, and vehicles that are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage.

MCL 600.5735 and 600.8511

BACKGROUND:

In June 2020, the Michigan Supreme Court issued Administrative Order No. 2020-17 in response to the sharp rise in eviction cases filed in the early months of the COVID-19

¹ *Pretrial hearings* (sometimes referred to as “pretrial conferences”) are generally used to narrow the issues for trial, establish time frames for discovery, exchange witness lists, file motions, and set a trial date. In some proceedings, these hearings are used to seek the early resolution of a case altogether without the need for a trial (typically as a result of dismissal or a defendant entering a plea), which can help courts avoid trial backlogs.

² A *district court magistrate* is a quasi-judicial official of the district court who has the power to set bail, accept bond, accept guilty pleas, impose sentence for certain violations, and conduct informal hearings on civil infractions.

³ MCR 4.201, available [here](#).

⁴ *Ancillary relief* generally refers to legal relief that is part of, but subordinate to, relief provided by another proceeding. For example, landlords in eviction proceedings often to recover legal fees as a form of ancillary relief that is secondary to recovering possession of a property from a tenant.

pandemic.⁵ Among other provisions, the order suspended local court rules pertaining to eviction-related summary proceedings and applied MCR 4.201 uniformly throughout the state, requiring all courts to conduct pretrial hearings in landlord-tenant disputes and allowing district court magistrates to conduct these proceedings instead of a district court judge. The order was amended several times before it was rescinded effective May 1, 2024.

House Bill 4021 would essentially codify the changes initially instituted by Administrative Order No. 2020-17 into the Revised Judicature Act.

FISCAL IMPACT:

House Bill 4021 would have an indeterminate fiscal impact on local courts. Under the bill, pretrial hearings would be required to be conducted, which would result in an increase in court caseloads and the associated administrative workloads. Costs would depend on the increase in the number of relevant cases handled by the courts.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

⁵ https://www.courts.michigan.gov/SysGlobalAssets/migrated/news-events-review/archive/2020-08_2020-06-09_formattedorder_ao2020-17.pdf

SCAO guidance: <https://www.courts.michigan.gov/4a9db7/siteassets/covid/covid-19/guidelineforao2020-1>