AN ACT to create 710.17 of the statutes; relating to: the unenforceability of restrictive covenants on location of construction.

Analysis by the Legislative Reference Bureau

This bill provides that a restrictive covenant or deed provision that prohibits or requires a particular location of construction for a one-family or two-family dwelling may not be enforced against any home that is constructed in compliance with the one-family and two-family dwelling code under the statutes. Under the bill, “location of construction” refers to whether the construction takes place in whole or in part on-site or off-site.

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

SECTION 1. 710.17 of the statutes is created to read:

710.17 Restrictions on construction location. (1) In this section, “location of construction” refers to whether the construction of the dwelling takes place in whole or in part on-site or off-site. “Location of construction” does not mean where the dwelling is physically located on the property.
(2) A restrictive deed provision or restrictive covenant that prohibits or requires a particular location of construction for any one-family or 2-family dwelling constructed on real property to which the deed provision or covenant applies is not enforceable with respect to any home constructed on the real property if the home is constructed in compliance with the one-family and 2-family dwelling code under subch. II of ch. 101.

Section 2. Initial applicability.

(1) This act first applies to restrictive deeds and restrictive covenants that are recorded on the effective date of this subsection.