



# Apartment Association of Southeastern Wisconsin

*Advocating for Sustainable Rental Housing*

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

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## Federal Court of Claims Rejects Takings Claims Against CDC Eviction Moratorium

By Ilya Somin, Reason.com

It went almost unnoticed amidst the dramatic legal developments at the Supreme Court. But, on May 17, US Court of Claims - the trial court that hears takings claims against the federal government - rejected a takings claim against the federal eviction moratorium, that had earlier been struck down the Supreme Court as beyond the powers of the Centers for Disease Control (CDC), which had enacted and reenacted it at the behest of first the Trump White House and later Biden.

The takings case continued even after the moratorium ended, because the plaintiff property owners still sought compensation for the losses they suffered during the roughly 11-month period that the moratorium was in effect before the Supreme Court invalidated it.

In a post written when the takings lawsuit was first filed, I explained why the argument that eviction moratoria qualify as takings requiring compensation under the Fifth Amendment was boosted by the Supreme Court's 2021 ruling in Cedar Point Nursery v. Hassid:

*A key reason why such claims faced bleak prospects [before] is that Supreme Court precedent made it very difficult for property owners to prevail in a takings case if the government imposed a merely "temporary" physical occupation of their land. It was often difficult to tell the difference between a temporary occupation and a permanent one. But the CDC had a strong argument that the eviction moratorium was temporary, because each successive extension of the order included a specific time limit, generally only a few weeks in the future.*

*Cedar Point changes that. Now, at least as a general rule, "a physical appropriation is a taking whether it is permanent or temporary." This makes potential takings challenges to the CDC order much stronger. A moratorium on evictions in situations where the property owner would otherwise have a right to remove the tenant pretty clearly imposes at least a temporary physical occupation against the owner's will.*

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The Court of Claims ruling didn't reject this reasoning. Instead, it ruled against the plaintiffs because the eviction moratorium was never properly authorized by Congress. Ironically, the Supreme Court's ruling against the legality of the CDC's policy actually helped the agency in the takings case:

*To assert a viable takings claim against the United States, the government action in issue must be duly authorized by Congress. See Del-Rio Drilling Programs, Inc. v. United States, 146 F.3d 1358, 1362-63 (Fed. Cir. 1998) (Ct. Cl. 1978) ("a [T]ucker Act suit does not lie for an executive taking not authorized by Congress, expressly or by implication")... Where, as here, a federal agency's actions are not authorized, the actions "may be enjoined, but they do not constitute [a] taking effective to vest some kind of title in the government and entitlement to just compensation in the owner or former owner." Del-Rio, 146 F.3d at 1362....*

*Addressing the CDC's reliance upon the Public Health Service Act to support the nationwide residential eviction moratorium at issue in this case, the Supreme Court characterized the government's arguments as "breathtaking" and "unprecedented," explaining: "It strains credulity to believe that this statute grants the CDC the sweeping authority that it asserts." Alabama Ass'n of Realtors v. U.S. at \_\_\_, 141 S. Ct. at 2486, 2489 .... Vacating the stay of the district court's ruling that the CDC lacked congressional authority to issue the eviction moratorium, the Supreme Court concluded: "If a federally imposed eviction moratorium is to continue, Congress must specifically authorize it..."*

This result strikes me as perverse. Under the doctrine that only "authorized" government actions can qualify as takings, officials can get away with denying compensation if their policies were otherwise illegal.

I can understand refusing to require taxpayers to pay compensation for the actions of rogue low-level officials acting on their own (so long as victims can sue the officials directly, as sadly often is not the case).

But the eviction moratorium wasn't undertaken by a few low-level miscreants. **It was adopted at the behest of two successive presidents of the United States!** That should be enough to qualify as official action requiring takings compensation (if what was done counts as a taking otherwise, of course).

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## Home Sold To Habitat = Big Impact

Jessica owned a home on the northwest side of Milwaukee that needed a fair amount of work. She had moved to Madison and wanted to put the property up for sale, but was concerned about what might happen to it.

