

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/24/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7597**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous**  
**Munis - tax incrmntal financing**

Extra Copies:

**Topic:**

DOA:.....Wong - Clarify blight elimination and slum clearance authority

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	shoveme 12/1/98	chanaman 12/3/98	martykr 12/4/98	_____	lrb_docadmin 12/4/98		S&L
/P2	shoveme 01/21/99	chanaman 01/22/99	lpaasch 01/22/99	_____	lrb_docadmin 01/22/99		S&L

FE Sent For:

<END>

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/P1	shoveme 12/1/98	chanaman 12/3/98	martykr 12/4/98	_____	lrb_docadmin 12/4/98		S&I.

1P2 1/21/99 MES cmd  
 FE Sent For: 1/22 LP  
 1P2  
 1P1 1/22 JG

1-22 LP  
 JF  
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/P1	shoveme	CMM w/1 /P1	Jm 12/3	JS Jm 12/3	submit		
1/P1	MES 12/1/98	/P1 12/3 J19					

FE Sent For:

<END>

## **Issue: Clarify Blight Elimination and Slum Clearance Authority**

### **Background**

In 1997, the Wisconsin Legislature provided local units of government an exemption from the hazardous substance spill law, s. 292.11, if they acquired a property through slum clearance or blight elimination. The state was following the lead of the US Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) in providing local

governments both more authority and protection for dealing with blighted brownfields properties. While the Spill Law was clarified, many feel it is necessary to clarify the state's slum clearance and blight elimination authorities with respect to environmental pollution.

### **Proposal**

The Blight Area Law and the Blight Elimination and Slum Clearance Act should be amended to specifically include "environmental pollution" in the definition of blighted area and blighted property. Also, it should be made clear that a municipality or redevelopment authority has the right to make environmental inspections of properties in blighted areas or of properties determined to be blighted. Due to the length of the suggested statutory changes, it is listed in the Appendix.

### **Comments**

**Type of Change:** Statutory

**Resources:** None

## APPENDICES

### Appendix A – Statutory Language For Blighted Areas

#### 66.42 Blighted area law

\*\*\*

(3) Definitions. The following terms whenever used or referred to in this section shall, for the purposes of this section and unless a different intent clearly appears from the context, be construed as follows:

(a) "Blighted area" means any area, including a slum area, in which a majority of the structures are residential or in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population: and overcrowding, environmental pollution or the existence of conditions which endanger life or property by fire and other causes, or any combination .of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

\*\*\*

(bm) "Environmental Pollution" has the meaning given in s. 299.01(4)

\*\*\*

(4) Power of cities.

(a) Every city is granted, in addition to its other powers, all powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others herein granted:

\*\*\*

3. Within its boundaries, to acquire by purchase, eminent domain or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any such property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property in accordance with a redevelopment plan and such other covenants, restrictions and conditions as ii may deem necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; to make any of such covenants, restrictions, conditions or covenants running with the land, and to provide appropriate remedies for any breach thereof; within the boundaries of the city to enter into any buildings or property in any project area or any blighted

Wrong  
cite ->  
Should be  
P. 66.43

property in order to make inspections, survey appraisals, soundings or test borings; environmental investigations and to obtain an order for this purpose from a court of competent jurisdiction, in the event entry is denied or resisted.

\*\*\*

**66.431 Blight elimination and slum clearance.**

\*\*\*

(2m) Definitions.

\*\*\*

(b) "Blighted area" means any of the following:

1. An area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, environmental pollution or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to public health, safety, morals or welfare.

2. An area which by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, environmental pollution or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

3. An area which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, environmental pollution or otherwise, substantially impairs or arrests the sound growth of the community.

**(bm)** "Blighted property" means any property within a city, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety,

morals or welfare, or any property which by reason of faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other. improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, environmental pollution or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, or any property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, environmental pollution, or otherwise, substantially impairs or arrests the sound growth of the community.

