## 2019 DRAFTING REQUEST

TAPER	
BILL	

For:

Howard Marklein (608) 266-0703

Drafter:

eshea

By:

Vince

Secondary Drafters:

Date:

5/23/2019

May Contact:

Same as LRB:

Submit via email:

**YES** 

Requester's email:

Sen.Marklein@legis.wi.gov

Carbon copy (CC) to:

elisabeth.shea@legis.wisconsin.gov zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Property improvements to a nonconforming structure under floodplain zoning law

**Instructions:** 

See attached

D	raf	tino	His	to	r	<i>y</i> •
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	141	umz		w		

Vers.	<u>Drafted</u>	Reviewed	Submitted	<u>Jacketed</u>	Required
/?	eshea 5/30/2019	swinder 5/31/2019			
/P1	eshea 6/25/2019	swinder 6/25/2019	dwalker 5/31/2019		State S&L
/P2	eshea 9/4/2019	swinder 9/5/2019	dwalker 6/25/2019		State S&L
/P3			mbarman 9/5/2019		State S&L
/1			mbarman	mbarman	State

Vers.

**Drafted** 

Reviewed

Submitted 12/3/2019

<u>Jacketed</u> 12/3/2019

Required S&L

FE Sent For:

<**END>** 

Intro.

#### Shea, Elisabeth

From:

Williams, Vincent

Sent:

Thursday, May 23, 2019 2:41 PM

To:

Shea, Elisabeth

Subject:

RE: Sen. Marklein Drafting Request

Lis,

5/23 Larry: issue is DNR does not recognize what would bring bldg into compliance ectly.

under fed law as bringing it into compliance with him.

compliance under state law

Larry Konopacki is going to call you directly.

You have permission to discuss the draft with him.

Regards,

Vince

From: Shea, Elisabeth < Elisabeth. Shea@legis.wisconsin.gov >

Sent: Thursday, May 23, 2019 2:11 PM

To: Williams, Vincent < Vincent. Williams@legis.wisconsin.gov>

Subject: RE: Sen. Marklein Drafting Request

Hi Vince,

NR 116.15 (1) (c) says "No modification or addition to any nonconforming building or any building with a nonconforming use, which over the life of the building would exceed 50% of its present equalized assessed value, may be allowed unless the entire building is permanently changed to a conforming building with a conforming use in compliance with the applicable requirements of this chapter."

The request says that DNR imposes the 50% cap even after a building is brought into compliance – is that right? I am having trouble understanding how the rule could be interpreted this way, and I just want to make sure I understand this correctly. Or is it that elevation, specifically, is not a method by which a building may be brought into compliance under state law?

Lis

#### Elisabeth H. Shea

Senior Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037 (608) 504-5885 elisabeth.shea@legis.wisconsin.gov

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Shea, Elisabeth

Sent: Tuesday, May 14, 2019 10:57 AM

To: Williams, Vincent < Vincent. Williams@legis.wisconsin.gov>

Subject: RE: Sen. Marklein Drafting Request

Hi Vince,

Yes, this is my drafting area. I will take a look and let you know if questions come up.

Lis

#### Elisabeth H. Shea

Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5885
elisabeth.shea@legis.wisconsin.gov

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Williams, Vincent < Vincent. Williams@legis.wisconsin.gov >

Sent: Tuesday, May 14, 2019 8:53 AM

To: Shea, Elisabeth < Elisabeth. Shea@legis.wisconsin.gov>

Subject: Sen. Marklein Drafting Request

Elisabeth,

Would you be the staff person to work on the following drafting request? (See Below)

Please advise.

Regards,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17<sup>th</sup> Senate District
PO Box 7882
Madison, WI 53707-7882

www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008

Nonconforming Structures in a Floodplain

Basically, the state has more restrictive rules than federal requirements regarding what a property owner is allowed to do to maintain and improve his or her structures that are in a floodplain (nonconforming structures). This takes options away from people who would like to protect their property and improve their safety. We believe that it is time to modify state law to mirror federal law on this issue.

- For property owners in a community to maintain eligibility for federal flood insurance coverage under federal law, local land use regulations must limit the amount of money a person can spend on property improvements for a nonconforming structure in a floodplain, capped at no more than 50% of the value of the structure, before the property owner is required to bring the structure into full compliance (the federal 50% rule).

