



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5687/1
MED&MES:amn

2019 ASSEMBLY BILL 948

February 24, 2020 - Introduced by Representatives WICHGERS, HORLACHER, MURPHY, KRUG and SANFELIPPO, cosponsored by Senators CRAIG, NASS and TESTIN. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to repeal* 32.22 and 66.1201 (10) (b) to (g); and *to amend* 32.03 (6) (a)
2 (intro.), 32.06 (intro.), 66.1201 (10) (a), 66.1311 (3), 66.1313 (1), 66.1331 (4) (b),
3 66.1333 (3) (f), 66.1333 (5) (b) 1., 66.1333 (5) (c) 1r. and 66.1337 (5) of the
4 statutes; **relating to:** various changes to the eminent domain laws.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the laws governing condemnation of property, including the following:

1. Currently, a municipality may use a special procedure to condemn blighted residential property. The special procedure allows such condemnations to occur more quickly. This bill eliminates the special procedure.

2. Current law provides that, in general, property that is not blighted may not be condemned if the condemnor intends to convey the property to a private entity. Current law generally defines "blighted property" as property that, by reason of one or more certain specified factors, is detrimental to the public health, safety, or welfare. This bill narrows the meaning of "blighted property," thus expanding the scope of the prohibition. Specifically, the bill eliminates "age or obsolescence" and "faulty lot layout in relation to size, adequacy, accessibility, or usefulness" as factors that may, either alone or in combination with other factors, be cited as reasons for property to be deemed blighted for purposes of the prohibition.

3. The bill clarifies that all condemnations by a housing authority, redevelopment authority, or community development authority be conducted using the regular procedure for eminent domain.

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For further information see the *state and 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:

1 **SECTION 1.** 32.03 (6) (a) (intro.) of the statutes is amended to read:

2 32.03 **(6)** (a) (intro.) In this subsection, “blighted property” means any property
3 that, by reason of abandonment, dilapidation, deterioration, ~~age or obsolescence,~~
4 inadequate provisions for ventilation, light, air, or sanitation, high density of
5 population and overcrowding, ~~faulty lot layout in relation to size, adequacy,~~
6 ~~accessibility, or usefulness,~~ unsanitary or unsafe conditions, deterioration of site or
7 other improvements, or the existence of conditions that endanger life or property by
8 fire or other causes, or any combination of such factors, is detrimental to the public
9 health, safety, or welfare. Property that consists of only one dwelling unit is not
10 blighted property unless, in addition, at least one of the following applies:

11 **SECTION 2.** 32.06 (intro.) of the statutes is amended to read:

12 **32.06 Condemnation procedure in other than transportation matters.**

13 (intro.) The procedure in condemnation in all matters except acquisitions under s.
14 32.05 ~~or 32.22~~, acquisitions under subch. II, acquisitions under subch. II of ch. 157,
15 and acquisitions under ch. 197, shall be as follows:

16 **SECTION 3.** 32.22 of the statutes is repealed.

17 **SECTION 4.** 66.1201 (10) (a) of the statutes is amended to read:

18 66.1201 **(10)** (a) The authority may acquire by eminent domain any real
19 property, including fixtures and improvements, which it deems necessary to carry
20 out the purposes of ss. 66.1201 to 66.1211 after the adoption by it of a resolution
21 declaring that the acquisition of the property described in the resolution is in the

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1 public interest and necessary for public use. The authority ~~may~~ shall exercise the
2 power of eminent domain pursuant to ch. 32 ~~or pursuant to any other applicable~~
3 ~~statutory provisions.~~

4 **SECTION 5.** 66.1201 (10) (b) to (g) of the statutes are repealed.

5 **SECTION 6.** 66.1311 (3) of the statutes is amended to read:

6 66.1311 (3) The provisions of ss. 66.1301 to 66.1329 with respect to the
7 condemnation of real property by a city for a redevelopment corporation ~~prevail over~~
8 ~~the provisions of any other law~~ are subject to the requirements in ch. 32.