\*\*\*

(fm) "Environmental pollution" has the meaning given in s. 299.01(4)

**(5) Powers of Redevelopment Authorities.**

**(a)3.** Within the boundaries of the city to acquire, purchase, lease, eminent domain, or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment or urban renewal project; to hold, improve, clear or prepare for redevelopment or urban renewal any such property; to sell, lease, subdivide, retain or make available for the city's use; to mortgage or otherwise encumber or dispose of any such property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such property in accordance with a redevelopment or urban renewal plan, and such other covenants, restrictions and conditions as the authority deems necessary to prevent a recurrence of blighted areas or to effectuate the purpose of this sections to make any of such covenants, restrictions, conditions or covenants running with the land and to provide appropriate remedies for any breach thereof; to arrange or contract for the furnishings of services, privileges, works or facilities for, or in connection with a project; to temporarily operate and maintain real property acquired by it in a project area for or in connection with a project pending the disposition of the property for such uses and purposes as may be deemed desirable even though not in conformity with the redevelopment plan for the area; within the boundaries of the city to enter into any building or property in any project area or any blighted property in order to make inspections, surveys appraisals, soundings or test borings, environmental investigations and to. obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to own and hold property and to insure or provide for the insurance of any real or personal property or any of its operations against any risks or hazards, including the power to pay premiums on any such insurance; to invest any project funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control: to

redeem its bonds issued under this section at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled; to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of slums and blight; and to disseminate blight elimination, slum clearance and urban renewal information.

**66.46 Tax incremental law.**

(1) **Short Title.** This section shall be known and may be cited as the "Tax increment Law".

(2) **Definitions.** In this section, unless a different intent clearly appears from the context:

(a) 1. "Blighted area" means any of the following:

a. An area, including a slum area, in which the structures, buildings or improvements, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, environmental pollution or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

b. An area which is predominantly open and which consists primarily of an abandoned highway corridor, as defined in s. 66.431(2m)(a) or that consists of land upon which buildings or structures have been demolished and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, environmental pollution or otherwise, substantially impairs or arrests the sound growth of the community.

2. "Blighted area" does not include predominantly open land area that has been developed only for agricultural purposes.

(am) "Environmental pollution" has the meaning given in s. 299.01(4).

Changes indicated by underline





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1006/P1

MES.....  
cmf  
+  
jlg

DOA:.....Wong - Clarify blight elimination and slum clearance authority

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

*contaminated by a hazardous substance*

1 AN ACT <sup>do not gen</sup> relating to: environmental pollution in blighted and slum areas.

*Analysis by the Legislative Reference Bureau*

LOCAL GOVERNMENT ✓  
OTHER LOCAL GOVERNMENT ✓

*a municipality acquires*

Under the current "blighted area law", cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current "Blight Elimination and Slum Clearance Act", a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs. Such redevelopment authorities may acquire property and may also enter any building or property in a redevelopment project area to make inspections, surveys, soundings or test borings. If entry to a project area is denied or resisted, a redevelopment authority may obtain a court order to accomplish its work. Under the tax incremental financing (TIF) program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

Also under current law, a local governmental unit is exempt from THE SPILL ACT if ~~the~~ property that is affected by environmental pollution is acquired by the local governmental unit as part of slum clearance or blight elimination under the "blighted area law" or the "Blight Elimination and Slum Clearance Act".

This bill adds "environmental pollution" to the current definition of a "blighted area" under the "blighted area law", the "Blight Elimination and Slum Clearance

*the municipality is generally exempt from clean-up requirements that otherwise apply to owners of property that is contaminated by a hazardous substance*

Act” and the TIF program. The bill also authorizes a redevelopment authority and a municipality acting under the “blighted area law” to enter any building or property in a redevelopment project area or on blighted property to make environmental investigations, *backed by a court order if entry is denied or resisted* ✓

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.** 66.43 (3) (a) of the statutes is amended to read:

2           66.43 (3) (a) “Blighted area” means any area, including a slum area, in which  
3 a majority of the structures are residential or in which there is a predominance of  
4 buildings or improvements, whether residential or nonresidential, and which, by  
5 reason of dilapidation, deterioration, age or obsolescence, inadequate provision for  
6 ventilation, light, air, sanitation, or open spaces, high density of population and  
7 overcrowding, environmental pollution ✓ or the existence of conditions which  
8 endanger life or property by fire and other causes, or any combination of such factors,  
9 is conducive to ill health, transmission of disease, infant mortality, juvenile  
10 delinquency and crime, and is detrimental to the public health, safety, morals or  
11 welfare.

