

State of Wisconsin



2017 Assembly Bill 480

Date of enactment: **November 27, 2017**

Date of publication*: **November 28, 2017**

2017 WISCONSIN ACT 68

AN ACT *to repeal* 227.115 (5); *to renumber and amend* 59.692 (1k) (a) 2. and 227.115 (2); *to amend* 13.099 (2), 13.099 (3) (title), 13.099 (3) (a) (intro.), 13.099 (3) (a) 2., 13.099 (3) (a) 3., 13.099 (3) (b), 66.10015 (2) (b), 70.05 (4m), 70.47 (1), 70.47 (7) (aa), 70.47 (7) (af), 227.115 (2) (title), 227.115 (3) (title), 227.115 (3) (a) (intro.), 227.115 (3) (a) 2., 227.115 (3) (a) 3., 227.115 (3) (b), 227.15 (1) and 706.05 (2m) (b) 1.; *to repeal and recreate* 227.115 (1) and 227.19 (3) (g); and *to create* 13.099 (3) (a) 6., 13.099 (3) (c), 13.099 (3) (d), 59.692 (1k) (a) 2. c., 70.05 (4n), 101.63 (5m), 227.115 (2) (b), 227.115 (3) (a) 6., 227.115 (3) (c), 227.115 (3) (d), 348.16 (3) (d) and 349.16 (3) (d) of the statutes; **relating to:** review by the Department of Safety and Professional Services of the state electrical wiring code applicable to one-family and two-family dwellings; the legal description required for recording an easement for the construction, operation, or maintenance of sewer lines or facilities; land development; effect of changes in requirements for development-related permits or authorizations on persons who apply for the permits or authorizations; exempting certain vehicles delivering propane from class B highway weight limitations and certain special or seasonal weight limitations; a property owner's right to refuse entry into his or her home for assessment purposes; reviews of and reports on bills and proposed administrative rules that affect housing; maintenance and construction activities on certain structures under a county shoreland zoning ordinance; and making an appropriation.

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

SECTION 1. 13.099 (2) of the statutes is amended to read:

13.099 (2) REPORT ON ANALYSIS OF BILLS AFFECTING HOUSING. (a) If any bill that is introduced in either house of the legislature ~~directly or substantially affects~~ may increase or decrease, either directly or indirectly, the cost of the development, construction, cost, financing, purchasing, sale, ownership, or availability of housing in this state, the department shall prepare a ~~report on~~ housing impact analysis for the bill within 30 days after it is introduced. The department may request any information from other state agencies, local governments, or individuals, or organizations that is reasonably necessary for the department to prepare the ~~report~~ analysis.

(b) A bill that requires a ~~report by the department~~ housing impact analysis under this section shall have that requirement noted on its jacket when the jacket is prepared. When a bill that requires a ~~report~~ housing impact analysis under this section is introduced, the legislative reference bureau shall submit a copy of the bill to the department.

(c) ~~The report~~ A housing impact analysis prepared under this section shall be printed as an appendix to that applicable bill and shall be distributed in the same manner as amendments.

SECTION 2. 13.099 (3) (title) of the statutes is amended to read:

13.099 (3) (title) FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN ~~THE REPORT~~ HOUSING IMPACT ANALYSIS.

* Section 991.11, WISCONSIN STATUTES: 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."

SECTION 3. 13.099 (3) (a) (intro.) of the statutes is amended to read:

13.099 (3) (a) (intro.) ~~The report of the department~~ A housing impact analysis shall contain information about the effect of the bill on housing in this state, including information on the effect of the bill on all of the following:

SECTION 4. 13.099 (3) (a) 2. of the statutes is amended to read:

13.099 (3) (a) 2. The cost of ~~developing, constructing, rehabilitating, improving or maintaining single family, or owning single-family~~ or multifamily dwellings.

SECTION 5. 13.099 (3) (a) 3. of the statutes is amended to read:

13.099 (3) (a) 3. The purchase price of ~~housing new homes or the fair market value of existing homes.~~

SECTION 6. 13.099 (3) (a) 6. of the statutes is created to read:

13.099 (3) (a) 6. The density, location, setback, size, or height of development on a lot, parcel, land division, or subdivision.

SECTION 7. 13.099 (3) (b) of the statutes is amended to read:

13.099 (3) (b) ~~The report~~ A housing impact analysis shall analyze the relative impact of the effects of the bill on low- and moderate-income households.

