



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 770**

January 12, 2018 - Offered by Representative R. BROOKS.

1 **AN ACT** *to repeal* 62.23 (7) (d) 2m. a., 66.0617 (9) (b), 66.0617 (9) (c), 66.0617 (9)
2 (d) and 66.10015 (2) (d); *to renumber* 62.23 (7) (d) 2m. b., 66.1102 (1) (a) and
3 66.1102 (1) (b); *to renumber and amend* 32.09 (1m), 66.0617 (9) (a), 66.1105
4 (2) (ab), 236.13 (2) (a) 1. and 236.13 (2) (a) 2.; *to amend* 32.19 (4m) (a) (intro.),
5 32.19 (4m) (b) 1., 32.20, 66.0617 (6) (g), 66.0617 (7), 66.0628 (4) (a), 66.0821 (4)
6 (c), 66.1009 (1), 66.1015 (title), 66.1102 (title), 66.1105 (2) (f) 3. (intro.), 66.1105
7 (4) (c), 66.1105 (4) (gm) 4. a., 66.1105 (4) (gm) 4. bm., 66.1105 (4) (gm) 6., 66.1105
8 (4m) (b) 2., 66.1105 (6) (a) 8., 66.1105 (6) (g) 3., 101.65 (1) (a), 236.34 (1) (ar) 1.,
9 236.45 (6) (am) and 281.33 (6) (a) 1.; and *to create* 32.09 (1m) (b), 32.19 (2) (hm),
10 32.19 (4m) (a) 4., 66.0602 (3) (m), 66.0617 (7r), 66.10013, 66.10014, 66.10015 (1)
11 (f), 66.10015 (5), 66.10015 (6), 66.1015 (3), 66.1102 (1) (ae), 66.1102 (5), 66.1105
12 (2) (n) 1., 66.1105 (2) (n) 2., 66.1105 (2) (o), 66.1105 (4) (gm) 4. am., 66.1105 (6)
13 (a) 14., 66.1105 (7) (ak) 5., 66.1108, 101.65 (1c), 236.13 (2) (ad), 236.13 (2) (am)

1 1d., 236.13 (2) (am) 1m., 236.13 (2) (am) 3. and 236.45 (6) (c) of the statutes;
2 **relating to:** workforce housing development tax incremental districts; local
3 fees and charges; local levy limits; subdivision approval conditions; plat
4 approval conditions; expiration of certain project approvals; division of land by
5 certified survey map; erosion control and storm water management; limiting
6 certain local regulatory authority; relocation benefits in condemnation
7 proceedings; and zoning ordinance amendments.

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

8 **SECTION 1.** 32.09 (1m) of the statutes is renumbered 32.09 (1m) (a) and
9 amended to read:

10 32.09 (1m) (a) As a basis for determining value, a commission in condemnation
11 or a court ~~may~~ shall consider the price and other terms and circumstances of any good
12 faith sale or contract to sell and purchase comparable property. A sale or contract
13 is comparable within the meaning of this ~~subsection~~ paragraph if it was made within
14 a reasonable time before or after the date of evaluation and the property is
15 sufficiently similar in the relevant market, with respect to situation, usability,
16 improvements, and other characteristics, to warrant a reasonable belief that it is
17 comparable to the property being valued.

18 **SECTION 2.** 32.09 (1m) (b) of the statutes is created to read:

19 32.09 (1m) (b) As a basis for determining value, a commission in condemnation
20 or a court shall consider, if provided by the owner, an appraisal based on the income
21 approach and an appraisal based on the cost approach.

22 **SECTION 3.** 32.19 (2) (hm) of the statutes is created to read:

1 32.19 (2) (hm) “Reasonable project costs” means the total of all of the following
2 costs that an owner displaced person of an owner-occupied business or farm
3 operation or tenant displaced person of a tenant-occupied business or farm
4 operation must reasonably incur to make a business or farm operation to which the
5 owner or tenant moves a comparable replacement business or farm operation under
6 sub. (4m):

7 1. Capital costs, including the actual costs of the construction of improvements,
8 new buildings, structures, and fixtures; the demolition, alteration, remodeling,
9 repair or reconstruction of existing buildings, structures, and fixtures; the removal
10 or containment of, or the restoration of soil or groundwater affected by,
11 environmental pollution; and the clearing and grading of land.

12 2. Financing costs, including all interest paid to holders of evidences of
13 indebtedness issued to pay for project costs and any premium paid over the principal
14 amount of the obligations because of the redemption of the obligations prior to
15 maturity.

16 3. Professional service costs, including costs incurred for architectural,
17 planning, engineering, and legal advice and services.

18 4. Imputed administrative costs, including reasonable charges for the time
19 spent by the owner or tenant in connection with the implementation of the project.

20 5. Costs related to the construction or alteration of sewerage treatment plants,
21 water treatment plants or other environmental protection devices, storm or sanitary
22 sewer lines, water lines, or amenities on streets; the relocation of utility lines or other
23 utility infrastructure, including any lines or infrastructure related to an electric
24 utility, natural gas utility, or telecommunications utility; the installation of
25 infrastructure necessary to provide utility service to the property, including any

1 service from an electric utility, natural gas utility, or telecommunications utility; or
2 the rebuilding or expansion of streets if such costs are required by the applicable
3 municipality and are not paid for by the municipality.