12 History: 1975 c. 94, 311; 1981 c. 112; 1983 a. 24; 1983 a. 189 ss. 39, 329 (7); 1983 a. 207 s. 95; 1991 a. 156, 316; 1993 a. 112, 184, 213; 1995 a. 225.

12           **SECTION 2.** 66.43 (3) (be) of the statutes is created to read:

13           66.43 (3) (be) “Environmental pollution” has the meaning given in s. 299.01 (4). ✓ ✓

14           **SECTION 3.** 66.43 (4) (a) 3. of the statutes is amended to read: ✓ X

15           66.43 (4) (a) 3. Within its boundaries, to acquire by purchase, eminent domain  
16 or otherwise, any real or personal property or any interest therein, together with any  
17 improvements thereon, necessary or incidental to a redevelopment project; to hold,  
18 improve, clear or prepare for redevelopment any such property; to sell, lease,

1       subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any  
 2       such property or any interest therein; to enter into contracts with redevelopers of  
 3       property containing covenants, restrictions, and conditions regarding the use of such  
 4       property in accordance with a redevelopment plan and such other covenants,  
 5       restrictions and conditions as it may deem necessary to prevent a recurrence of  
 6       blighted areas or to effectuate the purposes of this section; to make any of such  
 7       covenants, restrictions, conditions or covenants running with the land, and to  
 8       provide appropriate remedies for any breach thereof; within the boundaries of the  
 9       city to enter into any building or property in any project area or any blighted area  
 10       in order to make inspections, surveys, appraisals, soundings, environmental  
 11       investigations or test borings, and to obtain an order for this purpose from a court  
 12       of competent jurisdiction in the event entry is denied or resisted.

History: 1975 c. 94, 311; 1981 c. 112; 1983 a. 24; 1983 a. 189 ss. 58, 329 (7) ✓ 1983 a. 207 s. 95; 1991 a. 156, 316; 1993 a. 112, 184, 213; 1995 a. 225.

13       **SECTION 4. 66.431 (2m) (b) 1.** of the statutes is amended to read:

14       66.431 (2<sup>✓</sup>m) (b) 1. An area, including a slum area, in which there is a  
 15       predominance of buildings or improvements, whether residential or nonresidential,  
 16       which by reason of dilapidation, deterioration, age or obsolescence, inadequate  
 17       provision for ventilation, light, air, sanitation, or open spaces, high density of  
 18       population and overcrowding, ✓ environmental pollution or the existence of conditions  
 19       which endanger life or property by fire and other causes, or any combination of such  
 20       factors is conducive to ill health, transmission of disease, infant mortality, juvenile  
 21       delinquency, or crime, and is detrimental to the public health, safety, morals or  
 22       welfare.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225.

23       **SECTION 5. 66.431 (2m) (b) 2.** of the statutes is amended to read:

1           66.431 (2m) (b) 2. An area which by reason of the presence of a substantial  
2           number of substandard, slum, deteriorated or deteriorating structures,  
3           predominance of defective or inadequate street layout, faulty lot layout in relation  
4           to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions,  
5           deterioration of site or other improvements, diversity of ownership, tax or special  
6           assessment delinquency exceeding the fair value of the land, defective or unusual  
7           conditions of title, environmental pollution or the existence of conditions which  
8           endanger life or property by fire and other causes, or any combination of such factors,  
9           substantially impairs or arrests the sound growth of a city, retards the provision of  
10          housing accommodations or constitutes an economic or social liability and is a  
11          menace to the public health, safety, morals, or welfare in its present condition and  
12          use.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225.

13           **SECTION 6.** 66.431 (2m) (b) 3. of the statutes is amended to read:

14           66.431 (2m) (b) 3. An area which is predominantly open and which because of  
15           obsolete platting, diversity of ownership, deterioration of structures or of site  
16           improvements, environmental pollution or otherwise, substantially impairs or  
17           arrests the sound growth of the community.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225.

