



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
517-373-0128

Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: August 2, 2021

TO: District and Municipal Judges
cc: District and Municipal Court Administrators

FROM: Thomas P. Boyd

SUBJECT: Eviction Moratorium

As you know, the CDC Order (Eviction Moratorium) expired July 31, 2021. As courts adjust to this new reality, please keep the following in mind:

- Michigan Supreme Court Administrative Order No. 2020-17 remains in effect.
- Administrative Order No. 2020-17(I) tolls the statutory period that must pass before issuing an Application and Order of Eviction (DC 107) pursuant to MCL 600.5744 until the expiration of the CDC Order; counting the 10 day statutory period for judgements ordered pursuant to MCL 600.5744(5) may begin no sooner than August 1, 2021.
- Administrative Order No. 2020-17 subsections (H) and (G) are separate subsections of the Order, not dependent upon each other. In all cases filed pursuant to MCL 600.5714(1)(a) for nonpayment of rent, a court must stay further proceedings if a defendant applies for COVID Emergency Rental Assistance (CERA) and notifies the court of the application.
- The Application and Order of Eviction requires a plaintiff to inform the court of any funds received toward payment of the judgment. MCR 4.201(L)(1). An order of eviction may not be issued if any part of the amount due under the judgment has been paid unless a hearing is held or the judgment provides partial payment will not prevent issuance of an order of eviction. MCR 4.201(L)(5).
- The court may not issue an order of eviction if the judgment amount plus costs has been paid. MCL 600.5744(7). If the court has concerns or questions about signing the Application and Order of Eviction as filed, the court may schedule a hearing to ascertain answers to its questions. MCL 600.5732.
- In adjudicating cases in which a CERA payment was previously made, be mindful of the certifications every landlord makes in its CERA [application](#) when determining the correct amount currently due pursuant to MCL 600.5714(1)(a):
CERA certifications:

If this application is funded, the Owner/Landlord agree that:

1. The settlement amount will be the Tenant's total obligation for rent, late fees, court costs, and other charges (recognizing that, if the CERA payment includes prospective rent, that payment might surpass the Tenant's present financial obligation). The settlement amount shall not include and the Landlord/Owner waives any late fees assessed after March 13, 2020 in excess of \$400 and any court costs in excess of \$150.
2. When the CERA payment will not fully satisfy Tenant's financial obligation to Owner/Landlord and the settlement includes an installment repayment plan, if Tenant is performing that plan's repayment terms, which performance Owner/Landlord will cooperate with, Owner/Landlord will not take steps to evict Tenant for non-payment of the rent (or any other charges) that plan covers.
3. It will waive any other present and known grounds for eviction against Tenant other than its nonpayment of rent claim or a claim based on a serious and continuing violation of the lease or law.
4. Except for grounds permitted by #3 above, or in MCL 600.5714(1)(b), (c)(i), (d), (e), or (f), or MCL 600.5775, Owner/Landlord will not take steps to terminate a tenancy any time before 1 month after a CERA payment, or, if a CERA payment covers a period of prospective rent, until at least 1 month after that period.
5. It has not received any other eviction diversion or rental assistance payments for this same arrearage for this Tenant.

Thank you for your continued hard work during this unprecedented time.