



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 51**  
[October 2013 Special Session  
Senate Bill 2]

**Tax Incremental Financing  
Authority for the  
Town of Brookfield**

### **PRIOR LAW**

Under prior law, a town has the same authority as a city or village to use tax incremental financing (TIF) to spur economic development if the town has a cooperative plan with a city or village planning to annex all or part of the town. A town may only create a tax incremental financing district (TID) if all of the following apply:

- The town enters into a cooperative plan with the city or village, under which part or all of the town will be annexed by the city or village in the future.
- The city or village into which the town territory will be annexed adopts a resolution approving the creation of the TID.
- The TID is located solely within the territory that is to be annexed or attached by a city or village.

Any town may also exercise the same TIF authority as a city or village, to create a TID for specific types of projects, regardless of whether there is a cooperative plan. However, to do so the TID must not be located in any part of the town that is within the extraterritorial zoning jurisdiction of a city or village, unless the city or village adopts a resolution approving the exercise of TIF authority. The only types of projects for which a town may exercise TIF authority are the following:

- Agriculture.
- Forestry.
- Manufacturing.
- Tourism.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- Residential development, but only to the extent that it has a necessary and incidental relationship to a project listed above.
- Retail development that is limited to the retail sale of products that are produced due to a project that is developed under an agricultural project, forestry project, or manufacturing project.

In addition to the types of projects listed above, the Town of Brookfield in Waukesha County, has TIF authority to create one TID for a project that is related either to retail purposes, or to a purpose for which a city may create a TID.

### **2013 WISCONSIN ACT 51**

2013 Wisconsin Act 51 (the Act) authorizes the Town of Brookfield, to exercise the same TIF authority as a city or village, regardless of whether there is a cooperative plan in place and is not limited to one of the types of projects listed in the previous section. If the Town of Brookfield creates a TID under the authority granted by the Act, the Act provides that the town is subject to the same duties and liabilities applicable to a city or village creating a TID.

The Act provides that if any part of the TID is annexed by a city or village, any assets or liabilities associated with the annexed territory, including a proportional share of any bonds or other debt associated with the district, shall become the responsibility of the annexing city or village.

***Effective date:*** November 1, 2013.

***Prepared by:*** Melissa Schmidt, Senior Staff Attorney

December 20, 2013

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