18           **SECTION 7.** 66.431 (2m) (bm) of the statutes is amended to read:

19           66.431 (2m) (bm) “Blighted property” means any property within a city,  
20           whether residential or nonresidential, which by reason of dilapidation,  
21           deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or  
22           sanitation, high density of population and overcrowding, or the existence of  
23           conditions which endanger life or property by fire and other causes, or any

1 combination of such factors, is conducive to ill health, transmission of disease, infant  
2 mortality, juvenile delinquency or crime, and is detrimental to the public health,  
3 safety, morals or welfare, or any property which by reason of faulty lot layout in  
4 relation to size, adequacy, accessibility or usefulness, insanitary or unsafe  
5 conditions, deterioration of site or other improvements, diversity of ownership, tax  
6 or special assessment delinquency exceeding the fair market value of the land,  
7 defective or unusual conditions of title, environmental pollution or the existence of  
8 conditions which endanger life or property by fire and other causes, or any  
9 combination of such factors, substantially impairs or arrests the sound growth of a  
10 city, retards the provisions of housing accommodations or constitutes an economic or  
11 social liability and is a menace to the public health, safety, morals or welfare in its  
12 present condition and use, or any property which is predominantly open and which  
13 because of obsolete platting, diversity of ownership, deterioration of structures or of  
14 site improvements, environmental pollution or otherwise, substantially impairs or  
15 arrests the sound growth of the community.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16,  
112, 172, 184, 268, 301; 1995 a. 27, 225.

16 **SECTION 8.** 66.431 (2m) (fe) of the statutes is created to read:

17 66.431 (2m) (fe) “Environmental pollution” has the meaning given in s. 299.01

18 (4).

19 **SECTION 9.** 66.431 (5) (a) 3. of the statutes is amended to read:

20 66.431 (5) (a) 3. Within the boundaries of the city to acquire by purchase, lease,

21 eminent domain, or otherwise, any real or personal property or any interest therein,

22 together with any improvements thereon, necessary or incidental to a

23 redevelopment or urban renewal project; to hold, improve, clear or prepare for

24 redevelopment or urban renewal any such property; to sell, lease, subdivide, retain

1 or make available for the city's use; to mortgage or otherwise encumber or dispose  
2 of any such property or any interest therein; to enter into contracts with redevelopers  
3 of property containing covenants, restrictions and conditions regarding the use of  
4 such property in accordance with a redevelopment or urban renewal plan, and such  
5 other covenants, restrictions and conditions as the authority deems necessary to  
6 prevent a recurrence of blighted areas or to effectuate the purposes of this section;  
7 to make any of such covenants, restrictions, conditions or covenants running with  
8 the land and to provide appropriate remedies for any breach thereof; to arrange or  
9 contract for the furnishing of services, privileges, works or facilities for, or in  
10 connection with a project; to temporarily operate and maintain real property  
11 acquired by it in a project area for or in connection with a project pending the  
12 disposition of the property for such uses and purposes as may be deemed desirable  
13 even though not in conformity with the redevelopment plan for the area; within the  
14 boundaries of the city to enter into any building or property in any project area or any  
15 blighted property in order to make inspections, surveys, appraisals, soundings,  
16 environmental inspections or test borings, and to obtain an order for this purpose  
17 from a court of competent jurisdiction in the event entry is denied or resisted; to own  
18 and hold property and to insure or provide for the insurance of any real or personal  
19 property or any of its operations against any risks or hazards, including the power  
20 to pay premiums on any such insurance; to invest any project funds held in reserves  
21 or sinking funds or any such funds not required for immediate disbursement in  
22 property or securities in which savings banks may legally invest funds subject to  
23 their control; to redeem its bonds issued under this section at the redemption price  
24 established therein or to purchase such bonds at less than redemption price, all such  
25 bonds so redeemed or purchased to be canceled; to develop, test and report methods

(score)

1 and techniques, and carry out demonstrations and other activities, for the  
2 prevention and elimination of slums and blight; and to disseminate blight  
3 elimination, slum clearance and urban renewal information.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225.

4 **SECTION 10.** 66.46 (2) (a) 1. a. of the statutes is amended to read:

5 66.46 (2) (a) 1. a. An area, including a slum area, in which the structures,  
6 buildings or improvements, which by reason of dilapidation, deterioration, age or  
7 obsolescence, inadequate provision for ventilation, light, air, sanitation, or open  
8 spaces, high density of population and overcrowding, environmental pollution or the  
9 existence of conditions which endanger life or property by fire and other causes, or  
10 any combination of these factors is conducive to ill health, transmission of disease,  
11 infant mortality, juvenile delinquency, or crime, and is detrimental to the public  
12 health, safety, morals or welfare.

