

August 24, 2022

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

**RE: Petition 22-03 Eviction Record Retention**

Dear Honorable Justices,

We are clinical instructors for the Eviction Defense Clinic at the University of Wisconsin Law School. However, we are writing in our capacity as practitioners with a great deal of experience in this area, and we are not expressing views on behalf of the University. We appear in court for eviction cases on a weekly basis. We see the harm that publicly searchable eviction records cause low-income members of our community. We see the bias, resulting from access to these records, that causes these community members to become or remain homeless.

We strongly support Petition 22-03 related to reducing the length of time eviction records are held. We believe reducing the harm of eviction, 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.

We know that an eviction on someone's record leads to further housing instability. We know that housing instability sits at the root of multiple social issues, ranging from poverty and homelessness to racial and gender inequality. Low-income women, especially poor women of color, have a high risk of eviction. A study done by the Eviction Lab in 2020 found that women on average face 16% higher rates of eviction than men.

In Attorney Giese's comment on behalf of the Apartment Association of Southeastern Wisconsin, he repeatedly questions how landlords can be engaged in "racialized decision making." Let us look to Milwaukee, a city Attorney Giese seems to be familiar with, to find an example of how this bias manifests. In high-poverty black neighborhoods in Milwaukee, one male renter in every 33, and one woman in every 17, is evicted. In high-poverty white neighborhoods, in contrast, the ratio is one renter evicted in every 134 for men, and one in every 150 for women. Women

from black neighborhoods in Milwaukee represented only 9.6 percent of the population, but they accounted for 30 percent of the evictions.

Thus, when landlords are basing their decision to rent to prospective tenants based on their eviction history, it is a racialized decision. Reducing the amount of time eviction records are held reduces the time people of color and women are continually harmed by these practices. We believe it is crucial to understand how the decisions of this Court impact our communities, and it is clear that adopting Petition 22-03 would lessen race and gender bias in Wisconsin rental practices.

In light of this, we urge you to adopt Petition 22-03 to reduce the harm of eviction records by reducing the length of time they are held. Thank you for providing us with the opportunity to comment on this proposed rule.

Respectfully,

/s/ Sophie Crispin

Sophie Crispin

/s/Grace Kube

Grace Kube