9 **SECTION 7.** 66.1313 (1) of the statutes is amended to read:

10 66.1313 (1) Condemnation proceedings for a redevelopment corporation shall
11 be initiated by a petition to the city to institute proceedings to acquire for the
12 redevelopment corporation any real property in the development area. The petition
13 shall be granted or rejected by the local governing body, and the resolution or
14 resolutions granting the petition shall require that the redevelopment corporation
15 pay the city all sums expended or required to be expended by the city in the
16 acquisition of the real property, or for any real property to be conveyed to the
17 corporation by the city in connection with the plan, and the time of payment and
18 manner of securing payment, and may require that the city receive, before
19 proceeding with the acquisition of the real property, such assurances as to payment
20 or reimbursement by the redevelopment corporation, or otherwise, as the city deems
21 advisable. Upon the passage of a resolution by the local governing body granting the
22 petition, the redevelopment corporation shall make 3 copies of surveys or maps of the
23 real property described in the petition, one of which shall be filed in the office of the
24 redevelopment corporation, one in the office of the city attorney of the city, and one
25 in the office in which instruments affecting real property in the county are recorded.

ASSEMBLY BILL 948**SECTION 7**

1 The filing of copies of surveys or maps constitutes acceptance by the redevelopment
2 corporation of the terms and conditions contained in the resolution. The city may
3 shall conduct condemnation proceedings ~~either under ch. 32 or under other laws~~
4 ~~applicable to the city.~~ When title to real property vests in the city, it shall convey or
5 lease the real property, with any other real property to be conveyed or leased to the
6 redevelopment corporation by the city in connection with the redevelopment plan,
7 to the redevelopment corporation upon payment by the redevelopment corporation
8 of the sums and the giving of the security required by the resolution granting the
9 petition.

10 **SECTION 8.** 66.1331 (4) (b) of the statutes is amended to read:

11 66.1331 (4) (b) Condemnation proceedings for the acquisition of real property
12 necessary or incidental to a redevelopment project shall be conducted in accordance
13 with ch. 32 ~~or any other laws applicable to the city.~~

14 **SECTION 9.** 66.1333 (3) (f) of the statutes is amended to read:

15 66.1333 (3) (f) An authority is an independent, separate and distinct public
16 body and a body corporate and politic, exercising public powers determined to be
17 necessary by the state to protect and promote the health, safety and morals of its
18 residents, and may take title to real and personal property in its own name. The
19 authority ~~may~~ shall proceed with the acquisition of property by eminent domain
20 under ch. 32, ~~or any other law relating specifically to eminent domain procedures of~~
21 ~~redevelopment authorities.~~

22 **SECTION 10.** 66.1333 (5) (b) 1. of the statutes is amended to read:

23 66.1333 (5) (b) 1. Condemnation proceedings for the acquisition of real property
24 necessary or incidental to a redevelopment project shall be conducted in accordance

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1 with ch. 32, ~~or any other law relating specifically to eminent domain procedures of~~
2 ~~redevelopment authorities.~~

3 **SECTION 11.** 66.1333 (5) (c) 1r. of the statutes is amended to read:

4 66.1333 (5) (c) 1r. Condemnation proceedings for the acquisition of blighted
5 property shall be conducted under ch. 32 ~~or under any other law relating specifically~~
6 ~~to eminent domain procedures of authorities.~~ The authority may hold, clear,
7 construct, manage, improve or dispose of the blighted property, for the purpose of
8 eliminating its status as blighted property. Notwithstanding sub. (9), the authority
9 may dispose of the blighted property in any manner. The authority may assist
10 private acquisition, improvement and development of blighted property for the
11 purpose of eliminating its status as blighted property, and for that purpose the
12 authority has all of the duties, rights, powers and privileges given to the authority
13 under this section, as if it had acquired the blighted property.

14 **SECTION 12.** 66.1337 (5) of the statutes is amended to read:

15 66.1337 (5) GENERAL POWERS CONFERRED UPON MUNICIPALITIES. The governing
16 body of a municipality has all powers necessary and incidental to effect a program
17 of urban renewal, including functions with respect to rehabilitation and
18 conservation for the restoration and removal of blighted, deteriorated or
19 deteriorating areas, and the local governing body may adopt resolutions or
20 ordinances for the purpose of carrying out that program and the objectives and
21 purposes of this section. In connection with the planning, undertaking and financing
22 of the urban renewal program or projects, the governing body of any municipality
23 and all public officers, agencies and bodies have all the rights, powers, privileges and
24 immunities which they have with respect to a redevelopment project under s.

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1 66.1331. The acquisition of property by condemnation is subject to the requirements
2 in ch. 32.

3 **SECTION 13. Initial applicability.**

4 (1) This act first applies to condemnation proceedings commenced on the
5 effective date of this subsection.

6 (END)