

August 16, 2022

Deputy Clerk- Rules
Supreme Court of Wisconsin
P.O. Box 1688, Madison, WI 53701-1688

Via regular mail and email to clerk@wicourts.gov

Re: Rule Petition 22-03, In re Amendments to SCRs 72.01(8), 72.01(9), and 72.02(10),
Relating to Retention of Records in Eviction Cases

Dear Clerk and Honorable Justices of the Court,

Thank you for considering public comment on the above-captioned rule petition. I am writing in support of the petition, and the reduced retention period for eviction cases where there was no monetary judgment.

I have dedicated a significant portion of the last decade to studying the impacts of eviction, and I have seen, firsthand, what eviction records can do to a family's ability to find housing. While writing and researching my book, *Evicted: Poverty and Profit in the American City*, I spent time with families in Milwaukee who were forced to submit dozens of rental applications before they could find a landlord willing to even consider them. One single mother I met called on or applied to 90 apartments before a property owner said yes. This was largely due to her eviction record.¹

I now direct the Eviction Lab at Princeton University and have coauthored many statistical studies on the effects of eviction. There is ample evidence that families move to worse housing (e.g., units with more housing problems) and worse neighborhoods (e.g., areas with higher rates of crime and poverty) after their eviction. This, too, is a direct result of the mark of an eviction.²

The harm caused by eviction records, records that often do not necessarily reflect the merit or outcome of the case, is profound and real. They can make it impossible for an individual or family to find a safe and secure place to live. What is more, my team and I have also found that eviction records contain a large number of inaccuracies. For example, a tenant who won in court, or who worked things out with their landlord before court, might have their eviction case recorded as an "eviction judgment," which can severely limit their housing choices and harm their credit.

¹ Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York: Crown, 2016).

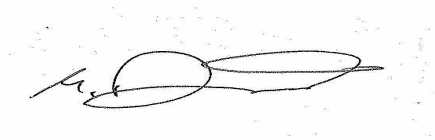
² Matthew Desmond, Weihua An, Richelle Winkler, and Thomas Ferriss, "Evicting Children," *Social Forces* 92 (2013): 303–27; Matthew Desmond and Tracey Shollenberger, "Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences," *Demography* 52 (2015): 1751–72; Matthew Desmond, Carl Gershenson, and Barbara Kiviat, "Forced Relocation and Residential Instability among Urban Renters," *Social Service Review* 89 (2015): 227–62.

Minimizing the retention period of those records is warranted not only due to the injury they cause but also because of the way they promote and perpetuate the cycle of eviction. In addition to stopping families from finding housing, eviction records exacerbate the perilous financial position of impoverished renters. In many cases, landlords renting to individuals with eviction records will require payment of double or triple security deposits upon move-in. For families paying upwards of 70-80% of their income to rent, that initial outlay of cash can put them in serious jeopardy and risk of eviction if they encounter any financial hardships. One sick child or missed shift at work can lead to a missed rent payment and an eviction that may not have happened had the tenant not been stripped of resources when moving in.

By modifying Wisconsin Supreme Court rules to reduce the retention period of eviction records without a monetary judgment to one year, the Court will give more renters the opportunity to search for housing on even terms with the rest of society and, perhaps, give them the opportunity to break free from the cycle of eviction.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Desmond', is centered on the page. The signature is written in a cursive style with a large, prominent loop.

Matthew Desmond
Maurice P. Daring Professor of Sociology