



# Apartment Association of Southeastern Wisconsin

*Advocating for Sustainable Rental Housing*

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## The Future of Evictions

Join the AASEW for an update on the CDC Eviction Moratorium, Eviction Court and Emergency Rent Assistance

Date: May 17, 2021 at 6:00 PM

Location: Remote Link to be provided to all registered participants

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### Featured Speakers:



**Attorney Tristan Pettit**  
**AASEW Board Member and Attorney at Law**

Tristan R. Pettit is a shareholder with the Milwaukee law firm of Petrie + Pettit. He focuses his practice in the area of landlord-tenant law representing landlords and property management companies throughout Wisconsin.



**Attorney Heiner Giese**  
**AASEW Legal Counsel and Lobbyist**

Heiner Giese is a legal counsel and a lobbyist for the AASEW. He worked extensively on landlord / tenant legislation on the state and local levels in the past six years.



**Attorney Jennifer M. Hayden**  
**Attorney at Law**

Jennifer M. Hayden is an attorney with Petrie + Petite S.C. Her law practice focuses on assisting residential and commercial landlords and property management companies throughout the state of Wisconsin. Jennifer received her undergraduate degree and her law degree from Marquette University. She presents seminars on landlord-tenant law, is a regular guest author on Tristan Pettit's popular Wisconsin landlord-tenant law blog, and co-authored an article for the Wisconsin Lawyer on changes to the law affecting landlords.

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### AASEW Mission Statement:

*"The Apartment Association of Southeastern Wisconsin is your primary resource for education, mutual support and legislative advocacy for the successful ownership and management of rental property."*

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## 2021 Rent Growth

*By the Editorial Staff of CPE/MHN*

### Year - Over - Year, All Asset Classes

The U.S. multifamily market marked a turning point in March, with multifamily rents rising 0.6 percent year-over-year, or up \$6 to \$1,407, according to Yardi Matrix's survey. On a quarter-over-quarter basis, the U.S. average rent appreciated by 0.8 percent, posting one of the strongest quarters in a few years. On a month-over-month basis, rents increased by 0.4 percent, up 20 basis points from February. Of the 134 markets surveyed, 114 had flat or positive year-over-year rent growth. Of the top 30 metros, 19 had flat or positive year-over-year rent growth, and 26 posted flat or positive month-over-month rent performance.

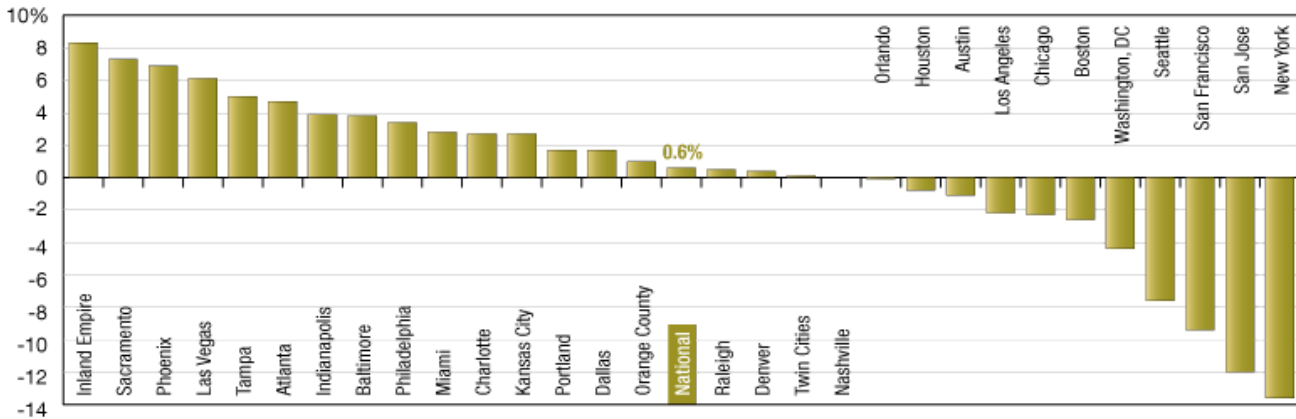
Lower-cost metros in the West continued on an upward trend, sustained by strong demand for housing - the Inland Empire (8.3 percent) Sacramento (7.3 percent) and Phoenix (6.9 percent) led all markets on a year-over-year basis. Limited new supply and robust migration boosted the average rent in Tampa (5.0 percent) and Atlanta (4.7 percent), where inventories expanded by 2.3 percent and 2.5 percent in the 12 months ending March.