- Once a nonconforming structure is brought into compliance, it is no longer subject to federal restrictions.
- Under federal law, one of the ways that a person can bring a nonconforming structure into full compliance is to "elevate" the living quarters of the structure by raising the entire structure or abandoning the lower level and replacing it with a new, additional level on top.
- Unlike federal law, under state law floodplain regulation does not end when a nonconforming structure is brought into compliance with federal law. In other words, elevating the structure does not bring it into compliance under state law like it does under federal law. The state law continues to impose *lifetime spending limits* on the structure, even if after is elevated above the flood water level, by not allowing a person to spend more than 50% of the value of the structure on improvements to the structure over the remainder of the structure's lifetime (the state 50% rule).
- State law does exempt the cost of "elevating" a structure from the state 50% rule, but the DNR takes a very restrictive interpretation of what types of costs are allowed under this exemption. For example, the costs associated with abandoning the lower level and replacing it with another upper level are largely disallowed by DNR under this exemption. This means that such costs count toward the lifetime 50% restriction imposed by the state, rendering it unlikely that anyone could do this type of project within the confines of the state 50% rule. The DNR also typically "charges" a homeowner elevating their structure (under the state 50% rule) for the cost of their own re-located fixtures and mechanicals, such as a furnace, when the old components are moved from the first, abandoned floor to a higher floor. These are the kinds of interpretations that are very hard for municipalities to administer and do not forward the goals of elevating structures to protect public safety and property.

An example is the Ondell's home in the Village of Trempealeau, which I mentioned to you. They are seeking to elevate their structure by abandoning their first floor and adding another story. The DNR said that the exception for "elevating" costs under the state 50% rule does not cover the vast majority of these costs, and therefore the Ondells do not have enough room under the state 50% cap to complete this project. The Village of Trempealeau has expressed frustration in the past about the restrictive interpretation of existing law taken by the DNR, and the Village's attorneys have disagreed with the DNR on this issue.

Our request is for a bill that would "federalize" this regulatory system, and we hope that Sen. Marklein would agree to be the lead author in the Senate. In other words, the new state system would mirror the federal requirements for maintenance of federal flood insurance eligibility. This would forward the goals of the federal and state floodplain management programs, while providing options for landowners to improve their structures and prevent devastating flood damage.



# State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3385/2 F | EHS:... 3 km

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1,5/30 Due 6/3

AN ACT ...; relating to: the regulation of nonconforming buildings in a floodplain.

## Analysis by the Legislative Reference Bureau

Under this bill, if modifications made to a nonconforming building bring the building into conformity with federal standards under federal laws relating to floodplain land use, the Department of Natural Resources must consider that building to be in conformity with state floodplain zoning laws.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Current law prohibits a floodplain zoning ordinance from permitting the repair, reconstruction, or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet any minimum requirement applicable to a nonconforming building under the federal statutes and regulations governing the National Flood Insurance Program (NFIP). Under the DNR rule, a nonconforming building is an existing lawful building that is not in conformity with the dimensional or structural requirements of the floodplain zoning ordinance for the area of the floodplain that it occupies.

Current DNR rule prohibits the modification or addition to a nonconforming building that over the life of the building would exceed 50 percent of its present equalized assessed value unless the entire building is permanently changed to a conforming building with a conforming use in compliance with DNR rules. Under this bill, if the repair, reconstruction, or improvement of a nonconforming building exceeds 50 percent of its equalized assessed value and, as a result of the repair,

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reconstruction, or improvement, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under the federal statutes and regulations governing NFIP, DNR must consider the building to be a conforming building in compliance with the applicable floodplain zoning laws and regulations of this state.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 87.30 (1d) (d) of the statutes is created to read:

87.30 (1d) (d) If the repair, reconstruction, or improvement of a nonconforming building exceeds 50 percent of its equalized assessed value, as determined prior to the repair, reconstruction, or improvement, and, as a result of the repair, reconstruction, or improvement, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under 42 USC 4001 to 4129 or the regulations promulgated under those provisions, the department shall consider the building to be a conforming building in compliance with the applicable requirements under this section and rules promulgated under this section.

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(END)

### Shea, Elisabeth

From:

Williams, Vincent

Sent:

Monday, June 24, 2019 2:55 PM

To:

Shea, Elisabeth

Subject:

RE: Draft review: LRB -3385/P1

Yes, please.

From: Shea, Elisabeth < Elisabeth. Shea@legis.wisconsin.gov>

Sent: Monday, June 24, 2019 2:53 PM

To: Williams, Vincent < Vincent. Williams@legis.wisconsin.gov>

Subject: RE: Draft review: LRB -3385/P1

Hi Vince,

Would you like me to go ahead and make this change?