4 **SECTION 4.** 32.19 (4m) (a) (intro.) of the statutes is amended to read:

5 32.19 (4m) (a) *Owner-occupied business or farm operation.* (intro.) In addition
6 to amounts otherwise authorized by this subchapter, the condemnor shall make a
7 payment, ~~not to exceed \$50,000,~~ to any owner displaced person who has owned and
8 occupied the business operation, or owned the farm operation, for not less than one
9 year prior to the initiation of negotiations for the acquisition of the real property on
10 which the business or farm operation lies, and who actually purchases a comparable
11 replacement business or farm operation for the acquired property within 2 years
12 after the date the person vacates the acquired property or receives payment from the
13 condemnor, whichever is later. An owner displaced person who has owned and
14 occupied the business operation, or owned the farm operation, for not less than one
15 year prior to the initiation of negotiations for the acquisition of the real property on
16 which the business or farm operation lies may elect to receive the payment under par.
17 (b) 1. in lieu of the payment under this paragraph, but the amount of payment under
18 par. (b) 1. to such an owner displaced person may not exceed the amount the owner
19 displaced person is eligible to receive under this paragraph. If the condemnor is a
20 village, town, or city, the payment by the condemnor under this paragraph may not
21 exceed \$100,000. The additional payment under this paragraph shall include the
22 following amounts:

23 **SECTION 5.** 32.19 (4m) (a) 4. of the statutes is created to read:

24 32.19 (4m) (a) 4. Any reasonable project costs incurred or to be incurred by the
25 displaced person.

1 **SECTION 6.** 32.19 (4m) (b) 1. of the statutes is amended to read:

2 32.19 **(4m)** (b) 1. The amount, ~~not to exceed \$30,000, which that~~ is necessary
3 to lease or rent a comparable replacement business or farm operation for a period of
4 4 years, plus any reasonable project costs incurred or to be incurred by the tenant
5 displaced person. If the condemnor is a village, town, or city, the amount paid under
6 this subdivision may not exceed \$80,000. The rental payment shall be computed by
7 determining the average monthly rent paid for the property from which the person
8 was displaced for the 12 months prior to the initiation of negotiations or, if
9 displacement is not a direct result of acquisition, such other event as determined by
10 the department of administration and the monthly rent of a comparable replacement
11 business or farm operation, and multiplying the difference by 48; or

12 **SECTION 7.** 32.20 of the statutes is amended to read:

13 **32.20 Procedure for collection of itemized items of compensation.**
14 Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the
15 condemnor carrying on the project through which condemnee's or claimant's claims
16 arise. All such claims must be filed after the damages upon which they are based
17 have fully materialized but not later than 2 years after the condemnor takes physical
18 possession of the entire property acquired or such other event as determined by the
19 department of administration by rule. If such claim is not allowed within 90 days
20 after the filing thereof, the claimant has a right of action against the condemnor
21 carrying on the project through which the claim arises. Such action shall be
22 commenced in a court of record in the county wherein the damages occurred. In
23 causes of action, involving any state commission, board or other agency, excluding
24 counties, the sum recovered by the claimant shall be paid out of any funds
25 appropriated to such condemning agency. Any judgment shall be appealable by

1 either party and any amount recovered by the body against which the claim was filed,
2 arising from costs, counterclaims, punitive damages or otherwise may be used as an
3 offset to any amount owed by it to the claimant, or may be collected in the same
4 manner and form as any other judgment. The court shall award litigation expenses,
5 as defined in s. 32.28 (1), to a claimant if the award of damages for the claimant
6 exceeds the sum of the jurisdictional offer or highest written offer and the itemized
7 costs under ss. 32.19 and 32.195 by 15 percent in an action under this section.

8 **SECTION 8.** 62.23 (7) (d) 2m. a. of the statutes is repealed.

9 **SECTION 9.** 62.23 (7) (d) 2m. b. of the statutes is renumbered 62.23 (7) (d) 2m.

10 **SECTION 10.** 66.0602 (3) (m) of the statutes is created to read:

11 66.0602 (3) (m) The levy increase limit otherwise applicable under this section
12 to a city, village, or town in the current year is increased by \$1,000 for each new
13 single-family residential dwelling unit for which a city, village, or town issues an
14 occupancy permit in the preceding year and that is all of the following:

15 1. Located on a parcel of no more than 0.25 acre in a city or village, or on a parcel
16 of no more than one acre in a town.

17 2. Sold in the preceding year for not more than 80 percent of the median price
18 of a new residential dwelling unit in the city, village, or town in the preceding year.

19 **SECTION 11.** 66.0617 (6) (g) of the statutes is amended to read:

20 66.0617 (6) (g) ~~Shall~~ Except as provided under this paragraph, shall be payable
21 by the developer or the property owner to the municipality in full upon the issuance
22 of a building permit by the municipality. Except as provided in this paragraph, if the
23 total amount of impact fees due for a development will be more than \$75,000, a
24 developer may defer payment of the impact fees for a period of 4 years from the date
25 of the issuance of the building permit or until 6 months before the municipality

1 incurs the costs to construct, expand, or improve the public facilities related to the
2 development for which the fee was imposed, whichever is earlier. If the developer
3 elects to defer payment under this paragraph, the developer shall maintain in force
4 a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the
5 name of the municipality. A developer may not defer payment of impact fees for
6 projects that have been previously approved.

7 **SECTION 12.** 66.0617 (7) of the statutes is amended to read:

8 66.0617 (7) LOW-COST, WORKFORCE HOUSING. An ordinance enacted under this
9 section may provide for an exemption from, or a reduction in the amount of, impact
10 fees on land development that provides low-cost housing, ~~except that no~~ or workforce
11 housing, as defined in s. 66.1105 (2) (n). Under no circumstances may the amount
12 of an impact fee for which an exemption or reduction is provided under this
13 subsection may be shifted to any other development in the land development in
14 which the low-cost housing or workforce housing is located or to any other land
15 development in the municipality.