History: 1975 c. 105, 199, 311; 1977 c. 29 ss. 724m, 725, 1646 (1), (3); 1977 c. 418; 1979 c. 221, 343; 1979 c. 361 s. 112; 1981 c. 20, 317; 1983 a. 27, 31, 207, 320, 405, 538; 1985 a. 29, 39, 285; 1987 a. 27, 186, 395; 1989 a. 31, 336; 1993 a. 293, 337, 399; 1995 a. 27 ss. 3330c to 3337, 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 335; 1997 a. 3, 27, 237, 252.

13 **SECTION 11.** 66.46 (2) (a) 1. b. of the statutes is amended to read:

14 66.46 (2) (a) 1. b. An area which is predominantly open and which consists  
15 primarily of an abandoned highway corridor, as defined in s. 66.431 (2m) (a), or that  
16 consists of land upon which buildings or structures have been demolished and which  
17 because of obsolete platting, diversity of ownership, deterioration of structures or of  
18 site improvements, environmental pollution or otherwise, substantially impairs or  
19 arrests the sound growth of the community.

History: 1975 c. 105, 199, 311; 1977 c. 29 ss. 724m, 725, 1646 (1), (3); 1977 c. 418; 1979 c. 221, 343; 1979 c. 361 s. 112; 1981 c. 20, 317; 1983 a. 27, 31, 207, 320, 405, 538; 1985 a. 29, 39, 285; 1987 a. 27, 186, 395; 1989 a. 31, 336; 1993 a. 293, 337, 399; 1995 a. 27 ss. 3330c to 3337, 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 335; 1997 a. 3, 27, 237, 252.

20

(END) ✓

## Shovers, Marc

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**From:** Wong, Manyee [Manyee.Wong@doa.state.wi.us]  
**Sent:** Thursday, January 21, 1999 11:47 AM  
**To:** Shovers, Marc  
**Subject:** LRB draft 1006

Hi Marc,

We no longer want to authorize redevelopment authority and a municipality acting under the blighted area law to enter any building or property in a redevelopment project area or on blighted property to make environmental investigations. All we want in that draft is to add "environmental pollution" to the current definition of a "blighted area".

Thanks.





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1006/P2  
MES:cmh/jlg/AM

Soon

stay  
RMC

DOA:.....Wong - Clarify blight elimination and slum clearance authority  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: environmental pollution in blighted and slum areas.

*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

**OTHER LOCAL GOVERNMENT**

Under the current "blighted area law" cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current "Blight Elimination and Slum Clearance Act", a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs. Such redevelopment authorities may acquire property and may also enter any building or property in a redevelopment project area to make inspections, surveys, soundings or test borings. If entry to a project area is denied or resisted, a redevelopment authority may obtain a court order to accomplish its work. Under the tax incremental financing (TIF) program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

Also under current law, if a municipality acquires property that is contaminated by a hazardous substance as part of slum clearance or blight elimination under the blighted area law or the "Blight Elimination and Slum Clearance Act", the municipality is generally exempt from clean-up requirements that otherwise apply to owners of property that is contaminated by a hazardous substance.

This bill adds "environmental pollution" to the current definition of a "blighted area" under the blighted area law, the "Blight Elimination and Slum Clearance Act" and the TIF program. ~~The bill also authorizes a redevelopment authority and a municipality acting under the blighted area law to enter any building or property in a redevelopment project area or on blighted property to make environmental investigations, backed by a court order if entry is denied or resisted.~~

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.** 66.43 (3) (a) of the statutes is amended to read:

2           66.43 (3) (a) "Blighted area" means any area, including a slum area, in which  
3 a majority of the structures are residential or in which there is a predominance of  
4 buildings or improvements, whether residential or nonresidential, and which, by  
5 reason of dilapidation, deterioration, age or obsolescence, inadequate provision for  
6 ventilation, light, air, sanitation, or open spaces, high density of population and  
7 overcrowding, environmental pollution or the existence of conditions which  
8 endanger life or property by fire and other causes, or any combination of such factors,  
9 is conducive to ill health, transmission of disease, infant mortality, juvenile  
10 delinquency and crime, and is detrimental to the public health, safety, morals or  
11 welfare.