Lis

#### Elisabeth H. Shea

Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5885
elisabeth.shea@legis.wisconsin.gov

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Larry Konopacki < LKonopacki@staffordlaw.com >

Sent: Monday, June 24, 2019 12:36 PM

**To:** Williams, Vincent < <u>Vincent.Williams@legis.wisconsin.gov</u>> **Cc:** Shea, Elisabeth < <u>Elisabeth.Shea@legis.wisconsin.gov</u>>

Subject: RE: Draft review: LRB -3385/P1

Hi Vince,

I spoke with Lis about a change to the floodplain zoning draft. Basically, the bill could be even further simplified by removing the first few lines of the proposed language.

Thanks, Larry

> STAFFORD ROSENBAUM LLP

Larry A. Konopacki

| 608.259.2637 Marjorie Irving - Legal Assistant |

222 West Washington Avenue, Suite 900

P.O. Box 1784 | Madison, Wisconsin 53701-1784

www.staffordlaw.com | profile | vCard | Stafford Blogs

From: Williams, Vincent < Vincent.Williams@legis.wisconsin.gov>

Sent: Thursday, June 6, 2019 11:04 AM

To: Larry Konopacki < LKonopacki@staffordlaw.com>

Subject: FW: Draft review: LRB -3385/P1

From: LRB.Legal < <a href="mailto:lrblegal@legis.wisconsin.gov">lrblegal@legis.wisconsin.gov</a>>

**Sent:** Friday, May 31, 2019 1:45 PM

To: Sen.Marklein < Sen.Marklein@legis.wisconsin.gov>

**Subject:** Draft review: LRB -3385/P1

Following is the PDF version of draft LRB -3385/P1.



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# State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3385/PI

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 6/24
Due 6/28

AN ACT to create 87.30 (1d) (d) of the statutes; relating to: the regulation of

nonconforming buildings in a floodplain.

## Analysis by the Legislative Reference Bureau

Under this bill, if modifications made to a nonconforming building bring the building into conformity with federal standards under federal laws relating to floodplain land use, the Department of Natural Resources must consider that building to be in conformity with state floodplain zoning laws.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Current law prohibits a county, city, or village under a floodplain zoning ordinance from permitting the repair, reconstruction, or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet any minimum requirement applicable to a nonconforming building under the federal statutes and regulations governing the National Flood Insurance Program (NFIP). Under DNR rule, a nonconforming building is an existing lawful building that is not in conformity with the dimensional or structural requirements of a floodplain zoning ordinance for the area of the floodplain that it occupies.

Current DNR rule prohibits the modification or addition to a nonconforming building that over the life of the building would exceed 50 percent of its present equalized assessed value unless the entire building is permanently changed to a conforming building with a conforming use in compliance with DNR rules. Under

cas a result of

this bill, if the repair, reconstruction, or improvement of a nonconforming building exceeds 50 percent of its equalized assessed value and, as a result of the repair, reconstruction, or improvement, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under the federal statutes and regulations governing NFIP, DNR must consider the building to be a conforming building in compliance with the applicable floodplain zoning laws and regulations of this state.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**Section 1.** 87.30 (1d) (d) of the statutes is created to read:

, as a result of

87.30 (1d) (d) If the repair, reconstruction, or improvement of a nonconforming building exceeds 50 percent of its equalized assessed value, as determined prior to the repair, reconstruction, or improvement, and, as a result of the repair, reconstruction, or improvement, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under 42 USC 4001 to 4129 or the regulations promulgated under those provisions, the department shall consider the building to be a conforming building in compliance with the applicable requirements under this section and rules promulgated under this section.

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#### Shea, Elisabeth

From:

Williams, Vincent

Sent:

Tuesday, August 27, 2019 12:26 PM

To:

Shea, Elisabeth

Subject:

Modification to LRB 3385/P2

Follow Up Flag: Flag Status:

Follow up Flagged

Lis,

Could you make the following change to the P2 draft?

Would you be willing to pass on a request to LRB that the floodplain zoning bill be revised? Based on conversations that I have had with Clean Wisconsin and the DNR, I believe that it is necessary to narrow the bill. Instead of declaring a structure to be fully compliant with state law if the structure is modified in a manner that it becomes federally compliant, as provided in the current bill, I am proposing that we only prohibit the imposition of the state 50% rule after a structure becomes federally compliant. This will allow state restrictions that are more stringent than federal law to remain in effect, but will create flexibility for people as to the options that they have to become federally compliant.