"We didn't want to see it purchased by someone who would either do poor work and sell it or do good work and price it out of the reach of many buyers," Jessica said.

As a former Habitat volunteer, Jessica has an appreciation for the barriers that so many in our city face when trying to become homeowners. So, instead of listing the house for sale on the open market, Jessica sold her home to Habitat in what's called a bargain sale.

A bargain sale is when a property is sold to Milwaukee Habitat for less than its appraised fair market value and the seller receives a charitable deduction for the difference between the value of the property and the sale price. With a team of Habitat volunteers, staff, and local contractors, the property was refurbished and will soon be listed on the open market.

The outcome is a WIN-WIN-WIN for all involved.

- Jessica is thrilled that the house is being refurbished and relieved that she didn't have to worry about the remodel or listing process. Habitat took care of everything.
- Through the bargain sale, Milwaukee Habitat was able to purchase the home well below market value, while Jessica anticipates the charitable contribution will be more than \$40,000.
- The proceeds from the sale of the home, which Habitat handles from start to finish, will be enough to sponsor the construction of another brand new Habitat home.

Through the bargain sale, Jessica was able to make this significant contribution while ensuring her own home would end up in good hands.

Milwaukee Habitat replaced the entire kitchen, installed drain-tile, updated the bathroom, windows, foundation, floors and more. The home, now move-in ready, will be the perfect starter home for the next buyer.

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"This is definitely the way to go if you want to donate property as a charitable contribution and you value improvements in access to safe housing and homeownership," says Jessica.

"Jake [Habitat's Real Estate Development Manager] listened to our concerns, needs, and values, and addressed every one with ease. We didn't have to coordinate inspections or appraisals - he took care of everything. I've never done so little for a real estate transaction, and he immediately sent the documents we need for tax purposes to us. Now he keeps me updated on the progress they're making on the house, which I love."

Donations (or bargain sales) of real estate may provide significant tax savings while helping local families become first-time homebuyers.

### Benefits

- Your charitable gift is tax deductible, usually at the current market value. Tax law may allow you to carry over the deduction for up to five years if needed.
- You eliminate capital gains tax on the property's appreciation.
- The transfer isn't subject to the gift tax, and the gift reduces your future taxable estate.
- Avoid the hassle of selling or maintaining your home.
- Your gift will help build safe, affordable homes in our community.

### Property Qualifications

- All back taxes are paid.
- No past due utility bills.
- Property is owned free and clear with no mortgage liens.
- House must be in a habitable condition.

Please consult your financial adviser to determine whether this is a good choice for you.

If you are interested in donating property to Milwaukee Habitat, please fill out this form:

[milwaukeehabitat.org/donate/gifts-of-real-estate/](https://milwaukeehabitat.org/donate/gifts-of-real-estate/)

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## Legislative Report

By Heiner Giese, AASEW Legal Counsel



With election season in full swing nationally and for Wisconsin races there aren't any proposals to report on. True, there are bills pending in Congress to provide more housing funding or to limit the rights of property owners but these will not pass the Senate and will depend on which party prevails in November.

The City of Milwaukee may introduce building inspection or property regulation ordinances by September. We will monitor these.

We just learned from George Christenson, the newly appointed Clerk of Courts for Milwaukee County, that a Housing Coordinator position has been created for the county courts and that this person will operate through his office. Also, we appreciate Mr. Christenson's accomplishments in fixing staff shortages in the Clerk's office. He is a candidate for the Clerk of Courts position in the August 9 Milwaukee County primary election.

A hot topic, as you have likely heard, is the very tight rental market and supposed double digit percentage increases in rents. I have had some appearances on WISN and Fox6News explaining that the large increases are usually when there is a vacancy and that owners are NOT dramatically increasing rents for their continuing tenants.

I have also pointed out that the uncertainty and rent losses caused by eviction moratoriums and court delays in eviction cases when the new Right to Counsel attorneys assert a defense is causing landlords to be more rigorous in screening. Some landlords are now asking for double security deposits.



