

1975 Assembly Bill 821

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CHAPTER 311, Laws of 1975

AN ACT to amend 32.02 (11), 32.05 (1), (3) (i), (7) (c) and (9) (a) (intro.), 66.4325 (title), (1) (intro.) and (b), (2) (intro.) and (a), (3), (4) and (5) (intro.) and (a) to (e), 66.435 (4) (a) (1st sent.), 66.436, 67.04 (2) (zn), 67.05 (5) (b) and 67.12 (12) (a); to repeal and recreate 66.406 (7) and 66.43 (4) (c); and to create 66.406 (8), 66.4325 (6) and (7) and 66.46 (3) (f) of the statutes, relating to permitting 2nd, 3rd and 4th class cities and villages to create

community development authorities and making various changes with respect to certain housing authorities and redevelopment authorities.

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

SECTION 1. 32.02 (11) of the statutes is amended to read:

32.02 (11) Any housing authority created under ss. 66.40 to 66.404, ~~or~~ any redevelopment authority created under s. 66.431 or community development authority created under s. 66.4325.

SECTION 2. 32.05 (1), (3) (i), (7) (c) and (9) (a) (intro.) of the statutes are amended to read:

32.05 (1) RELOCATION ORDER. The highway commission, turnpike commission, county board of supervisors (or the county highway committee when so authorized by said board), county expressway and transportation commission, city council, village board, sewerage commission governing metropolitan sewerage district created by s. 59.96 or s. 66.22, secretary of transportation, a commission created by contract under s. 66.30, housing authority under ss. 66.40 to 66.404 ~~or~~, redevelopment authority under s. 66.431 or community development authority under s. 66.4325 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, mass transit facilities, airport, housing project or redevelopment project which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located.

(3) (i) Stating that the owner, subject to subs. (9) (a) and (11), will have 2 years from the date of taking his property by award in which to appeal for greater compensation without prejudice to his right to use the compensation given him by the award. If the condemning authority is a housing authority organized under ss. 66.40 to 66.404 ~~or~~, a redevelopment authority organized under s. 66.431 or a community development authority organized under s. 66.4325, the notice shall also state that in the case of an appeal under sub. (9) (a) the parties having an interest in the property who are taking the appeal may initiate such appeal by filing with the condemning authority a letter requesting that the issue of the amount of such compensation be determined by the condemnation commission.

(7) (c) When service of the award has been completed, and after payment of the award as provided in par. (d), the award shall be recorded in the office of the register of deeds of the county wherein the property is located. Thereupon title in fee simple to the property described in the award, or the lesser right in property acquired by the award shall vest in the condemnor as of the time of recording. The date of such recording is the "date of evaluation" and also the "date of taking", but if the condemning authority is a redevelopment authority organized under s. 66.431 or a community development authority organized under s. 66.4325, the "date of evaluation" shall be the date the resolution is adopted by the local legislative body designating the boundaries of the proposed project area under s. 66.431 (6) (b) 1 or other applicable provisions of law.

(9) (a) (intro.) Any party having an interest in the property condemned may, within 2 years after the date of taking, appeal from the award, except as hereinafter limited by applying to the judge of the circuit or county court of the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08, except that if the condemning authority is a housing authority organized under ss. 66.40 to 66.404, ~~or~~ a redevelopment authority organized under s. 66.431 or a community development authority organized under s.

~~66.4325~~, the appeals may be initiated by filing with the condemning authority a letter requesting that the issue of the amount of such compensation be determined by the condemnation commission. The condemning authority shall, upon receipt of such letter, apply to the judge of the circuit or county court of the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08. Such application shall contain a description of the property condemned and the names and last known addresses of all parties in interest but shall not disclose the amount of the jurisdictional offer nor the amount of the basic award. Violation of this prohibition shall nullify such application. Notice of such application shall be given to the clerk of the court and to all other persons other than the applicant who were parties to the award. Such notice may be given by certified mail or personal service. Upon proof of such service the judge shall forthwith make such assignment. Where one party in interest has appealed from the award, no other party in interest who has been served with a notice of such appeal may take a separate appeal, but may join in the appeal by serving notice upon the condemnor and the appellant of his election to do so. Such notice shall be given by certified mail or personal service within 10 days after receipt of notice of the appeal and shall be filed with the clerk of the court. Upon failure to give and file such notice all other parties of interest shall be deemed not to have appealed. The result of such appeal shall not affect parties who have not joined in the appeal as hereinabove provided. In cases involving more than one party in interest with a right to appeal, the first of such parties filing an appeal under this subsection or under sub. (11) shall determine whether such appeal shall be under this subsection or under sub. (11). No party in interest may file an appeal under this subsection if another party in interest in the same lands has filed a prior appeal complying with the requirements of sub. (11). Thereafter the procedure shall be as prescribed in s. 32.08. In cases involving multiple ownership or interests in lands taken the following rules shall also apply:

SECTION 3. 66.406 (7) of the statutes is repealed and recreated to read:

66.406 (7) Local housing authorities organized under ss. 66.40 to 66.404, redevelopment authorities organized under s. 66.431, and community development authorities organized under s. 66.4325 may render such advisory services in connection with the preliminary surveys, studies and preparation of a development plan as may be requested by the city planning commission or the local governing body and charge fees for such services based on the actual cost thereof.

