



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 386

**Assembly
Amendments 2 and 3**

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Assembly Bill 386

Assembly Bill 386 (the bill) provides that if a person has submitted an application for a permit or authorization for building, zoning, driveway, stormwater, or other activity related to residential, commercial, or industrial development (approval), the political subdivision must approve, deny, or conditionally approve the application based on regulations, ordinances, rules, or other properly adopted requirements in effect at the time the application for an approval is submitted to the political subdivision (existing requirements).

The bill also provides that if a project requires more than one approval, or requires approvals from more than one political subdivision, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project are applicable to all subsequent approvals required for the project.

The bill specifies that an application for approval is “filed” upon delivery of the application to the political subdivision or deposit of the application with the U.S. Postal Service for mailing by certified mail.

The bill also specifies that an application for approval expires 60 days after filing if the application does not comply with form and content requirements, the political subdivision provides notice of the noncompliance within 10 days, and the applicant fails to remedy the noncompliance.

Assembly Amendment 2

Assembly Amendment 2 (AA 2) provides that an application for approval is “filed” when the political subdivision receives the application, rather than when it is delivered to the political subdivision or deposited with the U.S. Postal Service for mailing. AA 2 also specifies that the provisions of the bill first apply to an application for approval that is “filed,” rather than “submitted,” on the bill’s effective date.

AA 2 also provides that a political subdivision has 10 **working** days to provide written notice that an application does not comply with form and content requirements.

Assembly Amendment 3

The provisions of the bill apply to any permit or authorization for building, zoning, driveway, stormwater, or other activity related to **residential, commercial, or industrial** development.

Under Assembly Amendment 3 (AA 3) the provisions if the bill apply instead to any permit or authorization for building, zoning, driveway, stormwater, or other activity related to **land** development.

The bill specifies that a political subdivision must act on an application for approval based on the requirements that are in effect at the time the application is submitted to the political subdivision. AA 3 provides that the political subdivision must act on an application for approval based on existing requirements “**unless the applicant and the political subdivision agree otherwise.**”

Bill History

Representative Murphy offered AA 2 on October 29, 2013 and AA 3 on November 5, 2013. On November 7, 2013, the Assembly Committee on Housing and Real Estate voted to recommend adoption of both amendments, and passage of the bill, as amended, on successive votes of Ayes, 9; Noes, 0.

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