Rents remained on a downward trend in the metros most impacted by remote work and out-migration - New York (-13.6 percent YoY) and San Jose (-12.0 percent) - but even here there are signs of bottoming out. San Jose marked a 0.9 percent increase on a month-over-month basis, pointing to a possible turnaround.

Stock expansion is a big factor in the recovery of many metros. The most completions as a percentage of stock over the last 12 months ending in March were registered in Austin (4.4) percent YoY), Raleigh (3.9 percent), Twin Cities (3.9 percent) and Denver (3.8 percent). Rents appreciated by 0.4 percent and 0.1 percent in the Twin Cities and Denver on a year-over-year basis. Most gateway markets reported limited completions but have robust construction pipelines: Miami led with 14.6 percent of existing stock under construction, followed by San Francisco (8.2 percent) and Los Angeles (7.8 percent).

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National average includes 127 markets tracked by Matrix, not just the 30 metros listed above.  
Source: Yardi Matrix March 2021 Monthly Report

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In Raleigh, the robust stock expansion caused rents to decline 0.9 percent month-over-month, but it could be just a one-month dip as the metro is sustained by strong economic fundamentals. On a year-over-year basis, the average marked an uptick of 0.5 percent. In Austin, inventory additions kept rent growth struggling since the onset of the pandemic, but in March, rents appreciated by 0.9 percent on a month-over-month basis, posting the strongest performance over the past year.

- Mike Cottrell  
AASEW President

**“The influence of a mother in the lives of her children is beyond calculation”**

- James E. Faust



## No foreclosures until 2022? CFPB seeks to extend foreclosure moratorium

By Aly J. Yale, *The Mortgage Reports Contributor*, [themortgagereports.com](http://themortgagereports.com)

### Foreclosure moratoriums could be extended

Foreclosures may be banned until 2022 if a new rule from the Consumer Financial Protection Bureau goes through.

The rule - which the CFPB says would benefit both underwater homeowners and mortgage servicers - would prohibit services from initiating the foreclosure process until after December 31 of this year.

It would also allow for streamlined loan modifications to help post-forbearance homeowners get back on their feet.

For now, the rule is still in the works, so things could change. Here's what you need to know about the proposal in its current state - and what it might mean for borrowers.

### What the new foreclosure rule means for homeowners

The CFPB's proposed rule would impose a number of new protections for homeowners, the first being what it calls "early intervention live contact"

This means mortgage loan servicers need to make 'live contact' (a phone call, for example) and provide borrowers with loss mitigation options before their forbearance period ends. The goal is to help homeowners exit forbearance smoothly and resume mortgage payments in a way they can afford.

The rule would also allow services to offer loan modifications - including term extensions and payment deferrals - with less documentation for borrowers exiting forbearance.

There would also be certain situations when services could not charge fees, interest, or even past late fees during these modifications.

Finally - and this is the big one - the rule would institute a "temporary COVID-19 pre-foreclosure review period," during which services could not initiate foreclosure notices or filings. It would last through December 31, 2021, starting from the rule's effective date. That means servicers wouldn't be able to start foreclosure proceedings against a homeowner until at least January 1, 2022.

### Who would the foreclosure rule apply to?

CFPB's proposal aims to help homeowners who have been financially impacted by the COVID-19 pandemic - primarily those who have lost their jobs or seen their income drastically cut during this time.

As of February, about 3 million homeowners were behind on their mortgages, and 2.1 million were on a forbearance plan due to COVID-related hardships. Data show that by September, about 1.7 million of these borrowers will exit forbearance, many a full year or more behind on their loans.

For those facing financial hardship, getting current on a home loan may be next to impossible.

Borrowers who are still employed may qualify for a loan modification, but those who have lost their sources of income may need other options.

*Under current guidelines, the CFPB's new rule would apply to all borrowers - including those with private loans.*

"Every one of the nearly 3 million borrowers behind on their mortgages should have a chance to explore ways to resume making payments and avoid foreclosure," the CFPB's announcement states.

Under current guidelines, the CFPB's foreclosure ban would apply to all borrowers - including those with private loans, which account for about 30% of the market.

Previously, actions by the CFPB and Federal Housing Finance Agency only applied to borrowers with federally - guaranteed loans, (FHA, VA, or USDA) and conforming mortgages owned by Fannie Mae and Freddie Mac.

One quick note here: Though loan type won't matter under the CFPB's foreclosure rule, **the mortgage must be secured by the borrower's primary residence**. So borrowers who are behind on their second home or vacation property payments? They won't qualify.

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### Will the CFPB foreclosure moratorium pass?

To be clear: The new rule hasn't passed yet. The CFPB is still requesting comments on the proposal through May 11.

But Melissa Cohn, an executive mortgage banker at William Raveis Mortgage, says "there is a very good chance" that it - or at least something like it - does go through.

"We have seen the extension of forbearance several times now, and it is clearly prudent that an exit program gets created to keep as many people as possible in their homes," Cohn says.

"A flood of foreclosure is the last thing anyone wants to see," she continues. "Foreclosures cause real estate values to drop and cause harm to the homeowners as well. A massive wave of foreclosures would be detrimental to our economy and create a disruption that could bring a halt to the current recovery. We simply can't afford to let this happen."

According to the CFPB, the proposal effective date of the new rule would be August 31, 2021. This isn't set in stone, though, and the agency is currently seeking public input on its timeline - as well as the proposal itself.

### When would foreclosures resume?

There's no word on how quickly foreclosures would pick back up after the December 31 deadline passes.

In fact, the CFPB says there may even be situations when it will "permit earlier foreclosures" if the servicer has made certain efforts to work with the borrower or has been unable to reach them.

Another consideration is the lengthy processing periods that come with foreclosures, which - in some states - require full-on court proceedings.

According to RealtyTrac, it can take anywhere from **a month to over a year** to process foreclosures (445 days in New York!), so depending on where borrowers live, there may still be a chance to get current or modify their loans well after the December 31 marker.

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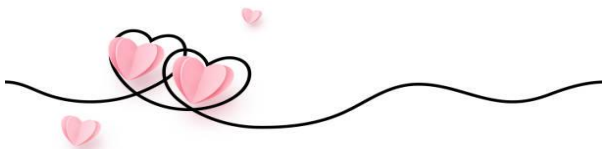
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### What are the options for homeowners currently in forbearance?

The CFPB's foreclosure ban isn't quite in place just yet. So if you're currently in forbearance, you'll want to have a plan for exiting - particularly are still a challenge.

Your first option is to request a forbearance extension, which would give you another six months' break on mortgage payments.

If you're not eligible for an extension or have already used yours, you can:

- Repay your overdue payments in full via a one-time payment (this is NOT required in most cases)
- Arrange a payment plan with your servicer and spread your overdue payments across a three-to 12-month period
- Add the payments to the end of your loan term
- Defer the payments until your home is sold or refinanced
- Modify your loan and change its terms, rate, or other details to make the payment more manageable

Here's [a full breakdown of options](#) if you're nearing the end of your forbearance period and still need help.

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**"There is no role in life that is more essential than that of motherhood"**

**- Elder M. Russell Ballard**

## Beyond the Pandemic: How Rent Relief Plans Can Boost the Rental Economy

By Scott Smith, *Biggerpockets.com*



The COVID-19 pandemic has shown many people the impotence of being ready for the worst. Landlords have been negotiating with struggling tenants to create rent relief plans. The federal government has placed moratoriums on evictions and foreclosures. The pandemic (and the legislative response) has left both owners and tenants wondering if their contracts are still binding.

While the COVID-19 vaccine is rolling out, you, as a landlord and real estate investor, are probably worried about maintaining your properties and paying your mortgage. Meanwhile, unemployment numbers are at record highs; your tenants are worried about their own financial futures and may be unable to pay rent.

It is important to know that complaints of nonpayment may be exaggerated - the National Multifamily Housing Council found that 93.5% of renters paid February 2021 rent in full.

In the months to come, some real estate sectors, including hospitality and apartment REITs, could experience strong demand. The outlook for other sectors is mixed.

How can you as a landlord balance your own financial needs with your tenants' to give both of you a way through challenging circumstances?

How prepared is your business for when things head south?

### Challenges property owners are facing

There are three significant problems that you are likely to experience as a landlord during a recession.

- It becomes more difficult to collect rent.
- Old tenants might want to vacate.
- It is more difficult to find new tenants.

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These problems will continue to dog landlords struggling to recover their footing after the pandemic.

As a landlord, the best way you can prepare for a market downturn is to have policies and processes ready to implement and clearly communicated to your tenants. This gives you a legal and financial grounding in the event of economic recession or downturns in specific markets. Additionally, your tenants will know their options ahead of time.

### Types of rent relief plans

One of the possible processes is to have a rent modification arrangement on standby. You can also create plans to handle garbage, water, and any other bills when rent is no longer as reliable.

One of the common incidents you are most likely going to experience during a long recession is your tenants requesting rent relief. There are several strategies to approach this as a landlord.

