

2003 Senate Bill 512

Date of enactment: **April 8, 2004**  
Date of publication\*: **April 22, 2004**

## 2003 WISCONSIN ACT 195

AN ACT *to amend* 70.11 (intro.) of the statutes; **relating to:** the property tax exemption for property that is leased as residential housing.

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

**SECTION 1.** 70.11 (intro.) of the statutes is amended to read:

**70.11 Property exempted from taxation.** (intro.) The property described in this section is exempted from general property taxes if the property is exempt under sub. (1), (2), (18), (21), (27) or (30); if it was exempt for the previous year and its use, occupancy or ownership did not change in a way that makes it taxable; if the property was taxable for the previous year, the use, occupancy or ownership of the property changed in a way that makes it exempt and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes or if the property did not exist in the previous year and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes. Leasing a part of the property described in this section does not render it taxable if the lessor uses all of the leasehold income for maintenance of the leased property, or construction debt retirement of the leased property, or both, and except for residential housing, if the lessee would be exempt from

taxation under this chapter if it owned the property. Any lessor who claims that leased property is exempt from taxation under this chapter shall, upon request by the tax assessor, provide records relating to the lessor's use of the income from the leased property. Property exempted from general property taxes is:

**SECTION 3. Nonstatutory provisions.**

(1) PROPERTY TAX EXEMPTIONS RELATED TO LEASED PROPERTY. The legislative council shall study the effect of Columbus Park Housing v. City of Kenosha, 2003 WI 143, on property tax exemptions for property that is leased, pursuant to section 70.11 (intro.) of the statutes, 2001 stats., and as affected by this act. The legislative council shall report its findings, conclusions, and recommendations to the legislature in the manner provided under section 13.172 (2) of the statutes no later than December 15, 2004.

**SECTION 4. Initial applicability.**

(1) The treatment of section 70.11 (intro.) of the statutes first applies to the property tax assessments as of January 1, 2002.

**SECTION 5. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 70.11 (intro.) of the statutes and SECTION 4 (1) of this act take effect retroactively to January 1, 2002.

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\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].