

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-5530/2	Introduction Number AB-0894
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Description
 local land use restrictions

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Create New Appropriations	

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input checked="" type="checkbox"/> Indeterminate	<input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DOA/ Robert Albrecht (608) 264-6343	Authorized Signature Robin Malicki (608) 264-9576	Date 2/8/2022
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Fiscal Estimate Narratives

DOA 2/8/2022

LRB Number	21-5530/2	Introduction Number	AB-0894	Estimate Type	Original
Description local land use restrictions					

Assumptions Used in Arriving at Fiscal Estimate

2021 Assembly Bill 894 (AB-894) would make several changes to restrictions and powers of municipalities related to extraterritorial land use.

Current law allows cities and villages to exercise zoning authority within their respective extraterritorial zoning jurisdiction, which is defined as being within a certain distance of the corporate limits of the city or village. AB-894 would specify that this authority includes areas surrounding or entirely surrounded by a single city or village. Additionally, whereas under current law, annexation across county lines is only possible with the approval of the affected town, the proposed legislation would permit annexation across county lines if there were unanimous approval of the owners of the lands to be annexed. AB-894 would also limit newly incorporated cities or villages from adding or contracting, either by consolidation, boundary agreement, or annexation (unless unanimously approved), to add any remaining town territory from the town out of which it was incorporated for a five-year period after its incorporation, with certain exceptions.

Current law permits the enactment of interim zoning ordinances by cities or villages to be used when exercising extraterritorial zoning jurisdiction to preserve existing zoning or uses while the comprehensive plan is being prepared. AB-894 would amend this to distinguish between existing zoning and existing uses, in that such ordinances may be used to preserve existing zoning in areas subject to a general zoning ordinance and to preserve existing uses in areas not subject to a general zoning ordinance. The maximum term prior to any extension of such an ordinance would also be decreased from 2 years to 18 months by the proposed legislation, but the period following the termination of the interim ordinance during which no other interim zoning ordinance may be enacted to affect the same area or part of the area would be increased from 2 to 5 years.

Lastly, the proposed legislation restricts municipalities from condemning blighted property outside of its boundaries where the intent is to convey or lease the property to a private entity. Additionally, prior to condemning any blighted properties outside of its jurisdiction, municipalities would be required to make written findings regarding the intended use of the property, providing a copy of those findings to the owners and all municipalities in which it is located.

As the proposed legislation in part limits the circumstances in which annexations are possible and in part expands the authority of cities and villages to annex, the net impact on the volume of annexations within the State is indeterminate. Accordingly, the workload and fiscal impact of the Department of Administration in its review of annexations is also indeterminate, although it is anticipated to be minimal and absorbable under current position and budget authority.

The local impact of AB-894 is also indeterminate given the wide variance of circumstances and land use patterns for any given city, village, or town. Its overall fiscal impact is anticipated to be minimal due to the infrequency of incorporations and annexations affected by the proposed legislation.

Long-Range Fiscal Implications