These include:

- **Rent deferral.** In a rent deferral, you can choose to defer a tenant's rent until a later time. Based on your agreement with the tenant, the deferred rent can be paid in smaller installments or in a single bulk payment. Another approach to this is to create a cap on operating expenses over a set period.
- **Rent reduction.** You can also choose to reduce a tenant's rent for all or some part of the total amount of time they have left on their lease. This reduction can be on either the base rent or the operating expenses.
- **Loan conversion.** This is converting the past due rent of a tenant into a repayable loan over a longer set period. Loan conversion is evidenced by a promissory note cross-defaulted with the tenant's lease.
- **Rent abatement.** This is another strategy used if the client is due on several past payments. In rent abatement, you can choose to simply forgive some or all of the delinquent rent.

Regardless of the approach you choose in handling rent relief, it is important to look out for the tax implications. Apart from this, you should also perform due diligence. Check out recent and previous financial records of the tenant to ensure you do not leave out any loopholes in the process.

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### **Why is rent relief important?**

As much as possible, you should try to find a workable package, it is important to be understanding and retain good tenants using any of the strategies listed above.

Generally, tenants found defaulting are not considered for most relief considerations. However, the circumstances of the recession might not make this workable, as most tenants are already in or would soon be default when requesting rent relief. Document everything, and clearly spell out all details of any arrangement you and your tenants make.

The effects of a recession can be severe for everyone. If tenants are no longer able to keep up with their rent, making your maintenance and mortgage payments can become difficult. This is why it is often advised to have a contingency plan to pay these bills. With the proper preparations, flexibility, and good tenant communication, you can come out of recession stronger as a landlord.

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## **City Creating Affordable Housing Action Plan**

*By Jeremy Jannene, urbanmilwaukee.com*

A public-private partnership of the Department of City Development and Community Development Alliance is working to craft a citywide affordable housing plan.

The goal is to create a shared agenda that the city and private partners support to address long-standing issues related to affordable rental housing, racial disparities in homeownership and displacement. Existing studies and efforts will be analyzed to create an action plan followed by the development of accountability metrics.

The final plan is expected in December.

The partners have already identified four priority areas that target two key groups.

The first is addressing the Black and Hispanic homeownership gap by filling gaps in current programs, identifying new potential programs and creating alternative models to homeownership. The second priority is maintaining existing Black and Hispanic homeowners through homeownership preservation and anti-displacement programs.

The third priority is increasing the supply of affordable housing units set aside for individuals making between 20% and 50% of the area's median household income (\$53,505 in 2019). The fourth priority calls for strategies to preserve existing units for that income tier as well as anti-displacement and eviction reduction strategies.

The CDA, a neighborhood-focused nonprofit, was formed in 2010 by the Greater Milwaukee Foundation, Zilber Family Foundation, Northwestern Mutual Foundation and LISC Milwaukee.

A partnership between the organization and DCD was requested as part of the 2021 budget amendment introduced by Alderman Russell W. Stamper, II. The planning effort is expected to be completed this year.

DCD planning manager Sam Leichtling and CDA representative Irma Yepez Klassen briefed the City Plan Commission on the initial effort Monday afternoon.

The stats justifying the study are clear.

More than 55% of renters and 31% of homeowners spend more than 30% of their household income on housing, a level the federal government and other agencies have labeled as "cost burdened."

The city has seen a 12% homeownership decline since 2005 and 16% of existing home owners have negative equity in their home.

In the metro area, white residents are twice as likely to own their home as Black residents and 1.4 times more likely than Latino residents.

"We know that home ownership is a primary tool for developing wealth, yet a racial equity homeownership gap exists in Milwaukee," said Yepez Klassen.

The effort is not focused on the lowest income individuals, nor the highest. It is targeting those with incomes between 20% and 80% of the area's median income.

"Low incomes in Milwaukee, more than any other factor, make housing unaffordable for many families," Yepez Klassen said.

Leichtling said an update on the effort would be presented in August or September. The final result will be incorporated into the city's comprehensive area plan.

Their work to date was met with approval.

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“This issue is so very important to the stability and health of our community, it affects every person and every community throughout,” said commission chair Stephanie Bloomingdale. “We are really at a crossroads now coming out of the pandemic. We are going to be seeing more evictions.”

“I am really happy to see the significant effort placed to deal with this problem,” said commissioner Willie Smith.

Commissioner Brianne Sas-Perez, head of VIA CDC, is one of many community stakeholders engaged in the effort. Also involved are representatives of Bader Philanthropies, the Greater Milwaukee Committee, Wisconsin Housing and Economic Development Authority and Housing Authority of the City of Milwaukee. Residents stakeholders are included on each committee.

New commissioner Tarik Moody, appearing at his first meeting, said it would be a potential benefit to better communicate the unforeseen costs associated with homeownership and rising property values.