12           **SECTION 2.** 66.43 (3) (be) of the statutes is created to read:

13           66.43 (3) (be) "Environmental pollution" has the meaning given in s. 299.01 (4).

14           ~~**SECTION 3.** 66.43 (4) (a) 3. of the statutes is amended to read:~~

15           ~~66.43 (4) (a) 3. Within its boundaries, to acquire by purchase, eminent domain  
16 or otherwise, any real or personal property or any interest therein, together with any  
17 improvements thereon, necessary or incidental to a redevelopment project; to hold,  
18 improve, clear or prepare for redevelopment any such property; to sell, lease,~~

1     subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any  
2     such property or any interest therein; to enter into contracts with redevelopers of  
3     property containing covenants, restrictions, and conditions regarding the use of such  
4     property in accordance with a redevelopment plan and such other covenants,  
5     restrictions and conditions as it may deem necessary to prevent a recurrence of  
6     blighted areas or to effectuate the purposes of this section; to make any of such  
7     covenants, restrictions, conditions or covenants running with the land, and to  
8     provide appropriate remedies for any breach thereof; within the boundaries of the  
9     city to enter into any building or property in any project area or any blighted area  
10    in order to make inspections, surveys, appraisals, soundings, environmental  
11    investigations or test borings, and to obtain an order for this purpose from a court  
12    of competent jurisdiction in the event entry is denied or resisted.

13     **SECTION 4.** 66.431 (2m) (b) 1. of the statutes is amended to read:

14     66.431 (2m) (b) 1. An area, including a slum area, in which there is a  
15     predominance of buildings or improvements, whether residential or nonresidential,  
16     which by reason of dilapidation, deterioration, age or obsolescence, inadequate  
17     provision for ventilation, light, air, sanitation, or open spaces, high density of  
18     population and overcrowding, environmental pollution or the existence of conditions  
19     which endanger life or property by fire and other causes, or any combination of such  
20     factors is conducive to ill health, transmission of disease, infant mortality, juvenile  
21     delinquency, or crime, and is detrimental to the public health, safety, morals or  
22     welfare.

23     **SECTION 5.** 66.431 (2m) (b) 2. of the statutes is amended to read:

24     66.431 (2m) (b) 2. An area which by reason of the presence of a substantial  
25     number of substandard, slum, deteriorated or deteriorating structures,

1 predominance of defective or inadequate street layout, faulty lot layout in relation  
2 to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions,  
3 deterioration of site or other improvements, diversity of ownership, tax or special  
4 assessment delinquency exceeding the fair value of the land, defective or unusual  
5 conditions of title, environmental pollution or the existence of conditions which  
6 endanger life or property by fire and other causes, or any combination of such factors,  
7 substantially impairs or arrests the sound growth of a city, retards the provision of  
8 housing accommodations or constitutes an economic or social liability and is a  
9 menace to the public health, safety, morals, or welfare in its present condition and  
10 use.

11 **SECTION 6.** 66.431 (2m) (b) 3. of the statutes is amended to read:

12 66.431 (2m) (b) 3. An area which is predominantly open and which because of  
13 obsolete platting, diversity of ownership, deterioration of structures or of site  
14 improvements, environmental pollution or otherwise, substantially impairs or  
15 arrests the sound growth of the community.

16 **SECTION 7.** 66.431 (2m) (bm) of the statutes is amended to read:

17 66.431 (2m) (bm) "Blighted property" means any property within a city,  
18 whether residential or nonresidential, which by reason of dilapidation,  
19 deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or  
20 sanitation, high density of population and overcrowding, or the existence of  
21 conditions which endanger life or property by fire and other causes, or any  
22 combination of such factors, is conducive to ill health, transmission of disease, infant  
23 mortality, juvenile delinquency or crime, and is detrimental to the public health,  
24 safety, morals or welfare, or any property which by reason of faulty lot layout in  
25 relation to size, adequacy, accessibility or usefulness, insanitary or unsafe

