



WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2009 Wisconsin Act 211
[2009 Assembly Bill 670]

**Residential Real Estate
Disclosure of a Shoreland
Zoning Mitigation Plan**

BACKGROUND

The revised ch. NR 115, Wis. Adm. Code, relating to Wisconsin's shoreland protection program, took effect on February 1, 2010. County governments have two years from this date to update their shoreland zoning ordinances to be consistent with or exceed the provisions in this rule. Among other changes, the revised ch. NR 115 specifies that under certain circumstances, a county must issue a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan must include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted activity on water quality, near-shore aquatic habitat, upland 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 County Register of Deeds.

2009 WISCONSIN ACT 211

Act 211 requires a residential property owner to disclose on the real estate condition report whether the property is subject to a mitigation plan required by the county. A property owner who has furnished to a prospective buyer an original or amended real estate condition report before the effective date of the Act is not required to submit an amended report with respect to this required information. The disclosure requirement first applies to original real estate condition reports that are furnished on the effective date of the Act.

Effective date: Act 211 takes effect on January 1, 2011.

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REL:wu

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.