SECTION 8. 13.099 (3) (c) of the statutes is created to read:

13.099 (3) (c) 1. Except as provided in subd. 2., a housing impact analysis shall provide reasonable estimates of the information under pars. (a) and (b) expressed as dollar figures and shall include descriptions of the immediate effect and, if ascertainable, the long-term effect. The department shall include a brief summary or worksheet of computations used in determining any such dollar figures.

2. If, after careful consideration, the department determines that it is not possible to make an estimate expressed as dollar figures as provided in subd. 1., the analysis shall instead contain a statement to that effect setting forth the reasons for that determination.

SECTION 9. 13.099 (3) (d) of the statutes is created to read:

13.099 (3) (d) Except as otherwise specified in par. (a), a housing impact analysis shall be prepared on the basis of a median-priced single-family residence but may include estimates for larger developments as an analysis of the long-term effect of the bill.

SECTION 10. 59.692 (1k) (a) 2. of the statutes is renumbered 59.692 (1k) (a) 2. (intro.) and amended to read:

59.692 (1k) (a) 2. (intro.) Except as provided in par. (b), requires any approval or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates, the maintenance, repair, replacement, restoration,

rebuilding, or remodeling of all or any part of ~~a~~ any of the following if the activity does not expand the footprint of the structure:

a. A nonconforming structure or a

b. A structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, if the activity does not expand the footprint of the structure.

SECTION 11. 59.692 (1k) (a) 2. c. of the statutes is created to read:

59.692 (1k) (a) 2. c. A building or structure in violation of a county shoreland zoning ordinance that, under sub. (1t), may not be enforced.

SECTION 13. 66.10015 (2) (b) of the statutes is amended to read:

66.10015 (2) (b) If a project requires more than one approval or approvals from ~~more than one or more political subdivision subdivisions~~ and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise.

SECTION 29. 70.05 (4m) of the statutes is amended to read:

70.05 (4m) A taxation district assessor may not enter upon a person's real property for purposes of conducting an assessment under this chapter more than once in each year, except that an assessor may enter upon a person's real property for purposes of conducting an assessment under this chapter more often if the property owner consents. A property owner may deny entry to an assessor of the interior of the owner's residence if the owner has given prior notice to the assessor that the assessor may not enter the ~~property interior of the residence~~ without the property owner's permission. Each taxation district assessor shall create and maintain a database identifying all such property owners in the taxation district. A property owner's refusal to allow the assessor to enter the interior of the owner's residence shall not preclude the property owner from appearing before the board of review to object to the property's valuation, as provided under s. 70.47 (7), and the assessor may not increase the property's valuation based solely on the property owner's refusal to allow entry.

SECTION 30. 70.05 (4n) of the statutes is created to read:

70.05 (4n) If a taxation district assessor is requesting to view the interior of a residence, the assessor shall provide written notice to the property owner of the property owner's rights regarding the inspection of the interior of the owner's residence. The notice shall be in substantially the following form:

PROPERTY OWNER RIGHTS

You have the right to refuse entry into your residence pursuant to section 70.05 (4m) of the Wisconsin statutes. Entry to view your property is prohibited unless voluntarily authorized by you. Pursuant to section 70.05 (4m) of the Wisconsin statutes, you have the right to refuse a visual inspection of the interior of your residence and your refusal to allow an interior inspection of your residence will not be used as the sole reason for increasing your property tax assessment. Refusing entry to your residence also does not prohibit you from objecting to your assessment pursuant to section 70.47 (7) of the Wisconsin statutes. Please indicate your consent or refusal to allow an interior visual inspection of your residence.

SECTION 31. 70.47 (1) of the statutes is amended to read:

70.47 (1) TIME AND PLACE OF MEETING. The board of review shall meet annually at any time during the ~~30-day~~ 45-day period beginning on the ~~2nd~~ 4th Monday of May April, but no sooner than 7 days after the last day on which the assessment roll is open for examination under s. 70.45. In towns and villages the board shall meet at the town or village hall or some place designated by the town or village board. If there is no such hall, it shall meet at the clerk's office, or in towns at the place where the last annual town meeting was held. In cities the board shall meet at the council chamber or some place designated by the council and in cities of the 1st class in some place designated by the commissioner of assessments of such cities. A majority shall constitute a quorum except that 2 members may hold any hearing of the evidence required to be held by such board under subs. (8) and (10), if the requirements of sub. (9) are met.

SECTION 32. 70.47 (7) (aa) of the statutes is amended to read:

70.47 (7) (aa) No person shall be allowed to appear before the board of review, to testify to the board by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to ~~view such property~~ enter onto property to conduct an exterior view of the real or personal property being assessed.