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Good news for us in the Milwaukee area is that federal funds from the Emergency Rental Assistance Program remain available at Community Advocates and SDG.

Community Advocates says their average award is \$7,152. On 6/15/22 they had 2,700 apps under review, down from 5,000 in March. So encourage your tenants to apply for this funding.

Further, Community Advocates is setting up a new software program which is supposed to let landlords into the “portal” so you can see the status of any tenant’s application.

**PRACTICE TIP:** Be aware that very many evictions are being sealed on CCAP. For example, in a nonpayment case a tenant may get a writ issued against them with, say, a two week stay. Then, if they move without the sheriff having to execute the writ, the tenant’s name will be removed from a CCAP search in a couple of months after the tenant files a motion. This helps the tenant to get a “fresh start” but if they apply with you six months from now you won’t see their past rent payment problem.

Another practice tip is to be careful and thorough in your eviction filings. If you forget to upload a copy of the 5-day, defense counsel or the court commissioner will adjourn the case for a month. If you use certified mail be sure a readable copy of the USPS tracking number is on file.

The AASEW is looking to get more staffing for the Milwaukee Justice Center at the Courthouse, specifically to give help to low income or pro se landlords who need advice on how to start and pursue an eviction case.

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## Are You Asking These Questions Before Renting to Tenants? 10 You Need To Ask

By Remen Okoruwa, *BiggerPockets.com*



Knowing the right tenant screening questions to ask is key to protecting your investment. Tenant screening is vital because you're most likely renting to a stranger. There is only so much you can tell from first impressions. Therefore, screening is your only chance to recognize a potentially good tenant from a disastrous one.

Standard procedures for screening a tenant include checking references from previous landlords, employment references, and a credit report. However, interviewing the tenant is just as important. Asking the right interview questions gives you a chance to learn vital information about the prospective renter. You can also gauge their reaction to specific questions—more than you can from a rental application form.

### What Makes the Ideal Tenant?

Three factors help identify the ideal tenant:

1. Their ability to pay rent. Rental income should be three times the rental price.
2. They must have good references. This is because you can often get an idea of future behavior based on previous conduct.
3. They need a decent credit history.

These factors help to ensure three crucial things:

1. The tenant has a reliable monthly income proving they can afford the make rent payments
2. The tenant will pay rent on time
3. There is a good chance they will take care of the property

### Interview Questions You Cannot Ask

Although the pre-rental interview is designed to get to know the tenant better, you must be careful. There are specific interview questions you can never ask a tenant. You should stay clear of questions that appear discriminatory or violate the Fair Housing Act.

### Top 10 Screening Questions to Ask a Tenant

Asking questions is the only way to assess a rental applicant. However, to ensure you get the right tenant, you must ask the right questions. And not just any question will do. The better the questions, the better your position to accurately evaluate the potential tenant.

Here are the best 10 screening questions landlords should ask potential tenants during the interview.

#### 1. When do you plan on moving in?

A good first question for a potential renter is knowing when they plan to move. Maybe they have time left on their current lease and can't move immediately. In this case, it may be best to find a tenant who can move in immediately to reduce vacancy time.

On the other hand, suppose the current tenant has given two months' notice, and you have started advertising early. In that case, someone who wants to move immediately wouldn't be a good match.

#### 2. How long have you lived at your current address?

A basic tenant screening question is knowing how long they've lived at their current place. Their answer can give an idea of their stability as a long-term tenant. For example, have they lived there for less than a year? In that case, it's good to find out why. It may be because of relocating with work or another legitimate reason.

A tenant who is constantly on the move may be a sign of a problem tenant, and there's a risk they won't stay for the entire lease agreement term.

#### 3. Why are you moving?

Moving can be expensive, not to mention stressful. So, it's worth asking a prospective tenant their reasons for moving. Maybe their current place no longer matches their needs. Or, they may need to live closer to work or family. Was it an increase in rent prices? Regardless of their reason, always do your due diligence during the screening process.

