Watertown Housing Authority v. Kester-Paletti
Litigation Brief
National Housing Law Project

In the case, Watertown Housing Authority (WHA) brought eviction proceedings against Ms. Kester-Paletti for having an inoperable vehicle in a stall at the end of the building's parking lot for several months. Kester-Paletti parked the vehicle there to comply with winter street parking restrictions and to avoid obstructing the parking lot. WHA did not raise any concerns regarding the vehicle for more than three months until serving an eviction notice for violating "Parking Lot/Vehicle Policy #4. - Tenants are responsible for keeping their vehicles licensed, operable and free from snow." WHA then filed suit to evict Ms. Kester-Paletti.

The Wisconsin Court of Appeals decided the case on August 29, 2024. In the decision, the court assumed, without deciding, that the parking rules formed a material term of the lease, but that Ms. Kester-Paletti did not violate those rules in a serious or repeated way. Though the vehicle remained for a prolonged period of time, the court found this violation was not serious because she parked it in a place that minimized any disruption.

"The [Housing Authority] took no action regarding the vehicle for over three months after the violation commenced, suggesting that Kester-Paletti's vehicle was not an impediment to maintenance, did not jeopardize the safety of other residents, and did not otherwise pose a serious concern," the court wrote.

The "violation of the inoperable vehicle provision was therefore not 'weighty' or 'important,' and not 'serious' as [required under federal regulations to support eviction]." The court also ruled that Ms. Kester-Paletti did not "repeatedly" violate the parking rules, as could also support eviction–but instead caused "a single continuing violation, presumably lasting from when she parked her vehicle in the parking lot on October 31, 2022, until she removed it on April 2, 2023."

The ruling therefore reversed the trial court and overturned the eviction judgment.