1 conditions, deterioration of site or other improvements, diversity of ownership, tax  
2 or special assessment delinquency exceeding the fair market value of the land,  
3 defective or unusual conditions of title, environmental pollution or the existence of  
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5 combination of such factors, substantially impairs or arrests the sound growth of a  
6 city, retards the provisions of housing accommodations or constitutes an economic or  
7 social liability and is a menace to the public health, safety, morals or welfare in its  
8 present condition and use, or any property which is predominantly open and which  
9 because of obsolete platting, diversity of ownership, deterioration of structures or of  
10 site improvements, environmental pollution or otherwise, substantially impairs or  
11 arrests the sound growth of the community.

12 **SECTION 8.** 66.431 (2m) (fe) of the statutes is created to read:

13 66.431 (2m) (fe) "Environmental pollution" has the meaning given in s. 299.01

14 (4).

15 **SECTION 9.** 66.431 (5) (a) 3. of the statutes is amended to read:

16 66.431 (5) (a) 3. Within the boundaries of the city to acquire by purchase, lease,  
17 eminent domain, or otherwise, any real or personal property or any interest therein,  
18 together with any improvements thereon, necessary or incidental to a  
19 redevelopment or urban renewal project; to hold, improve, clear or prepare for  
20 redevelopment or urban renewal any such property; to sell, lease, subdivide, retain  
21 or make available for the city's use; to mortgage or otherwise encumber or dispose  
22 of any such property or any interest therein; to enter into contracts with redevelopers  
23 of property containing covenants, restrictions and conditions regarding the use of  
24 such property in accordance with a redevelopment or urban renewal plan, and such  
25 other covenants, restrictions and conditions as the authority deems necessary to

1 prevent a recurrence of blighted areas or to effectuate the purposes of this section;  
2 to make any of such covenants, restrictions, conditions or covenants running with  
3 the land and to provide appropriate remedies for any breach thereof; to arrange or  
4 contract for the furnishing of services, privileges, works or facilities for, or in  
5 connection with a project; to temporarily operate and maintain real property  
6 acquired by it in a project area for or in connection with a project pending the  
7 disposition of the property for such uses and purposes as may be deemed desirable  
8 even though not in conformity with the redevelopment plan for the area; within the  
9 boundaries of the city to enter into any building or property in any project area or any  
10 blighted property in order to make inspections, surveys, appraisals, soundings,  
11 environmental inspections or test borings, and to obtain an order for this purpose  
12 from a court of competent jurisdiction in the event entry is denied or resisted; to own  
13 and hold property and to insure or provide for the insurance of any real or personal  
14 property or any of its operations against any risks or hazards, including the power  
15 to pay premiums on any such insurance; to invest any project funds held in reserves  
16 or sinking funds or any such funds not required for immediate disbursement in  
17 property or securities in which savings banks may legally invest funds subject to  
18 their control; to redeem its bonds issued under this section at the redemption price  
19 established therein or to purchase such bonds at less than redemption price, all such  
20 bonds so redeemed or purchased to be canceled; to develop, test and report methods  
21 and techniques, and carry out demonstrations and other activities, for the  
22 prevention and elimination of slums and blight; and to disseminate blight  
23 elimination, slum clearance and urban renewal information.

24 SECTION 10. 66.46 (2) (a) 1. a. of the statutes is amended to read:





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1006/P2  
MES:cmh&jlg:lp

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**LOCAL GOVERNMENT**

**OTHER LOCAL GOVERNMENT**

Under the current "blighted area law" cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current "Blight Elimination and Slum Clearance Act", a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs. Such redevelopment authorities may acquire property and may also enter any building or property in a redevelopment project area to make inspections, surveys, soundings or test borings. If entry to a project area is denied or resisted, a redevelopment authority may obtain a court order to accomplish its work. Under the tax incremental financing (TIF) program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

Also under current law, if a municipality acquires property that is contaminated by a hazardous substance as part of slum clearance or blight elimination under the blighted area law or the "Blight Elimination and Slum Clearance Act", the municipality is generally exempt from clean-up requirements that otherwise apply to owners of property that is contaminated by a hazardous substance.