SECTION 4. 66.406 (8) of the statutes is created to read:

66.406 (8) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, to perform all acts, except the development of the general plan of the city, which are otherwise performed by the planning commission under ss. 66.405 to 66.425.

SECTION 5. 66.43 (4) (c) of the statutes is repealed and recreated to read:

66.43 (4) (c) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, any local housing authority existing under ss. 66.40 to 66.404, any local redevelopment authority existing under s. 66.431, or both jointly, or any local community development authority existing under s. 66.4325, as the agent of the city to perform any act, except the development of the general plan of the city, which may otherwise be performed by the planning commission under this section.

SECTION 6. 66.4325 (title), (1) (intro.) and (b), (2) (intro.) and (a), (3), (4) and (5) (intro.) and (a) to (e) of the statutes are amended to read:

66.4325 (title) Housing and community development authorities. (1) AUTHORIZATION. (intro.) Any city ~~of the 1st class~~ may, by a two-thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and ~~urban~~ community development authority which shall be known as the "Community Development Authority" of such city. It shall be deemed a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize such authority to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and common council under the federal housing and community development act of 1974 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under ss. 66.405 to 66.425, 66.43, 66.435 or 66.46. A certified copy of such ordinance or resolution shall be transmitted to the mayor. The ordinance or resolution shall also:

(b) Declare in substance that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the city.

(2) (intro.) APPOINTMENT OF MEMBERS. Upon receipt of a certified copy of such ordinance or resolution, the mayor shall, with the confirmation ~~of four-fifths~~ of the council, appoint 7 resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority.

(a) Two of the commissioners shall be members of the council and shall serve ~~only while they are~~ ex officio during their term of office as council members.

(3) EVIDENCE OF AUTHORITY. The filing of a certified copy of the ordinance or resolution referred to in sub. (1) with the city clerk shall be prima facie evidence of the community development authority's right to transact business and such ordinance ~~shall~~ or resolution is not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the community development authority, a certified copy of such ordinance ~~shall be deemed~~ or resolution is conclusive evidence that such community development authority is established and authorized to transact business and exercise its powers under this section.

(4) POWERS AND DUTIES. ~~(a)~~ The community development authority shall have all powers, duties and functions set out in ss. 66.40 and 66.431 for housing and redevelopment authorities and as to all housing projects initiated by the community development authority it shall proceed under s. 66.40, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under ~~ss.~~ ss. 66.405 to 66.425, 66.43, 66.431, 66.435 or 66.46 as determined appropriate by the common council on a project by project basis. As to all community development programs and activities undertaken by the city under the federal housing and community development act of 1974, the community development authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. In addition, if provided in the resolution or ordinance, the community development authority may act as agent of the city to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under ss. 66.405 to 66.425, 66.43, 66.435 or 66.46.

(5) (intro.) TERMINATION OF HOUSING AND REDEVELOPMENT AUTHORITIES. Upon the adoption of an ordinance or resolution creating a community development authority, all housing and redevelopment authorities previously created in such city under ss. 66.40 and 66.431 shall terminate.

(a) Any programs and projects which have been begun by housing and redevelopment authorities shall, upon adoption of such ordinance or resolution be transferred to and completed by the community development authority. Any procedures, hearings, actions or approvals taken or initiated by the redevelopment authority under s. 66.431 on pending projects is deemed to have been taken or initiated by the community development authority as though the community development authority had originally undertaken such procedures, hearings, actions or approvals.

(b) Any form of indebtedness issued by a housing or redevelopment authority shall, upon the adoption of such ordinance or resolution, be assumed by the community development authority except as indicated in par. (e).

(c) Upon the adoption of such ordinance or resolution, all contracts entered into between the federal government and a housing or redevelopment authority, or between such authorities and other parties shall be assumed and discharged by the community development authority except for the termination of operations by housing and redevelopment authorities. Housing and redevelopment authorities may execute any agreements contemplated by this subsection. Contracts for disposition of real property entered into by the redevelopment authority with respect to any project shall be deemed contracts of the community development authority without the requirement of amendments thereto. Contracts entered into between the federal government and the redevelopment authority or the housing authority shall bind the community development authority in the same manner as though originally entered into by the community development authority.