16 **SECTION 13.** 66.0617 (7r) of the statutes is created to read:

17 66.0617 (7r) IMPACT FEE REPORTS. At the time that the municipality collects an
18 impact fee, it shall provide to the developer from which it received the fee an
19 accounting of how the fee will be spent.

20 **SECTION 14.** 66.0617 (9) (a) of the statutes is renumbered 66.0617 (9) and
21 amended to read:

22 66.0617 (9) REFUND OF IMPACT FEES. ~~Subject to pars. (b), (c), and (d), and with~~
23 ~~regard to an impact fee that is collected after April 10, 2006, an ordinance enacted~~
24 ~~under this section shall specify that impact~~ Except as provided in this subsection,
25 impact fees that are collected by a municipality within 7 years of the effective date

1 of the ordinance, but are not used within ~~10~~ 8 years after the effective date of the
2 ordinance they are collected to pay the capital costs for which they were imposed,
3 shall be refunded to the ~~current owner of~~ payer of fees for the property with respect
4 to which the impact fees were imposed, along with any interest that has
5 accumulated, as described in sub. (8). ~~The ordinance shall specify, by type of public~~
6 ~~facility, reasonable time periods within which impact fees must be spent or refunded~~
7 ~~under this subsection, subject to the 10-year limit in this paragraph and the~~
8 ~~extended time period specified in par. (b).~~ In determining the length of the time
9 periods under the ordinance, a municipality shall consider what are appropriate
10 planning and financing periods for the particular types of public facilities for which
11 the impact fees are imposed. Impact fees that are collected for capital costs related
12 to lift stations or collecting and treating sewage that are not used within 10 years
13 after they are collected to pay the capital costs for which they were imposed, shall be
14 refunded to the payer of fees for the property with respect to which the impact fees
15 were imposed, along with any interest that has accumulated, as described in sub. (8).
16 The 10-year time limit for using impact fees that is specified under this subsection
17 may be extended for 3 years if the municipality adopts a resolution stating that, due
18 to extenuating circumstances or hardship in meeting the 10-year limit, it needs an
19 additional 3 years to use the impact fees that were collected. The resolution shall
20 include detailed written findings that specify the extenuating circumstances or
21 hardship that led to the need to adopt a resolution under this subsection. For
22 purposes of the time limits in this subsection, an impact fee is paid on the date a
23 developer obtains a bond or irrevocable letter of credit in the amount of the unpaid
24 fees executed in the name of the municipality under sub. (6) (g).

25 **SECTION 15.** 66.0617 (9) (b) of the statutes is repealed.

1 **SECTION 16.** 66.0617 (9) (c) of the statutes is repealed.

2 **SECTION 17.** 66.0617 (9) (d) of the statutes is repealed.

3 **SECTION 18.** 66.0628 (4) (a) of the statutes is amended to read:

4 66.0628 (4) (a) Any person aggrieved by a fee imposed by a political subdivision
5 because the person does not believe that the fee bears a reasonable relationship to
6 the service for which the fee is imposed may appeal the reasonableness of the fee to
7 the tax appeals commission by filing a petition with the commission within ~~60~~ 90
8 days after the fee's imposition, as provided under s. 73.01 (5) with respect to income
9 or franchise tax cases, and the fee is due and payable. The commission's decision may
10 be reviewed under s. 73.015. For appeals brought under this subsection, the filing
11 fee required under s. 73.01 (5) (a) does not apply.

12 **SECTION 19.** 66.0821 (4) (c) of the statutes is amended to read:

13 66.0821 (4) (c) For the purpose of making equitable charges for all services
14 rendered by a storm water and surface water sewerage system to users, the property
15 served may be classified, taking into consideration the volume or peaking of storm
16 water or surface water discharge that is caused by the area of impervious surfaces,
17 topography, impervious surfaces and other surface characteristics, extent and
18 reliability of mitigation or treatment measures available to service the property,
19 apart from measures provided by the storm water and surface water sewerage
20 system, and any other considerations that are reasonably relevant to a use made of
21 the storm water and surface water sewerage system. The charges may also include
22 standby charges to property not yet developed with significant impervious surfaces
23 for which capacity has been made available in the storm water and surface water
24 sewerage system. No additional charges, beyond those charged to similar properties,
25 may be charged to a property for services rendered by a storm and surface water

1 system for a property that continually retains 90 percent of the difference between
2 the post-development and predevelopment runoff on site.

3 **SECTION 20.** 66.10013 of the statutes is created to read:

4 **66.10013 Housing affordability report. (1)** In this section, “municipality”
5 means a city or village with a population of 10,000 or more.

6 **(2)** Not later than January 1, 2020, a municipality shall prepare a report of the
7 municipality’s implementation of the housing element of the municipality’s
8 comprehensive plan under s. 66.1001. The municipality shall update the report
9 annually, not later than January 31. The report shall contain all of the following:

10 (a) The number of subdivision plats, certified survey maps, condominium plats,
11 and building permit applications approved in the prior year.

12 (b) The total number of new residential dwelling units proposed in all
13 subdivision plats, certified survey maps, condominium plats, and building permit
14 applications that were approved by the municipality in the prior year.

15 (c) A list and map of undeveloped parcels in the municipality that are zoned for
16 residential development.

17 (d) A list of all undeveloped parcels in the municipality that are suitable for,
18 but not zoned for, residential development, including vacant sites and sites that have
19 potential for redevelopment, and a description of the zoning requirements and
20 availability of public facilities and services for each property.

21 (e) An analysis of the municipality’s residential development regulations, such
22 as land use controls, site improvement requirements, fees and land dedication
23 requirements, and permit procedures. The analysis shall calculate the financial
24 impact that each regulation has on the cost of each new subdivision. The analysis
25 shall identify ways in which the municipality can modify its construction and

1 development regulations, lot sizes, approval processes, and related fees to do each
2 of the following:

- 3 1. Meet existing and forecasted housing demand.
- 4 2. Reduce the time and cost necessary to approve and develop a new residential
5 subdivision in the municipality by 20 percent.

6 **(3)** A municipality shall post the report under sub. (2) on the municipality's
7 Internet site on a web page dedicated solely to the report and titled "Housing
8 Affordability Analysis."

9 **SECTION 21.** 66.10014 of the statutes is created to read:

10 **66.10014 Development fee report. (1)** In this section, "municipality" means
11 a city or village with a population of 10,000 or more.

12 **(2)** Not later than January 1, 2020, a municipality shall prepare a report of the
13 municipality's development fees. The report shall contain all of the following:

14 (a) Whether the municipality imposes any of the following fees or other
15 requirements for purposes related to residential construction, remodeling, or
16 development and, if so, the amount of each fee:

- 17 1. Building permit fee.
- 18 2. Impact fee.
- 19 3. Park fee.
- 20 4. Land dedication or fee in lieu of land dedication requirement.
- 21 5. Plat approval fee.
- 22 6. Storm water management fee.
- 23 7. Water or sewer hook-up fee.

24 (b) The total amount of fees under par. (a) that the municipality imposed for
25 purposes related to residential construction, remodeling, or development in the prior

1 year and an amount calculated by dividing the total amount of fees under this
2 paragraph by the number of new residential dwelling units approved in the
3 municipality in the prior year.

4 **(3)** (a) A municipality shall post the report under sub. (2) on the municipality's
5 Internet site on a web page dedicated solely to the report and titled "Development
6 Fee Report." If a municipality does not have an Internet site, the county in which
7 the municipality is located shall post the information under this paragraph on its
8 Internet site on a web page dedicated solely to development fee information for the
9 municipality.

10 (b) A municipality shall provide a copy of the report under sub. (2) to each
11 member of the governing body of the municipality.

12 **(4)** If a fee or the amount of a fee under sub. (2) (a) is not properly posted as
13 required under sub. (3) (a), the municipality may not charge the fee.

14 **SECTION 22.** 66.10015 (1) (f) of the statutes is created to read:

15 66.10015 (1) (f) "Zoning ordinance" means an ordinance enacted by a political
16 subdivision under s. 59.69, 60.61, 60.62, 61.35, or 62.23.

17 **SECTION 23.** 66.10015 (2) (d) of the statutes is repealed.

18 **SECTION 24.** 66.10015 (5) of the statutes is created to read:

19 66.10015 (5) EXPIRATION DATES. A political subdivision may not establish an
20 expiration date for an approval related to a planned development district of less than
21 5 years after the date of the last approval required for completion of the project. This
22 section does not prohibit a political subdivision from establishing timelines for
23 completion of work related to an approval.

24 **SECTION 25.** 66.10015 (6) of the statutes is created to read:

1 66.10015 **(6)** ZONING LIMITATIONS, INSPECTIONS. (a) If a political subdivision or
2 a utility district requires the installation of a water meter station for a political
3 subdivision, neither the political subdivision nor the utility district may require a
4 developer to install a water meter that is larger than a utility-type box, and may not
5 require a developer to include heating, air conditioning, or a restroom in the water
6 meter station. Any requirements for such a project that go beyond the limitations
7 specified in this paragraph must be funded entirely by the political subdivision or
8 utility district.

9 (b) 1. If a political subdivision employs a building inspector to enforce its zoning
10 ordinance or other ordinances related to building, and a developer requests the
11 building inspector to perform an inspection that is part of the inspector's duties, the
12 inspector shall complete the inspection not later than 14 business days after the
13 building inspector receives the request for an inspection.

14 2. If a building inspector does not complete a requested inspection as required
15 under subd. 1., the developer may request a state building inspector to provide the
16 requested inspection, provided that the state inspector has a comparable level of
17 zoning and building inspection qualification as the local building inspector.

18 3. If a developer provides a political subdivision with a certificate of inspection
19 from a state building inspector from an inspection described under subd. 2., which
20 meets the requirements of the inspection that was supposed to be provided by the
21 local building inspector, the political subdivision must accept the certificate provided
22 by the state building inspector as if it had been provided by the political subdivision's
23 building inspector.

24 **SECTION 26.** 66.1009 (1) of the statutes is amended to read:

1 66.1009 (1) The area which will be subject to ss. 59.69 (4g) and (5) (e) 2. and
2 5m., 60.61 (2) (e) and (4) (c) 1. and 3. and 62.23 (7) (d) 2. and 2m. b. respectively, except
3 that no part of the area may be more than 3 miles from the boundaries of the airport.

4 **SECTION 27.** 66.1015 (title) of the statutes is amended to read:

5 **66.1015 (title) Municipal rent control, inclusionary zoning, prohibited.**

6 **SECTION 28.** 66.1015 (3) of the statutes is created to read:

7 66.1015 (3) INCLUSIONARY ZONING PROHIBITED. (a) In this subsection:

8 1. “Inclusionary zoning” means a zoning ordinance, as defined in s. 66.10015
9 (1) (e), regulation, or policy that prescribes that a certain number or percentage of
10 new or existing residential dwelling units in a land development be made available
11 for rent or sale to an individual or family with a family income at or below a certain
12 percentage of the median income.

13 2. “Median income” has the meaning given in s. 234.49 (1) (g).

14 (b) No city, village, town, or county may enact, impose, or enforce an
15 inclusionary zoning requirement.

