

March 17, 2020

Re: Immediate Stay in Executing Writs of Restitution

Dear Chief Judge,

Legal Action and the Legal Aid Society of Milwaukee write together to request that the Court impose an immediate stay of execution on all writs of restitution in its jurisdiction. The COVID-19 public health emergency requires all of us to act swiftly and decisively to slow the spread of the virus and mitigate the harm it will cause. Courts in Milwaukee and Dane Counties have already suspended eviction actions, along with other small claims matters, through at least April 3 as part of this effort. We urge all courts to adopt similar measures. However, sheriffs are still bound by statute to execute the writs of restitution that were issued prior to the public health emergency.

When a writ of restitution is executed, a household may become homeless or be forced to double up with friends or family. Either condition would facilitate the spread of COVID-19 and exacerbate the predicted strain on our healthcare systems. The risks to public health and social stability are too grave. Many social services agencies have suspended or drastically limited the support they can offer to low-income families in case of an eviction. All Wisconsin schools are closed for at least three weeks, which means that working families who depend on schools to keep their kids safe and fed during the day no longer have that support. Homeless shelters may have to close their doors. This is not the time to drive families into homelessness.

We ask the Court to exercise its constitutional (Article VII), statutory (Wis. Stat. §753.03), and equitable powers to stay all writs of restitution for at least 30 days. Depending on the situation in 30 days, a longer stay may be warranted.

Thank you for your attention to this important matter.

Sincerely,

/s/Deedee Peterson

Deedee Peterson
Executive Director
Legal Action of Wisconsin, Inc.

/s/Colleen Foley

Colleen Foley
Executive Director
Legal Aid Society of Milwaukee, Inc.