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LEGAL ACTION OF WISCONSIN FILES RULES PETITION WITH WISCONSIN SUPREME COURT REGARDING EVICTION RECORDS

Madison, Wis. (March 29, 2022) --- Legal Action of Wisconsin filed a Rules Petition with the Wisconsin Supreme Court today with the goal of helping more Wisconsin families find and maintain safe and affordable rental housing. The Rules Petition asks the Court to use its authority to reduce the length of time eviction records are held. Under the current rule, almost all eviction filings, whether granted or not, are held for twenty years. Landlords use these records to make decisions about who they rent to, meaning a decades old hardship or miscommunication can affect the housing options available to a family for decades to come. Legal Action is asking the Court to reduce that record retention period to one year for most eviction cases and keep the retention period at twenty years only for evictions where the court orders a renter to pay back money to their landlord.

“Everyone deserves a safe place to call home and the opportunity to secure safe and affordable rental housing without unfair barriers,” says Korey Lundin, a Legal Action attorney in the firm’s Madison office. “Unfortunately, in Wisconsin, the excessive length of time eviction filings remain on a renter’s record, whether a judge ends up granting an eviction or not, greatly impacts their rental options moving forward. These records will cause families to be forced to live in higher cost, lower quality housing, often leading to poverty and exacerbating systemic racism and segregation in housing.”

In their supporting documents, Legal Action highlights the many problems with the current rule for both people who rent and landlords. The memo highlights systemic issues in the rental housing market, including that evictions are filed and granted against Black mothers in Wisconsin disproportionately and more than any other group of people. They assert that with these proposed changes landlords will continue to have access to relevant information to make business decisions and, in fact, will have a clearer picture of who is a viable renter. Beyond the benefits to landlords, Legal Action’s supporting memo addresses the impact on people and families who rent their home.

“It can be difficult for a non-attorney to assess court records,” Attorney Lundin continues. “Yet it is legal for landlords to rely on any court record to deny a family housing, regardless of what happened in the eviction case. Most eviction cases do not result in a person being evicted, yet the record of that case will continue to impact the tenant for decades. Since evictions are disproportionately filed against Black renters, landlords who rely on eviction records to decide whether to rent to someone perpetuate these disparities.”

An eviction is a traumatic and destabilizing event that impacts the entire community. It happens quickly relative to other housing court procedures, like foreclosure, and often results in the loss of personal property, like furniture and clothing. Children often must start over in new schools with new teachers and lessons. With the current record retention rules, a temporary financial hardship for a family which caused a traumatizing time in their lives, ends up following them and impacting their options for a safe and affordable home for decades to come.

“Doing what we can to help families avoid this hardship, while allowing rental properties to run effectively, is vital to the stabilization and dignity of our communities. We believe this Petition takes a step in that direction,” states Attorney Lundin.

About Legal Action of Wisconsin

Since 1968, Legal Action of Wisconsin has been providing free legal services to low-income individuals and families who could not otherwise afford legal help. Legal Action emphasizes legal work with a broader reach, aimed at systemic changes that will help more people achieve a decent quality of life. With offices in six cities, Legal Action serves 39 southern Wisconsin counties with 125 attorneys, paralegals, and other staff. Legal Action provides civil legal aid with a focus on maintaining safe and affordable housing; removing barriers to employment; resolving consumer finance issues; accessing and maintaining public benefits; addressing children and family law matters; securing victim support and protection; and providing services to special populations like veterans, seniors, farmworkers, domestic violence survivors, and those recently released from prison.

Legal Action's work is funded by many different public and private sources, including the federally-funded Legal Services Corporation, and has hundreds of active volunteer attorneys who supplement, enhance, and support our staff attorneys' case work. Please visit Legal Action's website for additional information www.legalaction.org.

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