



October 25, 2002

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

Dear Honorable Justices,

This letter is written on behalf of Safe & Sound in support of Legal Action as they file Rule Petition 22-03 asking the Court to use its authority to reduce the length of time eviction records are held. Safe & Sound recognizes that this change will take a step to prevent the current rental market from reflecting historic discriminatory lending practices, provide landlords with the most accurate information to choose their tenants and allow tenants to regain access to safe, quality housing.

As a nonprofit based in Milwaukee, Safe & Sound witnesses firsthand how the history of racial redlining is reflected both in modern demographics and in the distribution of evictions. Black and Brown Milwaukeeans bear the brunt of evictions. The MacArthur Foundation found that across black and white high poverty neighborhoods that black men were about four times more likely to be evicted than their white peers and black women almost nine times as likely. Despite making up only 9.6% of the population black women endure a full 30% of filed evictions. The disparate use of evictions in black and white communities creates harmful long-term effects that the current records system allows to remain for two decades. Adopting Petition 22-03 can begin to address the harmful long-term impacts of evictions and take a step toward a more equitable legal system for all Wisconsinites.

Safe & Sound recognizes the need for landlords to vet their future tenants, but outdated eviction records are not an accurate tool to do so. The employment and life circumstances that an individual experienced in prior years frequently have little to do with their desirability as a renter today. Retaining non-financial judgements in public records for 20 years muddies the waters by providing landlords woefully outdated information on which to base a rental decision.

In the case of Milwaukeean Josh, a furlough to his position early in the COVID-19 pandemic resulted in his savings dwindling and his eviction 30 days later. When his employer reinstated his position and Josh's paychecks returned, landlords wouldn't rent the same quality housing to him. Despite an otherwise spotless rental history and strong credit, landlords couldn't see past the *what* of his eviction to understand the *why*. They would have seen that Josh remained the same tenant who paid on time and took care of his home, but that an international pandemic had temporarily interrupted his income. Instead, Josh was being rejected for houses within his price range. Although he preferred to rent once again, Josh needed another way to secure quality housing. His income and credit were so strong that he was approved for a mortgage and bought his own home. Today Josh is a landlord in his own right, in addition to his own home, he rents out the house he grew up in. Josh emphasizes that tenant-landlord

relationships are an often-overlooked key to preventing evictions. He takes time to understand why his tenants are experiencing financial hardship, rather than resorting to punitive measures. Josh knows that life changes and that “a circumstance of eviction doesn’t dictate a lifelong deficiency”. Josh’s experience shows a rental industry so focused on an eviction that they made a poor financial decision and refused a qualified applicant. Safe & Sound asks the Court to adopt 22-03, remove extraneous information and allow landlords to choose their tenants by who they are today, not who they were years ago.

Most renters don’t have the financial options that Josh did. Rather than being able to buy a house, they are faced with limited selection, high prices and poor quality for years after an eviction. In the words of another Milwaukeean, Elizabeth, “our options are null and void”. In her experience most landlords won’t rent to you within 2 years of a court appearance and 5 of an eviction, no matter the circumstances.

For Elizabeth, her eviction started at a routine checkup for her two-year-old son. When his bloodwork returned, Elizabeth’s son had enough lead in his blood that he was rushed to the hospital for 5 days. The city determined that the home Elizabeth rented was poisoning her son and that her landlord was aware but had not acted. Her landlord accumulated so many code violations on their many properties that Elizabeth was direct to pay rent directly to the city instead of her landlord. Despite the city order, Elizabeth’s landlord tried to evict her for failing to pay rent. The judge ruled in favor of Elizabeth, but the case remained on her record. She had been to court for an eviction, that was all landlords needed to know. In Elizabeth’s words “If you take me to court and it’s not my fault and the judge tells you that you’re wrong, then that shouldn’t be on the public record”.

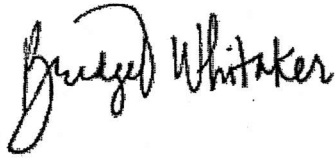
In a later instance, Elizabeth’s landlord sold the home she was renting without notifying her. She discovered that she had a new landlord when sheriffs showed up on her doorstep to enforce an eviction. That case, too, went in the public record.

Her cases remained on the public record and followed her for years. Elizabeth says that her next landlords took advantage of her because they knew she couldn’t get into anything better, “when you need somewhere to go now, then you have a landlord who has no desire to fix anything, but they still want that money every month”. Her current landlord has not repaired her home despite repeated requests; her home has exposed wiring and only four outlets still function. She is hesitant to report this negligence, “if I were to report this to the city and they were to come here today my landlord would put me out tomorrow”. Elizabeth says the city could deem her home ‘unlivable’ and force her to move out, although in her opinion “its livable for us, we just don’t want to live like this”. Her eviction history makes this her best option for now.

In Elizabeth’s experience, eviction records aren’t a fair representation of the facts, “some of us have evictions on our names not because we are bad [tenants], but because they are bad [landlords]”. For Elizabeth, her eviction filings were brought on by negligent landlord behavior, but that didn’t matter to future landlords. Her eviction history locked her into low quality rental units where she encountered more negligent landlords who treated eviction as a tool of first recourse, damaging her rental prospects well beyond the 20 years that her first eviction stayed in the public record. Had Petition 22-03 been adopted prior to Elizabeth’s first court appearance in 1995, she may not have been forced into a cycle of negligent landlords. Instead, she could have paid her rent for a year until her record cleared and moved on to rent any home that she could afford.

The way that the rules stand today, evictions carry too much long-term punitive impact for something that is frequently used as a tool of first resort by landlords who either don’t know or don’t care about the harm that evictions cause to families. Considering the inequitable racial impacts of eviction, the out-

of-date information that current rules provide to landlords and the persistent, cyclic harm caused by eviction, Safe & Sound strongly urges the Court to adopt Petition 22-03.



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