The GMC’s MKE United initiative, in partnership with DCD and GMF, administers an anti-displacement fund for long-term, low-income homeowners in the greater downtown area to deal with rising home values and associated property tax bills. But Leitchling said that strategy won’t scale.

“We do acknowledge that is not a citywide solution,” he said. “Every solution we have seen would require a change at the state level.”

The state might also need to assist with the latter two priority areas, the 20% to 50% area median income renters. WHEDA administers the federal low-income housing tax credit program to create new rental units. But the federal credit program, and a supplemental state one, create far more units for individuals making between 60% and 80% of the area’s median income than they do at the lower levels.

**“When you look into your mother’s eyes, you know that is the purest love you can find”**

**- Mitch Albom**

## What the US can learn from rental housing markets across the globe

*By Jenny Schuetz and Sarah Crump, brookings.edu*

The COVID-19 pandemic's enormous economic shock has stressed U.S. housing markets - particularly for the nation's 44 million renter households, many of whom face escalating cost and deteriorating financial stability. Other countries around the world, too, face these challenges, but do so with sometimes vastly different legal systems, financial instruments, and policy frameworks underpinning their real estate markets.

With that in mind, we believe that this is a good moment to ask what lessons the U.S. can learn from other countries about helping people pay their rent. How are rental housing markets structured in other countries? What kinds of financial subsidies and legal protections do other countries have similar challenges with housing supply?

To answer these questions, we asked researchers who study France, Germany, Japan, Spain, the United Kingdom, and the United States to summarize key

Features of rental housing markets in those countries. We chose these countries because they have broadly similar household income levels (a key determinant of housing demand) and comparable financial systems (access to capital is crucial for housing development). However, their other economic, legal, and policy elements that influence housing markets are quite different - producing key variations in rental markets.

In this piece, we highlight a few of the important lessons drawn from comparing the six countries. Readers can also explore the wealth of specific details in each of the countries' respective case studies.

### **Rentership rates are correlated with income-and with policy choices**

In each of the six countries studied, renter households have lower incomes and wealth than homeowners. This relationship makes economic sense: Purchasing a home is a long-term financial commitment, and high-earning households can more easily save for a down payment.

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Waukesha, WI 53186  
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**“Sometimes the strength of motherhood is greater than natural laws”**

**- Barbara Kingsolver**



# AASEW Business Member Directory

## AASEW OWNER Article Guidelines

Would you like to submit an article for publication in the AASEW newsletter?

Here are the current submission guidelines:

Deadline for all submissions is the first of each month.

The newsletter will be delivered electronically to the membership around the 10th of the month.

Limited print copies of the newsletter will be available at the General Membership Meeting following its publication.

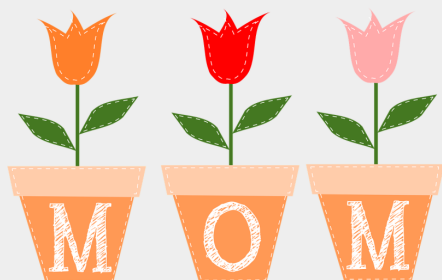
We are happy to accept one article per author per newsletter.

Please keep the article to approximately 500 words in length.

Any edits made to an article (generally for length) will be approved by the contributor before it is published.

All articles must be properly attributed.

The Editorial Staff reserves the right to select articles that serve the membership, are timely, and are appropriate.



## PROPERTY MANAGEMENT

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[www.lakefrontpropertyllc.com](http://www.lakefrontpropertyllc.com)

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*Continued from page 11*

At the national level, homeownership increased in most countries during the post-World War II decades as the national economies strengthened.

But public policy - especially tax policy - also plays a big role in the relative size of rental and owner-occupied markets. Across the six countries, rentership rates vary from 23% (in Spain) to 54% (Germany). Notably, Germany offers the least generous tax benefits to homeowners; all of the other countries have explicit goals of encouraging people to own. Germany's tax policy is the inverse of the U.S. mortgage interest deduction: Property owners can deduct the interest paid on a mortgage from income taxes only if the owners do not occupy the property.

### The many different types of 'landlord'

One of the most striking differences across countries is who owns rental properties. Broadly speaking, landlords can be classified as public entities, private (for-profit) firms, or other organizations (Figure 2). The share of rental homes in each of these three sectors varies widely, as do the types of entities within each.

