



## 2013 ASSEMBLY BILL 924

April 3, 2014 - Introduced by Representative BARCA. Referred to Committee on Housing and Real Estate.

1     **AN ACT to renumber and amend** 703.09 (2), 703.093 (1) and 703.10 (5); **to**  
2             **amend** 703.11 (5), 703.13 (6) (c) and 703.13 (8) (b); and **to create** 703.09 (2) (b),  
3             703.093 (1) (b), 703.10 (5) (b) and 703.38 (11) of the statutes; **relating to:**  
4             disapproval of amendments to condominium documents.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a condominium declaration must specify the number of votes that are appurtenant to each unit in the condominium for purposes of voting at meetings of the association of unit owners. Current law provides that a condominium declaration, as well as a condominium plat, may be amended with the written consent of at least two-thirds of the aggregate votes established in the declaration for all of the units, unless the declaration provides for a greater percentage, and that condominium bylaws may be amended by the affirmative vote of unit owners having 67 percent or more of the votes.

This bill provides that, if legal title to units with two-thirds or more of the aggregate votes established in the declaration for all of the units is held by a single person or by two or more persons acting jointly by formal agreement, an amendment to a condominium declaration, as well as to a condominium plat, is disapproved if a simple majority of the unit owners, without regard to the number of units owned by any unit owner or the number of votes appurtenant to the units owned by any unit owner, opposes the amendment in writing. Likewise, an amendment to condominium bylaws is disapproved if a simple majority of the unit owners, without regard to the number of units owned by any unit owner or the number of votes

**ASSEMBLY BILL 924**

appurtenant to the units owned by any unit owner, opposes the amendment in writing. As defined in current law, a "unit owner" is any person, combination of persons, partnership, or corporation that holds title to a unit. Thus, for example, a husband and wife who own a unit together would be one unit owner.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 703.09 (2) of the statutes is renumbered 703.09 (2) (a) and amended  
2 to read:

3           703.09 (2) (a) Except as provided in par. (b), sub. (4), and ss. 703.093, 703.13  
4 (6) (c) and (d) and (8) (b), and 703.26, a condominium declaration may be amended  
5 with the written consent of at least two-thirds of the aggregate of the votes  
6 established under sub. (1) (f) or a greater percentage if provided in the declaration.  
7 An amendment becomes effective when it is recorded in the same manner as the  
8 declaration. The document submitting the amendment for recording shall state that  
9 the required consents and approvals for the amendment were received. A unit  
10 owner's written consent is not effective unless it is approved in writing by the first  
11 mortgagee of the unit, or the holder of an equivalent security interest, if any.  
12 Approval from the first mortgage lender or equivalent security interest holder, or the  
13 person servicing the first mortgage loan or its equivalent on a unit, constitutes  
14 approval of the first mortgagee or equivalent security interest holder under this  
15 subsection.

16           **SECTION 2.** 703.09 (2) (b) of the statutes is created to read:

17           703.09 (2) (b) If legal title to units with two-thirds or more of the aggregate of  
18 the votes established under sub. (1) (f) is held by a single person or by 2 or more  
19 persons acting jointly by formal agreement, a proposed amendment to the  
20 declaration is disapproved if a simple majority of the unit owners, without regard to

**ASSEMBLY BILL 924**

1 the number of units owned, or the number of votes appurtenant to the units owned,  
2 by any unit owner, opposes the proposed amendment in writing.

3 **SECTION 3.** 703.093 (1) of the statutes is renumbered 703.093 (1) (a) and  
4 amended to read:

5 703.093 (1) (a) As an alternative to s. 703.09 (2), except as provided in par. (b),  
6 a condominium declaration may be amended under this section if at least two-thirds  
7 of the aggregate of the votes established under s. 703.09 (1) (f), or a greater  
8 percentage if provided in the declaration, consent to the amendment in writing and  
9 those consents are approved by the mortgagees or holders of equivalent security  
10 interests in the units. An amendment becomes effective when it is recorded in the  
11 same manner as the declaration.

12 **SECTION 4.** 703.093 (1) (b) of the statutes is created to read:

13 703.093 (1) (b) If legal title to units with two-thirds or more of the aggregate  
14 of the votes established under s. 703.09 (1) (f) is held by a single person or by 2 or more  
15 persons acting jointly by formal agreement, a proposed amendment to the  
16 declaration is disapproved under this section if a simple majority of the unit owners,  
17 without regard to the number of units owned, or the number of votes appurtenant  
18 to the units owned, by any unit owner, opposes the proposed amendment in writing.

19 **SECTION 5.** 703.10 (5) of the statutes is renumbered 703.10 (5) (a) and amended  
20 to read:

21 703.10 (5) (a) ~~The~~ Except as provided in par. (b), the bylaws may be amended  
22 by the affirmative vote of unit owners having ~~67%~~ 67 percent or more of the votes.  
23 Each particular set forth in sub. (2) shall be expressed in the bylaws as amended.

24 **SECTION 6.** 703.10 (5) (b) of the statutes is created to read:

**ASSEMBLY BILL 924****SECTION 6**

1           703.10 (5) (b) If legal title to units with two-thirds or more of the aggregate of  
2 the votes established under s. 703.09 (1) (f) is held by a single person or by 2 or more  
3 persons acting jointly by formal agreement, a proposed amendment to the bylaws is  
4 disapproved if a simple majority of the unit owners, without regard to the number  
5 of units owned, or the number of votes appurtenant to the units owned, by any unit  
6 owner, opposes the proposed amendment in writing.

7           **SECTION 7.** 703.11 (5) of the statutes is amended to read:

8           703.11 (5) AMENDMENT. Except as provided in s. 703.265, amendment of a  
9 condominium plat by an addendum that is not included as part of an amendment to  
10 the declaration shall be accomplished in the same manner as an amendment to the  
11 declaration under s. 703.09 (2) (a), subject to s. 703.09 (2) (b).

12           **SECTION 8.** 703.13 (6) (c) of the statutes is amended to read:

13           703.13 (6) (c) An amendment to a declaration shall identify the units involved  
14 and shall state that the boundaries between those units are being relocated by  
15 agreement of the unit owners thereof. The amendment shall contain words of  
16 conveyance between those unit owners, and when recorded shall also be indexed in  
17 the name of the grantor and grantee. If the adjoining unit owners have specified in  
18 their written application the reallocation between their units of the aggregate  
19 undivided interest in the common elements appertaining to those units, the  
20 amendment to the declaration shall reflect that reallocation. An amendment to a  
21 declaration under this paragraph shall be adopted, at the option of the adjoining unit  
22 owners, either in the manner provided under s. 703.09 (2) (a) or by the written  
23 consent of the owners of the adjoining units involved and the mortgagees of the  
24 adjoining units.

25           **SECTION 9.** 703.13 (8) (b) of the statutes is amended to read:

