

# State of Misconsin 2013 - 2014 LEGISLATURE





LRB-3071/1 MES:sac:rs

## **2013 SENATE BILL 328**

October 2, 2013 – Introduced by Senators Olsen, Cowles, Leibham, Wirch, Schultz and T. Cullen, cosponsored by Representatives Nygren, Kahl, Kooyenga, Krug, Mursau, Tittl, Tranel, Strachota, Murphy, Petersen, LeMahieu, Brooks, Smith, Bernier, Weatherston, Marklein, Doyle and Bewley. Referred to Committee on Economic Development and Local Government.

AN ACT *to amend* 66.0413 (1) (f) of the statutes; **relating to:** changing the method by which a municipality may collect the costs of razing a building from a property owner.

### Analysis by the Legislative Reference Bureau

Under current law, a municipality's governing body, building inspector, or other designated official may issue an order to raze a dilapidated, dangerous, or unsanitary building that is unreasonable to repair. The order is issued to the building's owner and, if the owner does not comply with the order within the prescribed time, the municipality may proceed to raze the building. The cost of razing may be charged in full or in part against the real estate upon which the building is located, in which case that cost becomes a lien upon the real estate and may be assessed and collected as a special tax.

Under current law, if the cost or razing is assessed as a special tax and the owner of the real estate does not pay the amount due, the municipality's costs to raze the building must be paid by the county as part of the August settlement of property taxes. Under this bill, the cost of razing may be assessed and collected as a special charge, but may not be assessed and collected as a special tax. Under the bill, a county would not be required to pay a municipality's razing costs if the owner of real estate does not pay the special charge, even though a delinquent special charge becomes a lien on the property against which it is imposed.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 66.0413 (1) (f) of the statutes is amended to read:

66.0413 (1) (f) Failure to comply with order; razing building. An order under par. (b) shall specify the time within which the owner of the building is required to comply with the order and shall specify repairs, if any. If the owner fails or refuses to comply within the time prescribed, the building inspector or other designated officer may proceed to raze the building through any available public agency or by contract or arrangement with private persons, or to secure the building and, if necessary, the property on which the building is located if unfit for human habitation, occupancy or use. The cost of razing or securing the building may be charged in full or in part against the real estate upon which the building is located, and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax charge, but may not be assessed and collected as a special tax. Any portion of the cost charged against the real estate that is not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement may be assessed and collected as a special tax.

#### Section 2. Initial applicability.

(1) This act first applies to a building that is razed on the effective date of this subsection.

19 (END)