

April 06, 2020

Wisconsin Issues Emergency Order Temporarily Banning Evictions and Stalling Foreclosure Actions on Commercial and Residential Properties in Wisconsin

Related Practices

CARES Act Relief
COVID-19 Resource Center
Real Estate

Pursuant to Emergency Order No. 15 issued by Governor Tony Evers and Secretary of Wisconsin Department of Health Services Andrea Palm on March 27, 2020 (the "Order"), Wisconsin temporarily bans landlords from evicting tenants and requires lenders to halt foreclosure actions as part of the State's continuing efforts to contain the spread of the Coronavirus (also known as COVID-19). The Order, effective March 27, 2020 and extending for sixty (60) days through May 26, 2020 (the "Effective Period"), comes on the heels of the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac's suspension of all evictions and foreclosures.

Landlords are prohibited from taking any steps toward eviction such as serving any notice terminating a tenancy, including but not limited to instances where a tenant fails to timely pay rent. Landlords are also restricted from commencing civil action of eviction. The Order provides exception for instances where failure to proceed with eviction will result in an imminent threat of serious physical harm to another person and provided the basis for serving the notice or commencing the action is not failure to pay rent.

Mortgagees are prohibited from commencing a civil action to foreclose upon real property, and requesting or scheduling a sheriff's sale of the mortgaged premises. However, the Order does not apply to and carves out foreclosures related to abandoned property.

The Order also restricts local sheriffs with respect to evictions and foreclosures during the Effective Period. Local sheriffs cannot act on eviction orders or a Writ of Restitution unless the exception for imminent threats of serious harm to others applies. With respect to foreclosures, sheriffs cannot conduct

sheriff's sales of mortgaged premises or act on any order of foreclosure, such as executing any writ of assistance related to foreclosure.

The Order does not relieve any person or entity from its obligation to make mortgage or rent payments, or otherwise reduce or suspend any other right or obligation under a lease, mortgage, or other applicable law.

As the Coronavirus (COVID-19) continues to disrupt daily life, it's clear this outbreak will impact all of us across borders and industries. During this global health crisis, Michael Best has formed a COVID-19 Task Force to advise our clients on business and legal implications related to the coronavirus.

[Click here to access our COVID-19 Resource Center and Task Force's contact information.](#)

Related People

Nicholas Boerke

Senior Counsel

njboerke@michaelbest.com

T 414.225.2767

Michelle Ebben

Partner

mwebben@michaelbest.com

T 414.225.8277

Jonathan Luljak

Associate

jtluljak@michaelbest.com

T 414.225.4962