

Executive Summary

Comprehensive Study of Evictions Filed in Milwaukee County, Wisconsin

Research undertaken by APARTMENT ASSOCIATION OF SOUTHEASTERN WISCONSIN, INC. (Phase 1)

Introduction:

The Apartment Association of Southeastern Wisconsin, Inc. (AASEW) is the largest trade organization representing owners and managers of rental housing in Wisconsin. Data for evictions filed in Milwaukee County is available online through the Wisconsin Consolidated Court Automation Program (CCAP). This data is tracked and reported on by organizations such as the Eviction Lab at Princeton University. However, reporting about the online data by academic researchers contains missing or misleading information about many aspects of the eviction process—mainly because individual eviction cases have not been examined in depth. Our study now does such in depth research.

Key Findings

1. Prior research did not collect all information necessary.

The biggest unknown is the financial loss sustained by landlords who file evictions, losses both on average and collectively. We found that many eviction cases are either dismissed (51%) or a money judgment for damages is not sought (21%) and a very small percentage of actual judgments are ever paid (2.9%).

2. Incomplete research has led to misleading reporting.

A good example of this is a New York Times story by Emily Badger dated December 12, 2019 - [Many Renters Who Face Eviction Owe Less Than \\$600 - The New York Times \(nytimes.com\)](https://www.nytimes.com/2019/12/12/us/eviction-lab-research/). That story, based on research furnished by Eviction Lab, failed to consider that many cases involve a dismissal or a decision by the landlord not to pursue an uncollectible claim for unpaid rent, resulting in a judgment for only a few hundred dollars in court costs. Conversely, our study shows \$1,436 as the average amount requested in an eviction complaint and \$2,672 as the average judgment granted for lost rent and damages.

3. Methodology used in our study.

We selected the month of December 2019 and examined the complete case record and all documents filed in court for that month's 1,101 residential evictions. We picked December 2019 because it was before the COVID pandemic affected the courts. We hired Marquette Law School

student Jacob Dalton to conduct this research in person at the Milwaukee County courthouse. He then compiled his research and created graphs and tables illustrating the data. His summarization of the data has been supplemented with interpretive analysis by AASEW Board members and AASEW legal counsel Heiner Giese.

4. Future research.

This is Phase 1 of a multifaceted review of Milwaukee County evictions. Phase 2 will include the use of professional researchers to follow up through in-person contacts with landlords and tenants. Phase 3 will be an in-depth study of the impact of Right to Counsel (RtC) in Milwaukee County. What are the benefits and costs to owners when a nonpaying renter gets an attorney to help them dispute or negotiate an eviction case? Is mediation (which we strongly encourage) being used to resolve cases? How are owners changing their screening and rental practices due to involvement by attorneys for renters? Phase 4 will attempt to quantify the total impact of unpaid rent in Milwaukee County. Eviction judgments are approximately \$12 million per year. Estimates place the actual unpaid rent in Milwaukee at \$60-100 million annually.

5. Key data points.

- ▶ In December of 2019, there were 1,101 residential evictions filed in Milwaukee County.
- ▶ A majority of the cases filed were dismissed (559 cases and 50.8% of total cases) either by stipulation, at the plaintiff's request, or by judgment.
- ▶ A significant portion of cases resulted in a writ (465 cases and 42.2% of total cases).
- ▶ Tenants were offered the opportunity to stay at the residence in at least 360 of 525 agreements (68.6%) and were ordered to vacate by a specific date in at least 159 cases (30.3%).
- ▶ Tenants did not comply with the stipulation – usually by not paying - 164 of the 525 times (31.2%) requiring the owner to return to court.
- ▶ Cases which began with a five-day notice were the overwhelming majority (1023 instances, making up 92.9% of total cases).
- ▶ Judgments with costs were issued in 484 cases but only 231 of the cases had a money judgment for the landlord granted *in addition* to costs. Moreover, in 56% of the total cases there is *no* judgment entered, although the landlord obviously incurred costs in filing the case. **This is a key finding.**
- ▶ The average (mean) rent arrears and damages in our eviction study (excluding “costs only” cases) were

<u>Notice</u>	<u>Complaint</u>	<u>Requested</u>	<u>Judgment</u>
\$1,242	\$1,436	\$3,178	\$2,672

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