



2009 ASSEMBLY BILL 670

January 22, 2010 – Introduced by Representative BLACK, cosponsored by Senator HOLPERIN. Referred to Committee on Natural Resources.

1 **AN ACT** *to create* 709.03 (form) C. 26m. of the statutes; **relating to:** requiring
2 sellers of residential real property to disclose whether the property is subject
3 to a shoreland zoning mitigation plan.

Analysis by the Legislative Reference Bureau

Under current law, a county must enact a shoreland zoning ordinance for shorelands in its unincorporated area. Current law defines a shoreland as an area within a certain distance from the edge of a navigable water. If a county does not enact a shoreland zoning ordinance or if the Department of Natural Resources (DNR) determines that the county has enacted an ordinance that fails to meet certain standards specified in rules promulgated by DNR, then DNR must adopt a shoreland zoning ordinance for the county. Under rules promulgated by DNR, a county ordinance may authorize a structure that was lawfully placed when constructed, but that no longer complies with certain shoreland zoning standards, to be expanded, replaced, or relocated if certain requirements are met. Among those requirements is a requirement that the county issue a permit requiring that a mitigation plan be approved by the county and implemented by the property owner. The mitigation plan must require the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the building expansion on water quality, aquatic and wildlife habitat, and natural scenic beauty. The obligations of the property owner under the mitigation plan must be evidenced by an instrument recorded in the office of the register of deeds.

Also under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition

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report, on which the owner discloses certain conditions of the real property of which the owner is aware. This bill requires an owner to disclose on the real estate condition report whether the real property is subject to a mitigation plan required by the county.

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

1 **SECTION 1.** 709.03 (form) C. 26m. of the statutes is created to read:

2 **709.03** (form)

3 C. 26m. I am aware that the property is subject to a mit-

4 igation plan required under administrative

5 rules of the department of natural resources

6 related to county shoreland zoning ordi-

7 nances, which obligates the owner of the

8 property to establish or maintain certain

9 measures related to shoreland conditions and

10 which is enforceable by the county.

11 **SECTION 2. Nonstatutory provisions.**

12 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the

13 statutes, the creation of section 709.03 (form) C. 26m. of the statutes does not require

14 a property owner who has furnished to a prospective buyer of the property an original

15 or amended real estate condition report before the effective date of this subsection

16 to submit an amended real estate condition report with respect to the information

17 required by section 709.03 (form) C. 26m. of the statutes, as created by this act.

18 **SECTION 3. Initial applicability.**