16 **SECTION 29.** 66.1102 (title) of the statutes is amended to read:

17 **66.1102 (title) Land development; notification; records requests;**
18 **construction site development.**

19 **SECTION 30.** 66.1102 (1) (a) of the statutes is renumbered 66.1102 (1) (bm).

20 **SECTION 31.** 66.1102 (1) (ae) of the statutes is created to read:

21 66.1102 (1) (ae) “Construction site” means the site of the construction,
22 alteration, painting, or repair of a building, structure, or other work.

23 **SECTION 32.** 66.1102 (1) (b) of the statutes is renumbered 66.1102 (1) (bs).

24 **SECTION 33.** 66.1102 (5) of the statutes is created to read:

1 66.1102 (5) CONSTRUCTION SITE FENCES. (a) Except for an ordinance that is
2 related to health or safety concerns, no political subdivision may enact an ordinance
3 or adopt a resolution that limits the ability of any person who is the owner, or other
4 person in lawful possession or control, of a construction site to install a banner over
5 the entire height and length of a fence surrounding the construction site.

6 (b) If a political subdivision has enacted an ordinance or adopted a resolution
7 before the effective date of this paragraph [LRB inserts date], that is inconsistent
8 with par. (a), that portion of the ordinance or resolution does not apply and may not
9 be enforced.

10 **SECTION 34.** 66.1105 (2) (ab) of the statutes is renumbered 66.1105 (2) (n)
11 (intro.) and amended to read:

12 66.1105 (2) (n) (intro.) “Affordable Workforce housing” means housing that
13 ~~costs a household no more than 30 percent of the household’s gross monthly income.~~
14 to which all of the following apply, as adjusted for family size and the county in which
15 the household is located, based on the county’s 5 year average median income and
16 housing costs as calculated by the U.S. bureau of census in its American community
17 survey:

18 **SECTION 35.** 66.1105 (2) (f) 3. (intro.) of the statutes is amended to read:

19 66.1105 (2) (f) 3. (intro.) Notwithstanding subd. 1., project costs may include
20 any expenditures made or estimated to be made or monetary obligations incurred or
21 estimated to be incurred by the city for newly platted residential development only
22 for any tax incremental district for which a project plan is approved before
23 September 30, 1995, for any workforce housing development, or for a mixed-use
24 development tax incremental district to which one of the following applies:

25 **SECTION 36.** 66.1105 (2) (n) 1. of the statutes is created to read:

1 66.1105 (2) (n) 1. The housing costs a household no more than 30 percent of the
2 household's gross monthly income.

3 **SECTION 37.** 66.1105 (2) (n) 2. of the statutes is created to read:

4 66.1105 (2) (n) 2. With regard to a workforce housing development district, the
5 construction cost per housing unit, including rental housing, is no more than 80
6 percent of the median price for new residential construction in the county.

7 **SECTION 38.** 66.1105 (2) (o) of the statutes is created to read:

8 66.1105 (2) (o) "Workforce housing development" means development that
9 contains only newly platted single-family dwelling units, and 100 percent of the
10 residential development must be workforce housing.

11 **SECTION 39.** 66.1105 (4) (c) of the statutes is amended to read:

12 66.1105 (4) (c) Identification of the specific property to be included under par.
13 (gm) 4. as blighted, in need of workforce housing, or in need of rehabilitation or
14 conservation work. Owners of the property identified shall be notified of the
15 proposed finding and the date of the hearing to be held under par. (e) at least 15 days
16 prior to the date of the hearing. In cities with a redevelopment authority under s.
17 66.1333, the notification required under this paragraph may be provided with the
18 notice required under s. 66.1333 (6) (b) 3., if the notice is transmitted at least 15 days
19 prior to the date of the hearing to be held under par. (e).

20 **SECTION 40.** 66.1105 (4) (gm) 4. a. of the statutes is amended to read:

21 66.1105 (4) (gm) 4. a. Not Except as provided in subd. 4. am., not less than 50
22 percent, by area, of the real property within the district is at least one of the following:
23 a blighted area; in need of rehabilitation or conservation work, as defined in s.
24 66.1337 (2m) (a); suitable for industrial sites within the meaning of s. 66.1101 and
25 has been zoned for industrial use; or suitable for mixed-use development; and

1 **SECTION 41.** 66.1105 (4) (gm) 4. am. of the statutes is created to read:

2 66.1105 (4) (gm) 4. am. If the district is a workforce housing development
3 district, 100 percent, by area, of the real property within the district is suitable for
4 a workforce housing development district and will be used for workforce housing.

5 **SECTION 42.** 66.1105 (4) (gm) 4. bm. of the statutes, as affected by 2017
6 Wisconsin Act 15, is amended to read:

7 66.1105 (4) (gm) 4. bm. The project costs relate directly to eliminating blight,
8 directly serve to rehabilitate or conserve the area, directly increase workforce
9 housing, or directly serve to promote industrial or mixed-use development,
10 consistent with the purpose for which the tax incremental district is created under
11 subd. 4. a. or am.; and

12 **SECTION 43.** 66.1105 (4) (gm) 6. of the statutes is amended to read:

13 66.1105 (4) (gm) 6. Declares that the district is a blighted area district, a
14 rehabilitation or conservation district, an industrial district, a workforce housing
15 development district, or a mixed-use district based on the identification and
16 classification of the property included within the district under par. (c) and subd. 4.
17 a. or am. If the district is not exclusively blighted, rehabilitation or conservation,
18 industrial, workforce housing, or mixed use, the declaration under this subdivision
19 shall be based on which classification is predominant with regard to the area
20 described in subd. 4. a.

