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FILED

Wednesday, April 10, 2024

APR 15 2024

CLERK OF SUPREME COURT
OF WISCONSIN

Sent By Email and Regular Mail

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

RE: Rule Petition 22-03 - Second Open Administrative Conference April 16th, 2024, as filed by Samuel A. Christensen, Clerk of Supreme Court, on March 20, 2024, Related to the Retention of Records in Eviction Cases.

Dear Clerk of Supreme Court:

Late last week I was made aware of the second open administrative conference posted on March 20th, 2024, by the Clerk of the Supreme Court, Samuel A. Christensen, related to Rules Petition 22-03. I am not sure if I can juggle things around in my schedule enough next week to allow attendance but wanted to reach out regardless.

I am writing on behalf of the Apartment Association of Northeast Wisconsin (AANW) and the Fox Valley Apartment Association (FVAA). Additionally, we work with a coalition of rental housing associations within the state of Wisconsin who participate in the rental property industry in the state of Wisconsin. Collectively, these associations represent thousands of rental property owners, property managers, and real estate investors, who own, manage, or are invested in tens of thousands of units or doors within the state. This coalition of rental housing associations represents a large footprint across the state of Wisconsin, both geographically, through ownership and management, and in terms of the physical housing units our collective members represent.

We were curious why it was taking the Court as long as it has to decide whether this exception to Wis Stat. §758.20(2)(a) needed to be made. Especially given the Courts well documented earlier concerns with making administrative decisions that the Legislature is better served to address through enacting policy decisions by means of its natural body of work.

Since, and arguably during our last engagement in this matter, we have seen some members of the Legislative branch put forward a proposed bill, Senate Bill 660, that specifically addresses the issue of CCAP access to Eviction Records and the related public records access. If the decision by the legislature was not enough through the enactment of §758.20 in 2018, this new proposed bill should serve to signal further to the Court what at least some of our legislators deem important as a matter of policy, related to public access to eviction records, as §758.20(2)(a) was “preserved” in SB660. (Please note, SB660 is attached for ease of reference.)

We wish to extend our sincere appreciation to the Court for taking the time to understand the complex issues surrounding this rules petition and voting to include the exception for Wis. Stat. § 758.20(2)(a) as originally decided as a matter of policy when Wis Stat §758.20 was passed by our Legislators, and recently affirmed by the retention of the spirit of Wis Stat §758.20(2)(a) within the proposed bill SB660.

Respectfully submitted,

Rick Van Der Leest

Rick Van Der Leest

- Apartment Association of Northeast Wisconsin – President

- Fox Valley Apartment Association - Director of Government Affairs

Attachment: 2023 Senate Bill 660 (2 Pgs.)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4931/1

KRP:amn

2023 SENATE BILL 660

November 9, 2023 - Introduced by Senators LARSON, L. JOHNSON, HESSELBEIN, SPREITZER and TAYLOR, cosponsored by Representatives CLANCY, MADISON, RATCLIFF, PALMERI, BALDEH, BARE, CABRERA, DRAKE, EMERSON, SHELTON, SINICKI, SNODGRASS, STUBBS, HONG, ORTIZ-VELEZ, CONSIDINE, JOERS, C. ANDERSON, JACOBSON, SUBECK, MOORE OMOKUNDE and J. ANDERSON. Referred to Committee on Housing, Rural Issues and Forestry.

1 AN ACT to repeal 758.20 (2) (b); to consolidate, renumber and amend 758.20
2 (2) (intro.) and (a); and to create 758.20 (2m) of the statutes; relating to:
3 information contained in the Consolidated Court Automation Programs
4 Internet site related to dismissed eviction actions.

Analysis by the Legislative Reference Bureau

This bill provides that, if an eviction action is dismissed, the director of state courts must promptly redact the defendants' names from the case management information for the eviction action from the Consolidated Court Automation Programs Internet site (CCAP). Current law prohibits the director of state courts from removing case management information from CCAP for an eviction action that is not a closed, confidential, or sealed case for the following periods: 1) if a writ of restitution has been granted, a period of at least ten years; and 2) if the eviction action is dismissed and no money judgment is docketed, a period of at least two years. The bill retains the first prohibition but eliminates the second.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