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It's always a red flag if the tenant lies about their reason for moving. For instance, they say they need to downsize, but you learn from references that they are getting evicted or regularly miss rent payments.

#### 4. Do you have pets?

If you don't allow pets in your rental unit, then you must find out about any animals they have. However, even if you have a pet policy allowing animals, you may have restrictions on the size and breed. So, it's best to find out before signing the rental agreement. Additionally, you can discuss your policy on paying a pet deposit and any additional fees. If you allow pet owners to rent, always carry out pet screening beforehand.

Pro tip: Remember that a service animal isn't classified as a pet, and you can't deny housing to someone who has one. You should also check that the emotional support animal letter is genuine.

#### 5. How many people will be living with you?

Rental laws restrict the number of people per bedroom in a rental unit. If you have a multi-tenancy unit, asking this simple question is essential. In any case, anyone living in the apartment permanently should be named on the lease agreement.

#### 6. Are you or anyone who will be living in the apartment smokers?

A vital rental screening question to ask a tenant is if they smoke. Typically, a rental agreement should state your smoking policy and outline the consequences for violating the lease. However, asking if they smoke allows you to assess their reaction.

#### 7. What's your current income?

It's not impolite to ask a straightforward question about how much a prospective tenant earns. After all, you must know if they can afford the monthly rent or not. Typically, a tenant can afford rent if they spend no more than 30% of their income on housing.

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According to a Harvard study, the 30% rule “remains a reliable indicator of affordability both over time and across markets.” If their pay stubs or bank statements reveal a lower amount, you should be extra cautious about renting. It’s worth noting that reports indicate that nonpayment of rent is the most common reason for evictions.

### **8. Have you ever been evicted?**

Asking about previous evictions may reveal why they were forcibly removed from a previous rental unit. Of course, if they were evicted, it’s good to be cautious. But were there extenuating circumstances? Or has enough time passed, and the tenant now has a good credit history for a previous eviction not to be an issue? Again, it’s good to find out.

### **9. Do you have current or previous convictions?**

Before asking about a criminal record, it’s crucial to know if any local laws prevent you from inquiring too deeply into this. There’s also grey area surrounding the Fair Housing Act, and if it’s truly legal to ask this question, as it may turn out to be discriminatory. However, if you can inquire about convictions, it’s good to do so. In addition, their criminal history and type of punishment could indicate if they are a suitable candidate for renting.

Be very careful not to ask about arrests. It’s generally illegal to ask about previous arrests when conducting a screening interview. Arrests don’t always lead to convictions.

### **10. Can you pay the security deposit and one month’s rent at the lease signing?**

The last question is to ensure that the tenant can pay the upfront costs of renting. At the same time, you can ask if the potential tenant has any questions for you.

### **Conclusion**

Knowing the right tenant screening questions can help you assess applicants and choose the ideal tenant. However, never take answers at face value. Instead, always do due diligence to check that the tenant was telling the truth.

## **New Rules Coming for Opportunity Zones**

*By Brandon Bruckman, Insight Investment Advisers LLC*



On April 7, 2022, U.S. Senators Cory Booker and Tim Scott and U.S. Representatives Ron Kind and Mike Kelly introduced a bipartisan bill in the Senate and the House proposing changes to the QOZ program, the Opportunity Zones Transparency, Extension, and Improvement Act (the QOZ Extension Act), which would improve the current QOZ tax benefits and re-emphasize the focus on low-income areas.

Before we get to the proposals, what are the current rules? The IRS website is the best source:

[www.irs.gov/credits-deductions/businesses/opportunity-zones](https://www.irs.gov/credits-deductions/businesses/opportunity-zones)

*Opportunity Zones are an economic development tool that allows people to invest in distressed areas in the United States. Their purpose is to spur economic growth and job creation in low-income communities while providing tax benefits to investors. Taxpayers can invest in these zones through Qualified Opportunity Funds.*

### **Extension of the Deferred Tax Payment Date**

One of the primary tax benefits of the QOZ program is the temporary deferral of capital gains, which allows investors to defer capital gains that are reinvested into a QOF (Qualified Opportunity Zone Fund) until December 31, 2026 (the 2026 Cut-Off Date).