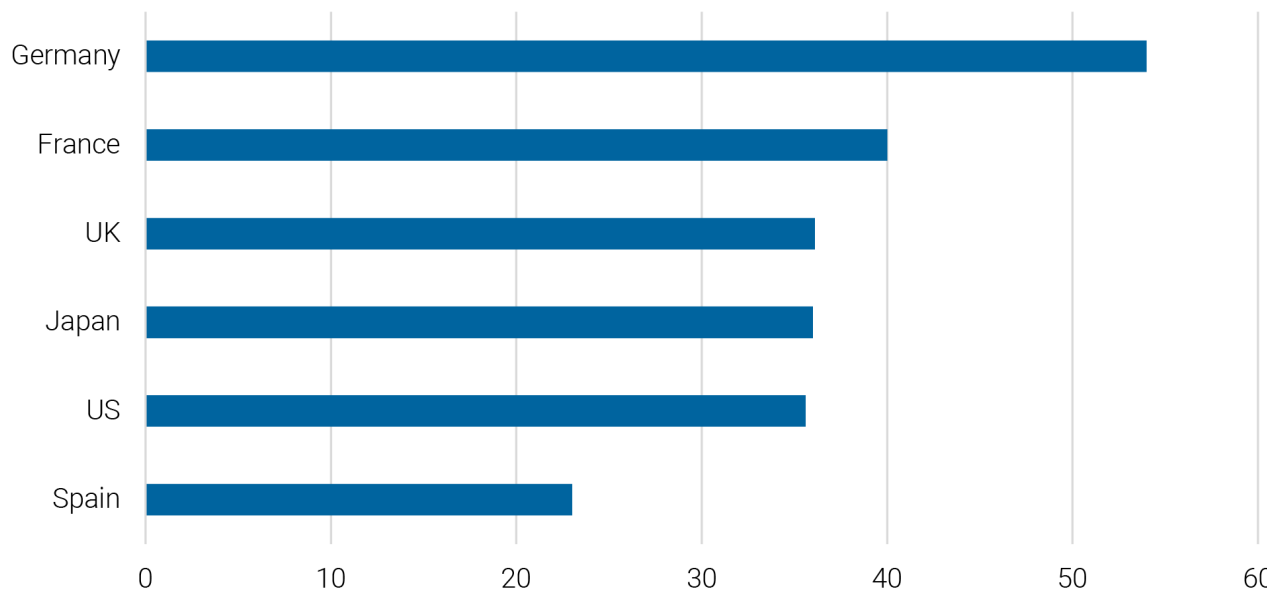
Every country has some publicly owned rental housing (referred to as "public" or "social" housing), owned either by local or regional authorities. Social housing (owned by local councils or housing associations) makes up around 17% of the U.K.'s housing market, down from 30% in 1980. In France, public housing constitutes about 17% of the housing market and 43% of the rental market, and serves middle- as well as low-income households. By contrast, less than 5% of rental housing in the U.S. belongs to local public authorities, and all subsidized housing is less than 10% of the rental market.

Private sector landlords fall into two categories: individual and institutional owners. Individual owners make up about half of Germany's rental market, a majority in Spain and Japan, and over 90% of the unsubsidized rental market in France. Institutional ownership is most common in the U.S., including large asset management firms, real estate investment trust (REITs), and private equity firms. The small role of corporate owners in most countries may reflect higher risks and lower returns from those countries' strong tenant protections (discussed below), as well as differences in corporate tax policy.