(d) A community development authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(e) A housing authority which has outstanding bonds or other securities that require the operation of the housing authority in order to fulfill its commitments with respect to the discharge of principal or interest or both, may continue in existence solely for such purpose. The ordinance or resolution creating the community development authority shall delineate the duties and responsibilities which shall devolve upon the housing authority with respect thereto.

SECTION 7. 66.4325 (6) and (7) of the statutes are created to read:

66.4325 (6) CONTROLLING STATUTE. The powers conferred under this section shall be in addition and supplemental to the powers conferred by any other law. Insofar as this section is inconsistent with any other law, this section shall control.

(7) CONSTRUCTION. This section shall be construed liberally to effectuate its purposes and the enumeration of specific powers herein does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in such general grant.

SECTION 8. 66.435 (4) (a) (1st sent.) of the statutes is amended to read:

66.435 (4) (a) (1st sent.) The governing body of the municipality, or such public officer or public body as it designates, including a housing authority organized and created under s. 66.40, a redevelopment authority created under s. 66.431 or a community development authority created under s. 66.4325, is authorized to prepare a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated or slum areas, or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program; and such governing body may by resolution or ordinance provide the specific means by which such workable program can be effectuated and may confer upon its

officers and employes the power required to carry out a program of rehabilitation and conservation for the restoration and removal of blighted, deteriorated or deteriorating areas.

SECTION 9. 66.436 of the statutes, as affected by chapter 105, laws of 1975, is amended to read:

66.436 Villages to have certain city powers. Villages shall have all of the powers of cities under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46.

SECTION 9m. 66.46 (3) (f) of the statutes is created to read:

66.46 (3) (f) Designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, as agent of the city, to perform all acts, except the development of the master plan of the city, which are otherwise performed by the planning commission under this section and 66.435.

SECTION 10. 67.04 (2) (zn) of the statutes is amended to read:

67.04 (2) (zn) To acquire sites; to prepare, to carry out, acquire, lease, construct and operate housing projects for families displaced under ss. 66.40 to 66.43 and for families displaced by reason of any street widening, expressway or other public works project causing the demolition of dwellings; to provide for the construction, reconstruction, improvement, alteration and repair of any such housing project or any part thereof; to acquire land for housing redevelopment projects and for the clearance of slum and blighted areas; and to acquire sites; to prepare, to carry out, acquire, lease, construct and operate any housing projects authorized under ss. 66.40 to 66.43; and to provide financial assistance to blight elimination, slum clearance, redevelopment, community development and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431 and, 66.4325, 66.435 and 66.46.

SECTION 11. 67.05 (5) (b) of the statutes is amended to read:

67.05 (5) (b) No city or village shall issue any bonds for any purposes other than for waterworks, lighting works, gas works, bridges, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells thereon, veterans housing projects, street railway property, or paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for the purposes set forth in s. 67.04 (2) (zo), for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431 and, 66.4325, 66.435 and 66.46, university of Wisconsin system extension centers or ~~state university~~ branch campuses, or for refunding any of the bonds issued for any of the aforesaid purposes, or for bonds issued to refund securities originally issued pursuant to under s. 66.066, until the proposition for their issue for the special purpose thereof has been submitted to the electors of such city or village and adopted by a majority voting thereon. Whenever the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of

submitting the question of bonding the city or village to the electors thereof. Such elections shall be noticed, conducted, canvassed and the result declared as provided in this subsection, except that the notice of such special election and the ballot used thereat need not embody a copy of the resolution, but shall contain a statement of the purpose and the amount of the bonds proposed to be issued.

SECTION 12. 67.12 (12) (a) of the statutes is amended to read:

67.12 (12) (a) In addition to the powers heretofore given, any county, city, village, town, school district, vocational, technical and adult education district or town sanitary district may borrow money for the acquisition of lands for public purposes, for permanent improvements of lands, for public work or improvement, and the enlargement or extension thereof, for the acquisition, development, remodeling, construction and equipment of land, buildings and facilities for regional projects, or for equipment or machinery or for general and current municipal expenses, or to provide financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431 and 66.4325, 66.435 and 66.46; in the case of cities, villages and towns for the acquisition and development of industrial sites to the extent permitted by ss. 66.52 and 66.521; also for the purpose of making improvements, additions, extensions or enlargements to an auditorium or to an arena operated in conjunction with or as a part of such auditorium provided for under s. 229.21; and in the case of counties for acquisition and transfer of real property to the state for new collegiate institutions or research facilities.