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Capital gains tax on the invested amount is then due with the first filing following the 2026 Cut-Off date in April 2027. If passed, the QOZ Extension Act would extend the deferral period two years from December 2026 to December 2028 (the 2028 Cut-Off Date), with deferred taxes being due in April 2029.

The closer we get to the current deadline, the less advantageous any tax deferral will be. This extension will create better current economics to encourage more investment in Opportunity Zones. In addition, current and future projects will have a longer timeline to complete construction efforts.

#### **Reinstatement of the 10% and 15% Step-Up in Basis**

In further effort to promote additional investment in QOFs, the QOZ Extension Act would reinstate and modify the step-ups. Under the proposed legislation, investors would be eligible for the 15% step-up if they invest in a QOF before the end of 2022 and hold their investment for at least six years prior to the proposed 2028 Cut-Off Date.

Additionally, investors would be eligible for the 10% step-up if they invest before the end of 2023 and hold their investment for at least five years prior to the 2028 Cut-Off Date. These changes would benefit current QOF investors who were not eligible for the full 15% or even the 10% step-up when they invested.

#### **Modification of QOZ Designations to Eliminate Higher-Income Zones**

In 2018, the Treasury designated approximately 8,800 census tracts as QOZs, approximately 12% of the census tracts in the country. To qualify as a QOZ, a census tract was required to have a poverty rate of at least 20% or a median family income that does not exceed 80% of the statewide or metropolitan area median family income (based on the 2011-2015 American Communities Survey data).

In addition, QOZ rules allowed states to nominate 5% of their QOZs from census tracts adjacent to other qualifying census tracts.

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The Extension Act would terminate the QOZ status for census tracts with a median family income exceeding 130% of the national median family income, based on the most current census data.

States would then be able to nominate additional qualifying census tracts to replace the census tracts that lost their QOZ designation.

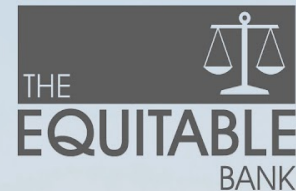
Several projects we reviewed didn't meet the "spirit" of the law. This proposal is a good change to push investment into underinvested areas.

### **QOFs Going Forward Under the Proposed Extension Act**

Novogradac recently reported that reporting QOFs had raised a total of approximately \$28.4 billion as of March 31, 2022. The proposed QOZ Extension Act provides several improvements that would incentivize investors to continue making investments in QOZs and could also refocus QOFs on lower-income communities. Time will tell how quickly these proposals can be passed or what additional adjustments we will see in the law.




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### 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 may 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.

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## Landlords are not always the ‘bad guys,’ report suggests

*By PrincessSafiya Byers, Milwaukee Neighborhood News Service*

As a former landlord and the current attorney for the Apartment Association of Southeastern Wisconsin, Heiner Giese said he sits through lots of eviction court cases.

And what he sees is a system in which landlords are taking the brunt of the blow when evicting a tenant.

“Our data shows that landlords rarely if ever receive any of the money owed to them when they evict,” he said. “And when they do, it’s less than what is asked, but the narrative built on other data would make people think otherwise.”

The Apartment Association of Southeastern Wisconsin, or AASEW, is a trade organization representing owners and managers of rental housing in Wisconsin.

As one indication of a narrative on evictions, Giese points to an article by The New York Times that says some tenants are being evicted for owing less than \$600.

But the association’s report, “Comprehensive Study of One Month of Evictions Filed in Milwaukee County, Wisconsin,” said the biggest item not always taken into account by those decrying evictions is the financial loss sustained by landlords who pursue them.

