State of Wisconsin

Governor Tony Evers

Office of the Governor
PO Box 7863
Madison, WI 53707
(608)-266-1212
Evers.wi.gov

Secretary-designee Andrea Palm

Department of Health Services
PO Box 7850
Madison, WI 53707
(608)-266-9622
DHS.wi.gov

EMERGENCY ORDER #15
Temporary Ban on Evictions and Foreclosures

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency in Executive Order #72 to mobilize statewide efforts to respond to and contain the COVID-19 virus in Wisconsin;

WHEREAS, as of March 26, 2020, 512,900 people around the world have tested positive for COVID-19, including 81,321 in the United States and 707 in Wisconsin;

WHEREAS, social distancing – the practice of staying at least six feet apart and avoiding all physical contact – is one of the most effective means of slowing the spread of COVID-19;

WHEREAS, on March 24, 2020, Governor Tony Evers directed Secretary-designee Andrea Palm to issue Emergency Order #12, Safer at Home, to further increase social distancing and ensure that as many people as possible stay at home to slow the spread of COVID-19;

WHEREAS, the economic impacts of COVID-19 have been significant, with many Wisconsin residents experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs, hindering their ability to keep up with their rent or mortgage payments and thereby threatening their housing security;

WHEREAS, the threat of eviction or foreclosure poses a significant and direct threat to personal security and the public's health during the current health emergency by removing the ability of persons to stay in their home and avoiding contact with infected persons,

WHEREAS, in the case of commercial evictions and foreclosures, evictions and foreclosures also create a likelihood of personal interactions inconsistent with necessary social distancing measures, hurts Wisconsin businesses, destabilizes local economies, and threatens designated essential businesses and operations;

WHEREAS, in recognition of these dangers, the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac announced the suspension of all evictions and foreclosures for a period of 60 days;

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this state, and specifically by Section 323.12(4) of the Wisconsin Statutes, and **I, ANDREA PALM,** Secretary-designee of the Wisconsin Department of Health Services, by the authority of Wis. Stat. § 252.02 and at the direction of Governor Tony Evers, hereby proclaim the following:

1. Landlords are prohibited from serving any notice terminating a tenancy for failure to pay rent.

2. Landlords are prohibited from serving any notice terminating a tenancy unless the notice is accompanied by an affidavit attesting to the reasonable belief, and the basis thereof, that a failure to commence eviction proceedings will result in an imminent threat of serious physical harm to another person.

3. Landlords are prohibited from commencing a civil action of eviction unless the following conditions are met:

    a. The eviction action is not based on a failure to pay rent, and
    b. The judicial action seeking eviction is accompanied by an affidavit attesting that the eviction is not based on a failure to pay rent and to a reasonable belief, and the basis thereof, that a failure to proceed with the eviction will result in an imminent threat of serious physical harm to another person.

4. Landlords may not deliver a writ of restitution to the sheriff, nor may the sheriff act on eviction orders unless the following conditions are met:
    a. The eviction order was not based on a failure to pay rent, and
    b. The Writ of Restitution is accompanied by an affidavit attesting that the eviction is not based on a failure to pay rent and to a reasonable belief, and the basis thereof, that a failure to proceed with the eviction will result in an imminent threat of serious physical harm to another person.

5. Nothing in the above order shall be construed to affect the operation of Wis. Stat. § 704.25.

6. Remote notarization is permissible for purposes of this Order.

7. Mortgagees are prohibited from commencing a civil action to foreclose upon real estate.

8. Mortgagees are prohibited from requesting or scheduling a sheriff's sale of the mortgaged premises.

9. Sheriffs may not conduct sheriff's sales of mortgaged premises nor may sheriffs act on any order of foreclosure or execute any writ of assistance related to foreclosure.

10. Nothing in this Order shall be construed to affect the ability to commence a civil action to foreclose upon real estate under Section 846.102 of the Wisconsin Statutes.

11. No provision in this order should be construed as relieving an individual of their obligations to pay rent, make mortgage payments, or any other obligation an individual may have under a tenancy or mortgage.

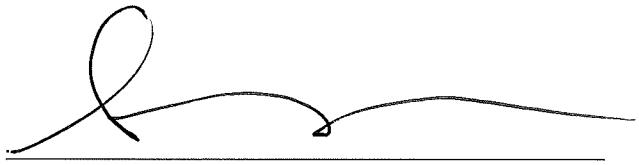
This order is effective immediately and shall remain in effect for 60 days.

Tony Evers

March 27, 2020

Tony Evers
Governor
State of Wisconsin

Date



03/27/2020

Andrea Palm
Secretary-designee
State of Wisconsin Department of Health Services

Date