21 **SECTION 44.** 66.1105 (4m) (b) 2. of the statutes is amended to read:

22 66.1105 (4m) (b) 2. No tax incremental district may be created and no project
23 plan may be amended unless the board approves the resolution adopted under sub.
24 (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5)
25 (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a

1 majority vote within 45 days after receiving the resolution, except that with regard
2 to a workforce housing development district, the board must approve the resolution
3 adopted under sub. (4) (gm) or (h) 1. by a three-fourths vote. With regard to a
4 multijurisdictional tax incremental district created under this section, each public
5 member of a participating city must be part of the majority that votes for approval
6 of the resolution or the district may not be created. The board may not approve the
7 resolution under this subdivision unless the board's approval contains a positive
8 assertion that, in its judgment, the development described in the documents the
9 board has reviewed under subd. 1. would not occur without the creation of a tax
10 incremental district. The board may not approve the resolution under this
11 subdivision unless the board finds that, with regard to a tax incremental district that
12 is proposed to be created by a city under sub. (17) (a), such a district would be the only
13 existing district created under that subsection by that city.

14 **SECTION 45.** 66.1105 (6) (a) 8. of the statutes is amended to read:

15 66.1105 **(6)** (a) 8. Twenty-seven years after the tax incremental district is
16 created if the district is created on or after October 1, 2004, and if the district is a
17 district specified under sub. (4) (gm) 6. other than a district specified under subd. 7.
18 or 14. If the life of the district is extended under sub. (7) (am) 3. an allocation under
19 this subdivision may be made 30 years after such a district is created. If the life of
20 the district is extended under sub. (7) (am) 4., an allocation under this subdivision
21 may be made for not more than an additional 3 years after allocations would
22 otherwise have been terminated under this subdivision. For a tax incremental
23 district created after March 3, 2016, the period during which a tax increment may
24 be allocated under this subdivision shall be increased by one year if that district's
25 project plan is adopted under sub. (4) (g) after September 30 and before May 15.

1 **SECTION 46.** 66.1105 (6) (a) 14. of the statutes is created to read:

2 66.1105 (6) (a) 14. Fifteen years after the tax incremental district is created if
3 the district is a workforce housing development district.

4 **SECTION 47.** 66.1105 (6) (g) 3. of the statutes is amended to read:

5 66.1105 (6) (g) 3. If a city receives tax increments as described in subd. 2., the
6 city shall use at least 75 percent of the increments received to benefit affordable
7 workforce housing in the city. The remaining portion of the increments shall be used
8 by the city to improve the city's housing stock.

9 **SECTION 48.** 66.1105 (7) (ak) 5. of the statutes is created to read:

10 66.1105 (7) (ak) 5. For a workforce housing development district, 15 years after
11 the district is created.

12 **SECTION 49.** 66.1108 of the statutes is created to read:

13 **66.1108 Limitation on weekend work. (1) DEFINITIONS.** In this section:

14 (a) "Construction project" means a project involving the erection, construction,
15 repair, remodeling, or demolition, including any alteration, painting, decorating, or
16 grading, of a private facility, including land, a building, or other infrastructure that
17 is directly related to onsite work of a residential or commercial real estate
18 development project.

19 (b) "Political subdivision" means a city, village, town, or county.

20 **(2) CONSTRUCTION PROJECTS; WEEKEND WORK.** (a) A political subdivision may not
21 prohibit a private person from working on the job site of a construction project on a
22 Saturday or Sunday. A political subdivision may not impose conditions that apply
23 to a private person who works on a construction project on a Saturday or Sunday that
24 are inapplicable to, or more restrictive than the conditions that apply to, such a
25 person who works on a construction project during weekdays.

1 (b) If a political subdivision has enacted an ordinance or adopted a resolution
2 before the effective date of this paragraph [LRB inserts date], that is inconsistent
3 with par. (a), that portion of the ordinance or resolution does not apply and may not
4 be enforced.

5 **SECTION 50.** 101.65 (1) (a) of the statutes is amended to read:

6 101.65 (1) (a) ~~Exercise~~ Subject to sub. (1c), exercise jurisdiction over the
7 construction and inspection of new dwellings by passage of ordinances, ~~provided~~
8 ~~such ordinances meet the requirements of the one- and 2-family dwelling code~~
9 ~~adopted in accordance with this subchapter.~~ Except as provided by s. 101.651, a
10 county ordinance shall apply in any city, village, or town ~~which~~ that has not enacted
11 ~~such ordinance~~ those ordinances.

12 **SECTION 51.** 101.65 (1c) of the statutes is created to read:

13 101.65 (1c) May not make or enforce an ordinance under sub. (1) that is applied
14 to a dwelling and that does not conform to this subchapter and the uniform dwelling
15 code adopted by the department under this subchapter or is contrary to an order of
16 the department under this subchapter. If any provision of a contract between a city,
17 village, town, or county and an owner requires the owner to comply with an ordinance
18 that does not conform to this subchapter or the uniform dwelling code adopted by the
19 department under this subchapter or is contrary to an order of the department under
20 this subchapter, the owner may waive the provision, and the provision, if waived, is
21 void and unenforceable.