“The reason for this is that many eviction cases are either dismissed (51% in this study), or a money judgment for damages is not sought (only 21% had judgments for any claim other than court costs) and a very small percentage of actual judgments are ever reported to be paid or satisfied (2.9%),” the report said.

“That right there shows you that the idea that landlords evict for profit is false,” said Giese.

Some housing advocates recognize that a blanket narrative of landlords doesn’t tell the full story.

“The Rental Housing Resource Center has been collaborating and working hard to prevent evictions and the AASEW has given us a platform to reach landlords,” said Deb Heffner, the housing strategy director for Community Advocates. “I think this report elevates the idea that we need a menu of options in order to properly support both tenants and landlords.”

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Community Advocates works to ensure low-income families and individuals in Milwaukee are able to meet their basic needs.

The association's report analyzed residential evictions filed in Milwaukee County in December 2019. It looked at each filing's case number and name, filing date, the attorney representing the landlord, the attorney representing the tenant, the type of notice given, the dollar amount stated in the notice and the dollar amount listed in the complaint.

Giese, who said he has been involved in housing issues for over three decades, said nothing the association found came as a surprise to the organization.

**'People are quick to jump to a narrative'**

"We had already expected what we were going to find when we started our research," said Giese. "People are quick to jump to a narrative about how people must defend their homes from landlords, but no one is analyzing what's going on" with landlords and evictions.

According to Giese, people must analyze the cost of evictions, maintenance of homes, property taxes and the cost of tenant turnover to a landlord before jumping to conclusions.

The report said sites such as the Eviction Lab at Princeton University can share missing and misleading information that does not paint a complete portrait. The Eviction Lab is a team of researchers, students, and website architects who believe that a stable, affordable home is central to human flourishing and economic mobility.

"I think it's a great report," Peter Hepburn, a researcher with the Eviction Lab, said of the apartment association's document. "The methodology is thorough and well described."

According to Hepburn, the research that the apartment association did and the research that the Eviction Lab does is similar. One difference, however, is that the Eviction Lab looks at overall data while the apartment association took a deep dive into each case.

*Continued on page 17*

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*Continued from page 16*

"There is data that is available in court records that is not always available in court data," Hepburn said. "The apartment association intentionally sought out that information, which is important as well."

The Eviction Lab collects and compiles national eviction data, going back to 1990. The site allows users to look at where evictions are occurring and who in those places are most affected.

The Eviction Lab was born out of Matt Desmond's book "Evicted: Poverty and Profit in the American City," which examined evictions in the poorest areas of Milwaukee. It follows eight families struggling to pay rent to their landlords.

"People wanted to know if the struggles in Milwaukee were unusual, and the federal government collects little to no data on evictions," Hepburn said. "Now that we've created this database, we can look at the risk factors leading people to evictions and the consequences of being evicted."

Hepburn said while the apartment association might focus on those landlords who lose money when evicting, Eviction Lab examines cases where judgments are more than the requested amount.

The apartment association found that the average amount requested in an eviction complaint from a landlord is \$1,436 and the average judgment granted is \$2,672 when lost rent and damages are sought.

Giese said the report shows that landlords are not evicting for small sums as others suggest. "We just want people to think more critically about what evictions look like for all parties," he said.

He said the association is currently working on a report analyzing Milwaukee's Right to Counsel program, which provides no-cost legal representation for low-income residents facing eviction or foreclosure.

Right to Counsel Milwaukee is for Milwaukee County residents at or below 200% of the federal poverty guidelines and is administered by United Way of Greater Milwaukee and Waukesha County. The Legal Aid Society provides legal advice, representation and community legal education.

The association is looking at how having legal representation is affecting the turnout of eviction cases.

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That said, I recognize that the distinction between "authorized" and "unauthorized" government actions has a long history in takings precedent. The Court of Claims couldn't simply overrule it all.