*Continued on page 16*

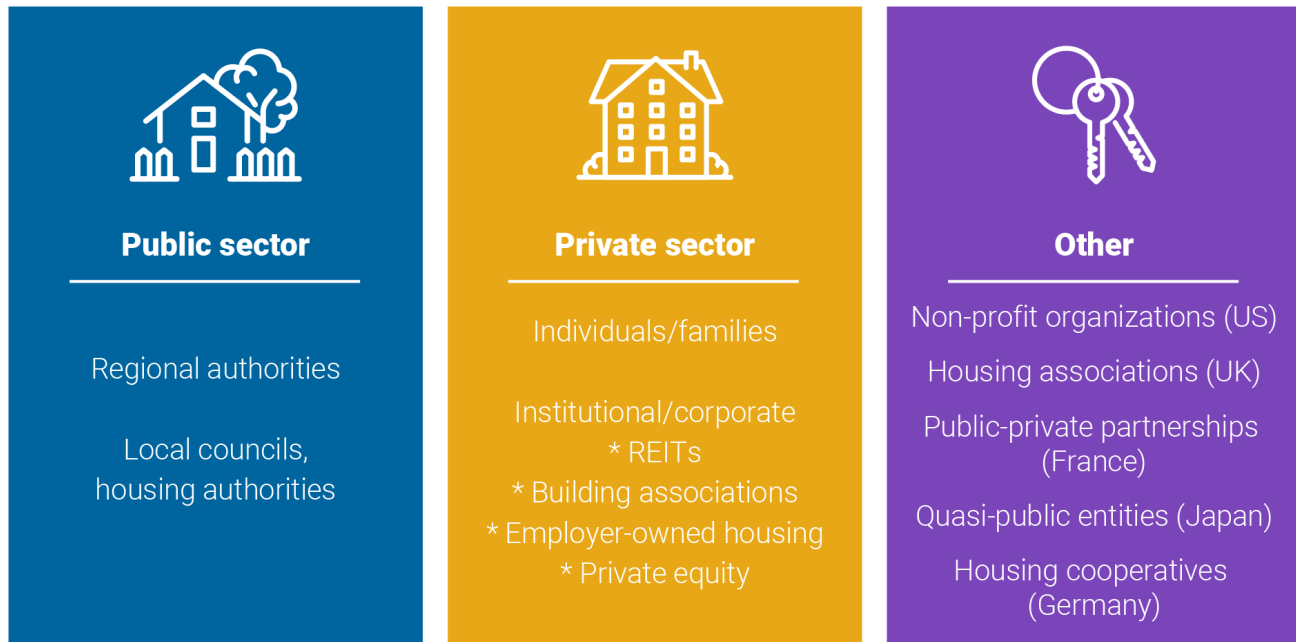
Source: Acolin 2021; Crump and Schuetx 2021; Hilber and Schoni 2021; Ouasbaa and Viladecans-Marsal 2021; Schmidt 2021; Yoshida 2021)

**Figure 1. Rentership rates reflect federal tax incentives for homeownership**



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**Figure 2. Rental housing is owned by public, private, and nonprofit organizations**



Source: Authors.

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at BROOKINGS

Entities that fall outside the traditional public-private categories own some portion of every country's rental housing. Japan has national and regional quasi-public entities that provide middle-income rental housing. U.K. housing associations provide more than half of social housing there. Germany's housing after WWII and still constitute about 25% of the rental stock. In the U.S., nonprofit organizations own a substantial share of subsidized housing developed under the Low-Income Housing Tax Credit program.

In addition to social housing, every country provides some form of household-based rental subsidy. The share of renters who receive assistance and the total budget for these programs vary widely. France spends about \$15.5 billion on tenant-based rental assistance. For a population five times the size of France, the U.S. spends only about \$24 billion on vouchers. Rental assistance in Germany is guaranteed for all qualifying households, while in the U.S., most low-income households receive no assistance.

### **Balancing tenant protection with financial incentives to landlords can be tricky**

Even before COVID-19 pandemic worsened housing insecurity for low-income renters, tenant advocates and some U.S. elected officials were calling for stronger legal protections for tenants. Other countries' approaches to regulating leases and landlord-tenant relationships offer some useful lessons - both in their successes and failures.

In all of the studied countries except the U.S., national law regulates key provisions of landlord-tenant relationships, including the process for terminating or renewing leases and eviction proceedings. (The U.S. delegates landlord-tenant law to state governments.) Although the exact form of regulation differs, other countries' national tenant protection laws make it more difficult for landlords to terminate leases, in the interest of providing renters with more stability.

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Multiyear or open-ended leases (no pre-set end date) are common in France, Germany, Japan, and Spain, while the U.S. and U.K. predominantly issue one-year leases.

Case studies of three countries - Japan, Spain, and the U.K. - highlight how strong tenant protections have periodically contributed to inadequate rental supply. Overly strict limits on landlords' ability to terminate a lease or evict tenants - even for not complying with lease terms - increases the risks associated with investing in rental properties. Long-term leases may also restrict the ability to raise rents, further reducing the incentive to potential landlords. All three of these countries have subsequently attempted to relax national laws that were seen as inhibiting private rental markets.

Germany and France also have strong national tenant protections, but these do not appear to be as much of a deterrent to private landlords, at least when balanced with tax incentives that make owning rental housing an attractive investment for individuals.

### **More knowledge-sharing across countries could lead to better policies**

The COVID-19 crisis has forced policymakers around the world to quickly take action in protecting the public's health and mitigating economic damages. In the face of such enormous challenges, many brains working together are more likely to come up with workable solutions. Yet too often, policymakers across countries - and even at the local or regional level within the same country-work in isolation rather than learn from their neighbors.

Cross-country research on housing markets is not easy - it requires understanding the particular legal and financial institutions that support real estate markets and how they have evolved from each country's unique history. Simply copying and pasting policies from one country to another isn't feasible. But there are clearly useful lessons in how to provide decent-quality rental housing that is affordable to low-, moderate-, and middle-income households. We hope that international conversations among scholars and researchers - as displayed in these case studies - can help.

*Mom* 

*Are you doing the proper tenant screening?*

*Have you checked your applicant's credit history?*

*Is the applicant financially creditable to live in your property?*

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**“There’s no way to be a perfect mother, and a million ways to be a good one”**

**- Jill Churchill**

## What renters need to know about the eviction process

By PrincessSafiya Byers, [milwaukeeenns.org](http://milwaukeeenns.org)

More than four years after being evicted, Elizabeth Brown says she still is not completely over it.

But she's learning to live with the fallout.

"It's a lot of psychological pain," said Brown, who has lived in the Amani neighborhood for three years. "Evictions are the hardest on children. It's not only the stress of not having a home, but also embarrassing for kids."

Brown said it took her almost a year to find a home after her eviction.

"It stays on your record for years," she said. "You have to be prepared to settle" for a lower quality of living.

Brown said that in her experience, the only property managers who rent to people with evictions are slumlords or those who are going to overcharge you.

### What struggling renters need to know

**Document, document, document:** Nick Toman, a staff attorney with the Legal Aid Society of Milwaukee, said any transactions between a tenant and a landlord should always be documented as anything unrecorded becomes harder to prove in court.

**The process:** "The first thing to understand is that eviction are three lawsuits wrapped into one," Toman said. The first is the actual eviction, the right to possession of a property, and the second and third are essentially about who owes who what, and property damage, he said.

**The steps:** Toman said the first step to any legal eviction is terminating the tenancy. There are a few ways that can happen.

One way is the lease ends and doesn't get renewed, he said. If you're on a month-to-month lease, you can get a 28-day notice with no cause. A tenant can also get a five-day notice for breaking a tenancy agreement but has five days to fix the problem, he said.

Once any of those notices are given and the tenant does not vacate the property, the property owner can file for eviction.

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“Self-serve” evictions are when property owners remove a tenant and their belongings from a property without going through the legal process. These are against the law, according to Toman, and so is filing evictions before giving notice.

**What tenants can do:** The best protection for a tenant is to have renters insurance and to keep proof of big purchases as expensive things sometimes get lost in evictions.

**What not to do:** “A tenant cannot withhold rent by themselves,” Toman said. “Even if the property owner is in the wrong, withholding rent is shooting yourself in the foot.”

### A landlord’s perspective

Heiner Giese of the [Apartment Association of Southeastern Wisconsin](#) said evictions are difficult for property owners, too.

“You rent out a property for profit,” he said. “You lose money evicting people.”

He said there is a misconception that property owners intentionally or maliciously evict tenants often.

“Our association has now done some intensive research on eviction judgments in Milwaukee County and Wisconsin. In Milwaukee, landlords seek unpaid rent in less than 30 percent of the eviction cases,” he said.

The average judgments for rent and damages were \$2,436, Giese said. After five years, only 2.5% of those eviction judgments were paid, he said.

Giese said this is especially rough period for small-time property owners.

“There are cases where tenants find loopholes and go a few months to a year without paying rent,” he said.

Giese stresses the benefits of all parties talking to each other to avoid eviction.

“When tenants and landlords communicate situations, it can be less likely for eviction to take place,” he said

Brown agrees. She said she feels lucky to have her current landlord. “I am only able to stay because he shows grace,” she said.

### Resources to consult if you’re worried about eviction

- Community Advocates rent helpline:  
(414) 270-4646
- Legal Aid Society of Milwaukee:  
(414) 727-5300
- Mediate Milwaukee:  
(414) 939-8800
- Legal Action of Wisconsin:  
(855) 947-2529
- Social Development Commission:  
(414) 906-2700



**“Being a mother is learning about strengths you didn’t know you had, and dealing with fears you didn’t know existed”**

**- Linda Wooten**



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[membership@aasew.org](mailto:membership@aasew.org)

## Upcoming Events!

### Landlord Lunch & Learn Series: Background Check

May 18, 12:00 PM - 1:00 PM

Monthly Market Update with Marcus Auerbach, plus best practices and online tools for tenant background checks, better results while saving time and money.

[Sign up Here](#)

For meetings and events questions or assistance, email us at [admin@aasew.org](mailto:admin@aasew.org) or call (262) 893-8691

### AASEW Golf Outing

June 21, 1:00 PM

Let's have some outdoor fun at Wanaki Golf Course. Enjoy a socially distanced day of networking with fellow members, business partners, and colleagues of the AASEW. We will have a 9-hole scramble followed by an evening of awards, food, and drinks.

[Sign up Here](#)

For membership questions or assistance email us at [membership@aasew.org](mailto:membership@aasew.org)

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