SECTION 33. 70.47 (7) (af) of the statutes is amended to read:

70.47 (7) (af) No person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless no later than 7 days before the first meeting of the board of review the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03 (2a), that the assessor requests. The municipality or county shall provide by ordinance for the confidentiality of information about income and expenses that is provided to the assessor under this paragraph and shall provide exceptions for persons using the infor-

mation in the discharge of duties imposed by law or of the duties of their office or by order of a court. The information that is provided under this paragraph, ~~unless a court determines that it is inaccurate,~~ is not subject to the right of inspection and copying under s. 19.35 (1) unless a court determines before the first meeting of the board of review that the information is inaccurate.

SECTION 34. 101.63 (5m) of the statutes is created to read:

101.63 (5m) Once every 6 years, review those portions of the state electrical wiring code promulgated by the department under s. 101.82 (1) that apply to dwellings. In its review, the department shall consult with the uniform dwelling code council and any council or committee created by the secretary to advise the department regarding the state electrical wiring code.

SECTION 35. 227.115 (1) of the statutes is repealed and recreated to read:

227.115 (1) DEFINITION. In this section, "state housing strategy plan" means the plan developed under s. 16.302.

SECTION 36. 227.115 (2) (title) of the statutes is amended to read:

227.115 (2) (title) ~~REPORT ON~~ ANALYSIS OF RULES AFFECTING HOUSING.

SECTION 37. 227.115 (2) of the statutes is renumbered 227.115 (2) (a) and amended to read:

227.115 (2) (a) If a proposed rule ~~directly or substantially affects~~ may increase or decrease, either directly or indirectly, the cost of the development, construction, ~~cost, financing, purchasing, sale, ownership,~~ or availability of housing in this state, the ~~department~~ agency promulgating the proposed rule shall prepare a ~~report on the housing impact analysis for the~~ report on the housing impact analysis for the proposed rule before it is submitted to the legislative council staff under s. 227.15. The ~~department~~ agency may request any information from other state agencies, local governments, or individuals or organizations that is reasonably necessary for the ~~department~~ agency to prepare the ~~report.~~ report. ~~The department shall prepare the report within 30 days after the rule is submitted to the department analysis.~~

SECTION 38. 227.115 (2) (b) of the statutes is created to read:

227.115 (2) (b) On the same day that the agency submits the housing impact analysis to the legislative council staff under s. 227.15 (1), the agency shall also submit that analysis to the department of administration, to the governor, and to the chief clerks of each house of the legislature, who shall distribute the analysis to the presiding officers of their respective houses, to the chairpersons of the appropriate standing committees of their respective houses, as designated by those presiding officers, and to the cochairpersons of the joint committee for review of administrative rules. If a proposed rule is modified after the housing impact analysis is submitted under this paragraph so that the housing impact of the proposed rule is

significantly changed, the agency shall prepare a revised housing impact analysis for the proposed rule as modified. A revised housing impact analysis shall be prepared and submitted in the same manner as an original housing impact analysis is prepared and submitted.

SECTION 39. 227.115 (3) (title) of the statutes is amended to read:

227.115 (3) (title) ~~FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT~~ HOUSING IMPACT ANALYSIS.

SECTION 40. 227.115 (3) (a) (intro.) of the statutes is amended to read:

227.115 (3) (a) (intro.) ~~The report of the department~~ A housing impact analysis shall contain information about the effect of the proposed rule on housing in this state, including information on the effect of the proposed rule on all of the following:

SECTION 41. 227.115 (3) (a) 2. of the statutes is amended to read:

227.115 (3) (a) 2. The cost of developing, constructing, rehabilitating, improving or maintaining single family or owning single-family or multifamily dwellings.

SECTION 42. 227.115 (3) (a) 3. of the statutes is amended to read:

227.115 (3) (a) 3. The purchase price of housing new homes or the fair market value of existing homes.

SECTION 43. 227.115 (3) (a) 6. of the statutes is created to read:

227.115 (3) (a) 6. The density, location, setback, size, or height of development on a lot, parcel, land division, or subdivision.

SECTION 44. 227.115 (3) (b) of the statutes is amended to read:

227.115 (3) (b) ~~The report~~ A housing impact analysis shall analyze the relative impact of the effects of the proposed rule on low- and moderate-income households.

SECTION 45. 227.115 (3) (c) of the statutes is created to read:

227.115 (3) (c) 1. Except as provided in subd. 2., a housing impact analysis shall provide reasonable estimates of the information under pars. (a) and (b) expressed as dollar figures and shall include descriptions of the immediate effect and, if ascertainable, the long-term effect. The agency shall include a brief summary or worksheet of computations used in determining any such dollar figures.