22 **SECTION 52.** 236.13 (2) (a) 1. of the statutes is renumbered 236.13 (2) (am) 1.
23 a. and amended to read:

24 236.13 (2) (am) 1. a. As a further condition of approval, the governing body of
25 the town or municipality within which the subdivision lies may require that the

1 subdivider make and install any public improvements reasonably necessary or that
2 the subdivider provide security to ensure that ~~he or she~~ the subdivider will make
3 those improvements within a reasonable time. The governing body may not require
4 the subdivider to provide security at the commencement of a project in an amount
5 that is more than 120 percent of the estimated total cost to complete the required
6 public improvements. ~~It is the subdivider's option whether to execute a performance~~
7 ~~bond or whether to provide a letter of credit to satisfy the governing body's~~
8 ~~requirement that the subdivider provide security to ensure that the public~~
9 ~~improvements are made within a reasonable time, as determined under subd. 1d.~~

10 b. The subdivider may construct the project in such phases as the governing
11 body of the town or municipality approves, which approval may not be unreasonably
12 withheld. If the subdivider's project will be constructed in phases, the amount of
13 security required by the governing body ~~shall be~~ under subd. 1. a. is limited to the
14 phase of the project that is currently being constructed. The governing body may not
15 require that the subdivider provide any security for improvements sooner than is
16 reasonably necessary before the commencement of the installation of the
17 improvements.

18 c. If the governing body of the town or municipality requires a subdivider to
19 provide security under ~~this paragraph~~ subd. 1. a., the governing body may not
20 require the subdivider to provide the security for more than 14 months after the date
21 the public improvements for which the security is provided are substantially
22 completed and upon substantial completion of the public improvements, the amount
23 of the security the subdivider is required to provide may be no more than an amount
24 equal to the total cost to complete any uncompleted public improvements plus 10
25 percent of the total cost of the completed public improvements.

1 d. This paragraph applies to all preliminary and final plats, regardless of
2 whether submitted for approval before, on, or after August 1, 2014.

3 **SECTION 53.** 236.13 (2) (a) 2. of the statutes is renumbered 236.13 (2) (am) 2.
4 and amended to read:

5 236.13 (2) (am) 2. For purposes of subd. 1., public improvements reasonably
6 necessary for a project or a phase of a project are considered to be substantially
7 completed ~~at the time~~ upon the installation of the asphalt or concrete binder coat is
8 ~~installed~~ course on roads to be dedicated or, if the required public improvements do
9 not include a road to be dedicated, at the time that 90 percent of the public
10 improvements by cost are completed.

11 **SECTION 54.** 236.13 (2) (ad) of the statutes is created to read:

12 236.13 (2) (ad) In this subsection:

13 1. “Binder course” means the non-surface-level course that is attached to the
14 packed-level gravel course.

15 2. “Land disturbing activity” means any man-made alteration of the land
16 surface resulting in a change in the topography or existing vegetative or
17 nonvegetative soil cover, that may result in runoff and lead to an increase in soil
18 erosion and movement of sediment into waters of this state. “Land disturbing
19 activity” includes clearing and grubbing, demolition, excavating, pit trench
20 dewatering, filling, and grading activities.

21 3. “Total cost to complete a public improvement” includes the cost to make and
22 install storm water facilities. “Total cost to complete a public improvement” does not
23 include any of the following:

24 a. Any fees charged by the governing body of the town or municipality.

1 b. Land disturbing activities that are necessary to achieve the desired subgrade
2 for public improvements.

3 **SECTION 55.** 236.13 (2) (am) 1d. of the statutes is created to read:

4 236.13 (2) (am) 1d. The estimated total cost to complete the required public
5 improvements under subd. 1. shall be determined as follows:

6 a. A governing body of the town or municipality may provide an initial estimate
7 to the subdivider of the estimated total cost to complete the required public
8 improvements. If the subdivider accepts the initial estimate, then the initial
9 estimate is the estimated total cost to complete the required public improvements.

10 b. If the governing body of the town or municipality does not provide an initial
11 estimate to the subdivider or the subdivider rejects the initial estimate, the
12 subdivider shall provide the governing body with a bona fide bid from the
13 subdivider's contractor to complete the required public improvements in the event
14 of a default. If the governing body accepts the subdivider's bona fide bid, the bona
15 fide bid is the estimated total cost to complete the required public improvements.

16 c. If the governing body of the town or municipality rejects the subdivider's
17 bona fide bid, the governing body shall provide the subdivider with an estimate for
18 the cost to complete the public improvements in the event of a default. If the
19 governing body's estimate does not exceed the subdivider's bona fide bid by more
20 than 10 percent, the governing body's estimate is the estimated total cost to complete
21 the required public improvements. If the governing body's estimate exceeds the
22 subdivider's bona fide bid by 10 percent or more, the estimated total cost to complete
23 the required public improvements is the amount agreed upon by the subdivider's
24 engineer and the governing body's engineer.

25 **SECTION 56.** 236.13 (2) (am) 1m. of the statutes is created to read:

1 236.13 (2) (am) 1m. a. If the governing body of the town or municipality
2 requires a subdivider to provide security under subd. 1. a., the governing body shall
3 accept a performance bond or a letter of credit, or any combination thereof, at the
4 subdivider's option, to satisfy the requirement.

5 b. The subdivider and the governing body of the town or municipality may
6 agree that all or part of the requirement to provide security under subd. 1. a. may
7 be satisfied by a performance bond provided by the subdivider's contractor that
8 names the town or municipality as an additional obligee provided that the form of
9 the contractor's performance bond is acceptable to the governing body of the town or
10 municipality.

11 c. Unless the governing body of a town or municipality demonstrates that a
12 bond form does not sufficiently ensure performance in the event of default, the
13 governing body of the town or municipality shall accept a performance bond under
14 this subdivision if the person submitting the performance bond demonstrates that
15 the performance bond is consistent with a standard surety bond form used by a
16 company that, on the date the bond is obtained, is listed as an acceptable surety on
17 federal bonds in the most recent circular 570 published by the federal department
18 of the treasury, as required under 31 CFR 223.16, and the performance bond is issued
19 by a surety company licensed to do business in this state.