This bill adds “environmental pollution” to the current definition of a “blighted area” under the blighted area law, the “Blight Elimination and Slum Clearance Act” and the TIF program.

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

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1           **SECTION 1.** 66.43 (3) (a) of the statutes is amended to read:

2           66.43 (3) (a) “Blighted area” means any area, including a slum area, in which  
3 a majority of the structures are residential or in which there is a predominance of  
4 buildings or improvements, whether residential or nonresidential, and which, by  
5 reason of dilapidation, deterioration, age or obsolescence, inadequate provision for  
6 ventilation, light, air, sanitation, or open spaces, high density of population and  
7 overcrowding, environmental pollution or the existence of conditions which  
8 endanger life or property by fire and other causes, or any combination of such factors,  
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10 delinquency and crime, and is detrimental to the public health, safety, morals or  
11 welfare.

12           **SECTION 2.** 66.43 (3) (be) of the statutes is created to read:

13           66.43 (3) (be) “Environmental pollution” has the meaning given in s. 299.01 (4).

14           **SECTION 3.** 66.431 (2m) (b) 1. of the statutes is amended to read:

15           66.431 (2m) (b) 1. An area, including a slum area, in which there is a  
16 predominance of buildings or improvements, whether residential or nonresidential,  
17 which by reason of dilapidation, deterioration, age or obsolescence, inadequate  
18 provision for ventilation, light, air, sanitation, or open spaces, high density of  
19 population and overcrowding, environmental pollution or the existence of conditions

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3 delinquency, or crime, and is detrimental to the public health, safety, morals or  
4 welfare.

5 **SECTION 4.** 66.431 (2m) (b) 2. of the statutes is amended to read:

6 66.431 (2m) (b) 2. An area which by reason of the presence of a substantial  
7 number of substandard, slum, deteriorated or deteriorating structures,  
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9 to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions,  
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11 assessment delinquency exceeding the fair value of the land, defective or unusual  
12 conditions of title, environmental pollution or the existence of conditions which  
13 endanger life or property by fire and other causes, or any combination of such factors,  
14 substantially impairs or arrests the sound growth of a city, retards the provision of  
15 housing accommodations or constitutes an economic or social liability and is a  
16 menace to the public health, safety, morals, or welfare in its present condition and  
17 use.

18 **SECTION 5.** 66.431 (2m) (b) 3. of the statutes is amended to read:

19 66.431 (2m) (b) 3. An area which is predominantly open and which because of  
20 obsolete platting, diversity of ownership, deterioration of structures or of site  
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20 66.431 (2m) (fe) “Environmental pollution” has the meaning given in s. 299.01  
21 (4).

22 **SECTION 8.** 66.46 (2) (a) 1. a. of the statutes is amended to read:

23 66.46 (2) (a) 1. a. An area, including a slum area, in which the structures,  
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4 infant mortality, juvenile delinquency, or crime, and is detrimental to the public  
5 health, safety, morals or welfare.

6 **SECTION 9.** 66.46 (2) (a) 1. b. of the statutes is amended to read:

7 66.46 (2) (a) 1. b. An area which is predominantly open and which consists  
8 primarily of an abandoned highway corridor, as defined in s. 66.431 (2m) (a), or that  
9 consists of land upon which buildings or structures have been demolished and which  
10 because of obsolete platting, diversity of ownership, deterioration of structures or of  
11 site improvements, environmental pollution or otherwise, substantially impairs or  
12 arrests the sound growth of the community.

13 (END)

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**NOTE TO DRAFTING FILE for LRB-1006:**

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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18 **SECTION 5.** 66.431 (2m) (b) 3. of the statutes is amended to read:

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23 **SECTION 6.** 66.431 (2m) (bm) of the statutes is amended to read:

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6 safety, morals or welfare, or any property which by reason of faulty lot layout in  
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8 conditions, deterioration of site or other improvements, diversity of ownership, tax  
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6 **SECTION 9.** 66.46 (2) (a) 1. b. of the statutes is amended to read:

7 66.46 (2) (a) 1. b. An area which is predominantly open and which consists  
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10 because of obsolete platting, diversity of ownership, deterioration of structures or of  
11 site improvements, environmental pollution or otherwise, substantially impairs or  
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13

(END)