But, as Judge Armando Bonilla recognized in his opinion, the precedent does distinguish "between conduct that is 'unauthorized' and conduct that is authorized but nonetheless unlawful."

The latter can still give rise to takings compensation. One way to distinguish between "unauthorized" and "authorized but unlawful" conduct is that the latter falls within the "normal duties" of the officials in question.

The Court of Claims ruled that the sweeping nature of the eviction moratorium made it abnormal.

To my mind, the fact that the measure had a public health rationale (public health is the CDC's main responsibility) still made it "normal" enough to qualify as authorized but unlawful.

True, it was unusually broad, and had a dubious legal rationale. But broad measures - many with dubious legal rationales - have become common during the Covid pandemic.

In addition, it's worth emphasizing, once again, that the policy had the backing of the White House! If the support of successive presidents of different parties and widely divergent ideologies doesn't count as "authorization" (even if still unlawful), I'm hard-pressed to figure out what does.

This case is going to be reviewed by the Federal Circuit on appeal. Perhaps it might eventually even get to the Supreme Court.

In the meantime, the issue of whether eviction moratoria qualify as takings is likely to also be addressed in cases challenging state and local moratoria. In many such situations, there is no question that the moratorium had legislative authorization. Thus, courts will have to fully consider the takings claims on the merits.

The federal eviction moratorium did not achieve the benefits advocates claimed for it, and its end **did not lead to the "eviction tsunami" they predicted**. Far from helping renters, moratoria, research by economists indicates that they **lead to increases in the cost and declines in the availability of housing**.

There may be a case for public assistance to renters (especially poor ones) during recessions or other times of crisis. But, if so, it is better for the government to subsidize rent than to try to foist the cost on landlords. If officials nonetheless insist on imposing eviction moratoria, they should have to pay takings compensation for it.



## Rental Housing News from Around the Country



By Dawn Anastasi, AASEW Board Member

Here is a recap of some of the news surrounding rental housing that's happening around the country. It's important to watch the news as legislation that passes in other states may work its way to Wisconsin.

**California** -- A federal appeals court has upheld a 2020 California law forcing property owners who **legally** evict tenants to pay one month of their rent to reduce relocation costs. Under the law, AB 1482, rent increases are limited to 10% a year in areas without rent control.

**Florida** -- As of July 1, 2022, Senate Bill 898, cited as "Miya's Law," was signed into law. Miya's Law requires that landlords utilize the service of a consumer reporting agency, such as a background check vendor, to screen a prospective employee's criminal history records and sex offender registries of all 50 states and the District of Columbia.

**Georgia** -- Atlanta's City Council is considering a non-binding resolution to create a Tenant's Bill of Rights that would provide a framework for better renter protections. The legislation proposes establishing an Office of the Tenant Advocate, Right-to-Counsel, and rent control. Currently, state law prohibits any Georgia city from introducing rent control.

**Minnesota** -- In St. Paul, landlords are being accused of skirting the city's new rent control law by charging tenants for utilities that used to be included in the rent. The ordinance drafted and approved by voters last fall doesn't explicitly mention utilities.

**New York** -- In Albany, the city's "good-cause" eviction law, the first of its kind in the state, was struck down Thursday in a decision that may lead to the overturning of similar legislation across New York. State Supreme Court Judge Christina Ryba ruled in favor of several landlords who argued the law violated state law that guided tenant-landlord relationships.

**Ohio** -- The Ohio Legislature has passed and the Governor has signed legislation to preempt local government from implementing rent control. The passage of House Bill 430, a measure that preempts local cities from imposing rent control, makes Ohio one of 29 states that doesn't allow rent control to be passed by local governments.



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## Upcoming Event

### Landlord Lunch and Learn Series

Topic: Property upgrades for higher rents and better tenants. Plus monthly Milwaukee Market Update.

When: July 20, 2022, 12:00 PM

Location: Virtual

Cost: AASEW Member - Free

Non-Member - \$10

\*This call will be recorded and emailed to all registered participants.

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**Marcus Auerbach**

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