Similar restrictions have been imposed on the use of the 50% rule in recent administrative code and statutory changes under shoreland and general zoning [see for example s. 59.69 (10e) (b) – "an ordinance may not ... limit based on cost ... the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure."]

Regards,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17<sup>th</sup> Senate District
PO Box 7882
Madison, WI 53707-7882

www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008

From: Shea, Elisabeth < Elisabeth. Shea@legis.wisconsin.gov >

Sent: Thursday, May 23, 2019 2:11 PM

To: Williams, Vincent < Vincent. Williams@legis.wisconsin.gov>

Subject: RE: Sen. Marklein Drafting Request

Hi Vince,

NR 116.15 (1) (c) says "No modification or addition to any nonconforming building or any building with a nonconforming use, which over the life of the building would exceed 50% of its present equalized assessed value, may be allowed *unless* the entire building is permanently changed to a conforming building with a conforming use in compliance with the applicable requirements of this chapter."

The request says that DNR imposes the 50% cap even after a building is brought into compliance – is that right? | am having trouble understanding how the rule could be interpreted this way, and | just want to make sure | understand this correctly. Or is it that elevation, specifically, is not a method by which a building may be brought into compliance under state law?

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Senior Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037 (608) 504-5885 elisabeth.shea@legis.wisconsin.gov

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Shea, Elisabeth

Sent: Tuesday, May 14, 2019 10:57 AM

To: Williams, Vincent < Vincent.Williams@legis.wisconsin.gov >

Subject: RE: Sen. Marklein Drafting Request

Hi Vince,

Yes, this is my drafting area. I will take a look and let you know if questions come up.

Lis

#### Elisabeth H. Shea

Senior Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037 (608) 504-5885 elisabeth.shea@legis.wisconsin.gov

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From: Williams, Vincent < Vincent. Williams@legis.wisconsin.gov>

Sent: Tuesday, May 14, 2019 8:53 AM

To: Shea, Elisabeth < Elisabeth. Shea@legis.wisconsin.gov>

Subject: Sen. Marklein Drafting Request

Elisabeth,

Would you be the staff person to work on the following drafting request? (See Below)

Please advise.

#### Regards,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17th Senate District
PO Box 7882
Madison, WI 53707-7882
www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008

#### Nonconforming Structures in a Floodplain

Basically, the state has more restrictive rules than federal requirements regarding what a property owner is allowed to do to maintain and improve his or her structures that are in a floodplain (nonconforming structures). This takes options away from people who would like to protect their property and improve their safety. We believe that it is time to modify state law to mirror federal law on this issue.

- For property owners in a community to maintain eligibility for federal flood insurance coverage under federal law, local land use regulations must limit the amount of money a person can spend on property improvements for a nonconforming structure in a floodplain, capped at no more than 50% of the value of the structure, before the property owner is required to bring the structure into full compliance (the federal 50% rule).
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An example is the Ondell's home in the Village of Trempealeau, which I mentioned to you. They are seeking to elevate their structure by abandoning their first floor and adding another story. The DNR said that the exception for "elevating" costs under the state 50% rule does not cover the vast majority of these costs, and therefore the Ondells do not have enough room under the state 50% cap to complete this project. The Village of Trempealeau has expressed frustration in the past about the restrictive interpretation of existing law taken by the DNR, and the Village's attorneys have disagreed with the DNR on this issue.

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maintenance of federal flood insurance eligibility. This would forward the goals of the federal and state floodplain management programs, while providing options for landowners to improve their structures and prevent devastating flood damage.



# State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3385/P2

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

h 9/4
Due 9/5

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AN ACT to create 87.30 (1d) (d) of the statutes; relating to: the regulation of

nonconforming buildings in a floodplain,

may not prohibit further modifications)

## Analysis by the Legislative Reference Bureau

Under this bill, if modifications made to a nonconforming building bring the building into conformity with federal standards under federal laws relating to floodplain land use, the Department of Natural Resources must consider that building to be in conformity with state floodplain zoning laws.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Current law prohibits a county, city, or village under a floodplain zoning ordinance from permitting the repair, reconstruction, or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet any minimum requirement applicable to a nonconforming building under the federal statutes and regulations governing the National Flood Insurance Program (NFIP). Under DNR rule, a nonconforming building is an existing lawful building that is not in conformity with the dimensional or structural requirements of a floodplain zoning ordinance for the area of the floodplain that it occupies.