20 **SECTION 57.** 236.13 (2) (am) 3. of the statutes is created to read:

21 236.13 (2) (am) 3. a. With regard to public improvements to which subd. 1.
22 applies, no town or municipality may enact an ordinance relating to the substantial
23 completion of such a public improvement that is inconsistent with subd. 2.

24 b. Upon such substantial completion, any outstanding local building permits
25 that are related to, and dependent upon, substantial completion shall be released.

1 c. The governing body of a town or municipality shall, upon a subdivider's
2 request, issue a permit to commence construction of a foundation or any other
3 noncombustible structure before substantial completion of a public improvement if
4 all public improvements related to public safety are complete and the security
5 requirement under subd. 1. a. has been met. The subdivider may not commence work
6 on a building until the governing body of the town or municipality approves or issues
7 a permit for the construction of the building.

8 **SECTION 58.** 236.34 (1) (ar) 1. of the statutes is amended to read:

9 236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality,
10 town, or county that has established a planning agency may enact an ordinance or
11 adopt a resolution that specifies a maximum number of parcels that is greater than
12 4 into which land that is situated in the municipality, town, or county and zoned for
13 commercial, multifamily dwelling, as defined in s. 101.971 (2), industrial, or
14 mixed-use development may be divided by certified survey map.

15 **SECTION 59.** 236.45 (6) (am) of the statutes is amended to read:

16 236.45 (6) (am) Notwithstanding subs. (1) and (2) (ac), a municipality, town,
17 or county may not, as a condition of approval under this chapter, impose any fees or
18 other charges to fund the acquisition or improvement of land, infrastructure, or other
19 real or personal property, except that a municipality or town may impose a fee or
20 other charge to fund the acquisition or initial improvement of land for public parks
21 if the fee or other charge is imposed under a subdivision ordinance enacted or
22 amended in accordance with the procedures under s. 66.0617 (3) to (5) and meets the
23 requirements under s. 66.0617 (6) to (10).

24 **SECTION 60.** 236.45 (6) (c) of the statutes is created to read:

1 236.45 (6) (c) If a subdivision ordinance of a municipality, town, or county
2 requires, as a condition of approval under this chapter, that a subdivider dedicate
3 land for a public park, the municipality, town, or county may offer the subdivider the
4 option of either dedicating the land or paying a fee or other charge under par. (am)
5 in lieu of the dedication. If the subdivider elects to pay a fee or other charge under
6 this paragraph, the fee or other charge is payable by the landowner to the
7 municipality, town, or county upon the issuance of a building permit by the
8 municipality, town, or county. If the subdivider elects to dedicate the land under this
9 paragraph, unless the municipality, town, or county agrees otherwise, the subdivider
10 only may dedicate land that is consistent with the municipality's, town's, or county's
11 park plan or that is contiguous to or within the boundaries of the land being
12 subdivided.

13 **SECTION 61.** 281.33 (6) (a) 1. of the statutes is amended to read:

14 281.33 (6) (a) 1. Control storm water quantity or ~~control flooding~~ peak flow to
15 address existing flooding problems or prevent future flooding problems, except that
16 an ordinance under this subdivision may not require more than 90 percent of the
17 difference between the pre-development annual runoff volume at a site and the
18 post-development annual runoff volume at that site to be retained on site.

19 **SECTION 62. Nonstatutory provisions.**

20 (1) Notwithstanding SECTION 63 (4), in any claim or action under section 32.20
21 of the statutes for the determination of additional items payable that is pending,
22 including any appeal, on the effective date of this subsection, the claimant shall be
23 allowed 45 days to submit a revised claim to the condemnor that includes expenses
24 permitted under section 32.19 (4m) (a) or (b) of the statutes, as affected by this act,
25 whichever is applicable.

1 **SECTION 63. Initial applicability.**

2 (1) LOCAL PROJECT APPROVALS. The treatment of section 66.10015 (2) (d) and (5)
3 of the statutes first applies to an approval made on the effective date of this
4 subsection.

5 (2) SUBDIVISION APPROVAL CONDITIONS RELATED TO PUBLIC PARK IMPROVEMENTS.
6 The treatment of section 236.45 (6) (am) and (c) of the statutes first applies to a
7 subdivision or other division of land submitted for approval to a municipality, town,
8 or county on the effective date of this subsection.

9 (3) JUST COMPENSATION. The treatment of section 32.09 (1m) (a) and (b) of the
10 statutes first applies to an action for the determination of fair market value in a
11 condemnation proceeding for which title to the subject property has not vested in the
12 condemnor on the effective date of this subsection.

13 (4) RELOCATION BENEFITS. The treatment of sections 32.19 (2) (hm) and (4m) (a)
14 (intro.) and 4. and (b) 1. and 32.20 of the statutes first applies to a claim for expenses
15 filed under section 32.20 of the statutes for the determination of additional items
16 payable, including a claim paid before the effective date of this subsection, on the
17 date that precedes the effective date of this subsection by 2 years.

18 (5) IMPACT FEE REFUNDS. The treatment of section 66.0617 (9) (a), (b), (c), and
19 (d) of the statutes first applies to an impact fee imposed on the effective date of this
20 subsection.

21 (6) UNIFORM DWELLING CODE; LIMITATION ON LOCAL AUTHORITY. The treatment of
22 section 101.65 (1c) of the statutes first applies to a contract that is entered into on
23 the effective date of this subsection.

24 (7) LEVY LIMIT EXCEPTION. The treatment of section 66.0602 (3) (m) of the
25 statutes first applies to a levy that is imposed in December 2019.

