



ADMINISTRATIVE OFFICE

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March 20, 2020

Chief Justice Patience D. Roggensack
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Rebecca Grassl Bradley
Justice Daniel Kelly
Justice Rebecca Frank Dallet
Justice Brian Hagedorn

Wisconsin Supreme Court
110 E Main St # 440
Madison, WI 53703

Re: Request for Eviction Moratorium to Protect Wisconsinites during the COVID-19 Pandemic

To the Honorable Justices of the Supreme Court of Wisconsin:

Legal Action of Wisconsin, Inc. writes to respectfully requests the Wisconsin Supreme Court enter an order temporarily placing a moratorium on eviction actions in residential tenancies due to the COVID-19 pandemic. The Wisconsin Constitution gives this Court "superintending and administrative authority over all courts." Wis. Const. Art. VII, § 3. Legal Action respectfully requests this Court exercise its authority to immediately enter an order which: 1) prohibits any circuit court from issuing, and any sheriff's department from executing, any writ of restitution in any residential tenancy or against foreclosed homeowners; and 2) prohibits the circuit courts from otherwise allowing eviction actions to move forward.

Wisconsin faces an unprecedented threat to public health, safety, and economic stability. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak to be a worldwide pandemic. On March 13th President Trump declared a national emergency. Governor Evers has issued a series of emergency executive orders, including his March 17th order which places limits on public gatherings of more than ten people. On March 18th President Trump directed the Department of Housing and Urban Development (HUD) to issue a sixty-day moratorium on the eviction of persons from federally-insured, single-family properties. The HUD directive does not include any multi-family properties, apartment dwellings, or single-family properties which are not insured by the Federal Housing Administration. Meanwhile in Wisconsin and across the nation, thousands of renters are losing their jobs, applying for unemployment insurance, and wondering how they will pay next month's rent and avoid eviction.

Green Bay Office *Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties* | tel 920-432-4645 | toll-free 800-236-1127 | fax 920-432-5078

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Migrant Project *Statewide* | tel 608-256-3304 | toll-free 800-362-3904 | fax 608-256-0510

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Circuit courts in Wisconsin have responded on a county-by-county basis to the COVID-19 pandemic. Some counties have suspended eviction proceedings and stopped executing writs. Many counties, however, continue to allow evictions to proceed. This county-based approach puts lives at risk simply because of where they live. A Milwaukee County family struggling with a job loss as a result of the pandemic, for example, will not immediately face an eviction hearing as a result of their inability to pay rent. A family under identical circumstances living in Rock County, however, may be forced out of their home. Not only is this situation unjust, it exacerbates the current public health crisis.

When courts continue to hear eviction cases and issue writs of eviction, they instigate a cascade of consequences which contribute to the spread of COVID-19. First, they risk transmission of the virus to litigants and court staff by requiring parties to appear in person at the return date. Many counties schedule the return dates for many eviction cases all at the same time. This means that landlords and tenants must all come to courthouses at the same time, then gather in the same courtroom to wait until their case is called. Even as public health officials at all levels of government urge people to stay home, Wisconsin's courts are requiring landlords and tenants to appear in public places, in large groups, for high-stakes hearings about their rights.

Then, if an eviction is granted, local sheriff's departments face significant health risks while entering families' homes to evict them. Finally, tenants who are evicted may need to double up with friends or family, or turn to already overburdened homeless shelters. All these scenarios elevate the risk of virus transmission for landlords, state officers, tenants, and their communities.

The Court must act now. If this Court does not act immediately to temporarily halt all residential evictions, it is placing landlords, tenants, advocates, court staff, sheriff's deputies, and the public at heightened risk for being infected with COVID-19.

This Court should immediately exercise its broad constitutional authority to enter an order which: 1) prohibits any circuit court from issuing, and any sheriff's department from executing, any writ of restitution in any residential tenancy or against any foreclosed homeowner; and 2) prohibits the circuit courts from otherwise allowing eviction actions to move forward. This Court has the power to help flatten the curve of COVID-19 infections by halting evictions, and it should do so without delay. If the Court has any questions or concerns about this request, please contact Legal Action's Housing Priority Committee Coordinator, Attorney Christine Donahoe, at (414) 274-3431. Thank you for attention to this important matter.

Sincerely,

Deedee Peterson
Executive Director

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