2. If, after careful consideration, the agency determines that it is not possible to make an estimate expressed as dollar figures as provided in subd. 1., the analysis shall instead contain a statement to that effect setting forth the reasons for that determination.

SECTION 46. 227.115 (3) (d) of the statutes is created to read:

227.115 (3) (d) Except as otherwise specified in par. (a), a housing impact analysis shall be prepared on the basis of a median-priced single-family residence but

may include estimates for larger developments as an analysis of the long-term effect of the proposed rule.

SECTION 47. 227.115 (5) of the statutes is repealed.

SECTION 48. 227.15 (1) of the statutes, as affected by 2017 Wisconsin Act 57, is amended to read:

227.15 (1) SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. Prior to a public hearing on a proposed rule required under s. 227.16 or, if no such public hearing is required, prior to notice under s. 227.19, an agency shall submit the proposed rule to the legislative council staff for review. The proposed rule shall be in the form required under s. 227.14 (1), and shall include the material required under s. 227.14 (2), (3), and (4), any housing impact analysis required under s. 227.115 (2) (a), any revised housing impact analysis required under s. 227.115 (2) (b), the economic impact analysis required under s. 227.137 (2), and any revised economic impact analysis required under s. 227.137 (4). An agency may not hold a public hearing on a proposed rule or give notice under s. 227.19 until after it has received a written report of the legislative council staff review of the proposed rule or until after the initial review period of 20 working days under sub. (2) (intro.), whichever comes first. An agency may give notice of a public hearing prior to receipt of the legislative council staff report. This subsection does not apply to rules promulgated under s. 227.24.

SECTION 49. 227.19 (3) (g) of the statutes is repealed and recreated to read:

227.19 (3) (g) Any housing impact analysis prepared under s. 227.115 (2) (a) and any revised housing impact analysis prepared under s. 227.115 (2) (b).

SECTION 50. 348.16 (3) (d) of the statutes is created to read:

348.16 (3) (d) Subsection (2) does not apply to a motor vehicle that is being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds, for a vehicle with a single rear axle, or 40,000 pounds, for a vehicle with tandem rear axles, and, if the motor vehicle is a tank vehicle, the tank is loaded to no more than 50 percent of the capacity of the tank. A tank vehicle operated under this paragraph shall be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of the capacity of the tank and shall carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle.

SECTION 51. 349.16 (3) (d) of the statutes is created to read:

349.16 (3) (d) The authority in charge of the maintenance of the highway shall exempt from the special or seasonal weight limitations imposed under sub. (1) (a) a motor vehicle that is being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds, for a vehicle with a single rear axle, or 40,000 pounds, for a vehicle with tandem rear axles, and, if the motor vehicle

is a tank vehicle, the tank is loaded to no more than 50 percent of the capacity of the tank. A tank vehicle operated under this paragraph shall be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of the capacity of the tank and shall carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle. A motor vehicle operated under this paragraph shall, to the extent practicable, make deliveries on seasonally weight-restricted roads at times of the day when the highways used are the least vulnerable.

SECTION 52. 706.05 (2m) (b) 1. of the statutes is amended to read:

706.05 (2m) (b) 1. Descriptions of easements for the construction, operation, or maintenance of electric, gas, railroad, water, sewer, telecommunications, or telephone lines or facilities.

SECTION 53. Initial applicability.

(1) FORMAL REQUISITES FOR RECORDING SEWER EASEMENTS. The treatment of section 706.05 (2m) (b) 1. of the

statutes first applies to a description of an easement that is recorded on the effective date of this subsection.

(2) DEVELOPMENT REGULATION. The treatment of section 66.10015 (2) (b) of the statutes first applies to an application for an approval that is filed on the effective date of this subsection.

(3) HOUSING IMPACT ANALYSES FOR BILLS. The treatment of section 13.099 (2) and (3) (title), (a) (intro.), 2., 3., and 6., (b), (c), and (d) of the statutes first applies to a bill introduced on the effective date of this subsection.

(4) HOUSING IMPACT ANALYSES FOR RULES. The treatment of sections 227.115 (1), (2) (b), (3) (title), (a) (intro.), 2., 3., and 6., (b), (c), and (d), and (5), 227.15 (1), and 227.19 (3) (g) of the statutes, the renumbering and amendment of section 227.115 (2) of the statutes, and the amendment of section 227.115 (2) (title) of the statutes first apply to a proposed rule whose statement of scope is presented for approval under section 227.135 (2) of the statutes on the effective date of this subsection.