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this bill, if, as a result of the repair, reconstruction, or improvement of a nonconforming building, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under the federal statutes and regulations governing NFIP, DNR must consider the building to be a conforming building in compliance with the applicable floodplain zoning laws and regulations of this state.

For further information see the **state** and **local** fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 87.30 (1d) (d) of the statutes is created to read:

87.30 (1d) (d) If, as a result of the repair, reconstruction, or improvement of a nonconforming building, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under 42 USC 4001 to 4129 or the regulations promulgated under those provisions, the department shall consider the building to be a conforming building in compliance with the applicable requirements under this section and rules promulgated under this section.

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(END)

## 2019-2020 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3385/P3ins EHS:skw

1 INSERT A

Author

may not prohibit repair, reconstruction, or improvement of that building based on cost.

2 **INSERT 2-8** 

may not prohibit repair, reconstruction, or improvement of that building based on

4 cost.

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### Shea, Elisabeth

From:

Williams, Vincent

Sent:

Tuesday, December 03, 2019 3:07 PM

To:

Shea, Elisabeth

Cc:

Hetz, Allison; Rep.Pronschinske

Subject:

FW: Draft review: LRB -3385/P3

Attachments:

19-3385/P3.pdf

Lis,

Could we have LRB 3385/P3 jacketed as a slash 1 for introduction in the Senate.

Also, could you prepare a companion draft for Rep. Pronschinske. I have copied the Representative and his staff, Allison Hetz, on this correspondence. They can confirm the request.

#### Regards,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17<sup>th</sup> Senate District
PO Box 7882
Madison, WI 53707-7882
www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008

From: LRB.Legal <a href="mailto:lrblegal@legis.wisconsin.gov">lrblegal@legis.wisconsin.gov</a> Sent: Thursday, September 05, 2019 9:35 AM

To: Sen.Marklein <Sen.Marklein@legis.wisconsin.gov>

Subject: Draft review: LRB -3385/P3

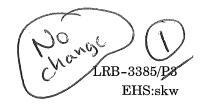
Following is the PDF version of draft LRB -3385/P3.



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# State of Misconsin 2019 - 2020 LEGISLATURE



## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT to create 87.30 (1d) (d) of the statutes; relating to: the regulation of

nonconforming buildings in a floodplain.

## Analysis by the Legislative Reference Bureau

Under this bill, if modifications made to a nonconforming building bring the building into conformity with federal standards under federal laws relating to floodplain land use, the Department of Natural Resources may not prohibit further modifications based on cost.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Current law prohibits a county, city, or village under a floodplain zoning ordinance from permitting the repair, reconstruction, or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet any minimum requirement applicable to a nonconforming building under the federal statutes and regulations governing the National Flood Insurance Program (NFIP). Under DNR rule, a nonconforming building is an existing lawful building that is not in conformity with the dimensional or structural requirements of a floodplain zoning ordinance for the area of the floodplain that it occupies.

Current DNR rule prohibits the modification or addition to a nonconforming building that over the life of the building would exceed 50 percent of its present equalized assessed value unless the entire building is permanently changed to a conforming building with a conforming use in compliance with DNR rules. Under

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this bill, if, as a result of the repair, reconstruction, or improvement of a nonconforming building, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under the federal statutes and regulations governing NFIP, DNR may not prohibit further repair, reconstruction, or improvement of that building based on cost.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**Section 1.** 87.30 (1d) (d) of the statutes is created to read:

87.30 (1d) (d) If, as a result of the repair, reconstruction, or improvement of a nonconforming building, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under 42 USC 4001 to 4129 or the regulations promulgated under those provisions, the department may not prohibit further repair, reconstruction, or improvement of that building based on cost.

(END)

#### Barman, Mike

From:

LRB.Legal

To:

Sen.Marklein@legis.wi.gov

Subject:

Draft review: LRB -3385/1

**Attachments:** 

19-3385/1

# State of Wisconsin - Legislative Reference Bureau

One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Elisabeth Shea, Senior Legislative Attorney, at (608) 504-5885, at elisabeth.shea@legis.wisconsin.gov, or at One East Main Street, Suite 200.

## We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at <a href="mailto:LRB.Legal@legis.wisconsin.gov">LRB.Legal@legis.wisconsin.gov</a> or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.