

Fiscal Estimate Narratives

DOR 1/23/2018

LRB Number	17-5093/1	Introduction Number	AB-0838	Estimate Type	Original
Description Changes to board of review proceedings and elimination of the property tax assessment freeze (suggested as remedial legislation by the Department of Revenue)					

Assumptions Used in Arriving at Fiscal Estimate

Section 70.105 stats., provides an assessment freeze on replacement property for property owners who conveyed their property to a public entity under condemnation or the threat of condemnation. Under 70.105, a homeowner forced to sell for a public roadway expansion could have the replacement property assessment frozen at a vacant parcel's value for 5 years—even though an improvement to the parcel existed during the 5-year period. *Gottlieb v. the City of Milwaukee* (1967) ruled the provision violated the state's uniformity clause and therefore unconstitutional.

The bill repeals section 70.105 from the statutes. This provision has no fiscal impact since the Wisconsin Supreme Court ruled the provision unconstitutional in 1967.

The bill also repeals sections of the state statutes regarding board of review proceedings that were determined to be unconstitutional in *Nankin v. Village of Shorewood* (2001) and *Metropolitan Associates v. City of Milwaukee* (2011).

The provisions related to the board of review proceedings have no fiscal effect as they have not been enforced in several years.

Long-Range Fiscal Implications