



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0142/2
EM/KRP/JK/MD/MS:all

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 388**

October 19, 2017 - Offered by Senator TIFFANY.

1 **AN ACT** *to repeal* 227.115 (5); *to renumber and amend* 59.692 (1k) (a) 2.,
2 66.1105 (2) (ab) and 227.115 (2); *to amend* 13.099 (2), 13.099 (3) (title), 13.099
3 (3) (a) (intro.), 13.099 (3) (a) 2., 13.099 (3) (a) 3., 13.099 (3) (b), 66.0617 (7),
4 66.10015 (2) (b), 66.1105 (2) (f) 3. (intro.), 66.1105 (4) (c), 66.1105 (4) (gm) 4. a.,
5 66.1105 (4) (gm) 4. bm., 66.1105 (4) (gm) 6., 66.1105 (4m) (b) 2., 66.1105 (6) (a)
6 8., 66.1105 (6) (g) 3., 70.05 (4m), 70.47 (1), 70.47 (7) (aa), 70.47 (7) (af), 227.115
7 (2) (title), 227.115 (3) (title), 227.115 (3) (a) (intro.), 227.115 (3) (a) 2., 227.115
8 (3) (a) 3., 227.115 (3) (b), 227.15 (1) and 706.05 (2m) (b) 1.; *to repeal and*
9 *recreate* 227.115 (1) and 227.19 (3) (g); and *to create* 13.099 (3) (a) 6., 13.099
10 (3) (c), 13.099 (3) (d), 59.692 (1k) (a) 2. c., 66.1105 (2) (n) 1., 66.1105 (2) (n) 2.,
11 66.1105 (2) (o), 66.1105 (4) (gm) 4. am., 66.1105 (6) (a) 14., 66.1105 (7) (ak) 5.,
12 70.05 (4n), 101.63 (5m), 227.115 (2) (b), 227.115 (3) (a) 6., 227.115 (3) (c), 227.115
13 (3) (d), 348.16 (3) (d) and 349.16 (3) (d) of the statutes; **relating to:** review by

1 the Department of Safety and Professional Services of the state electrical
2 wiring code applicable to one-family and two-family dwellings; the legal
3 description required for recording an easement for the construction, operation,
4 or maintenance of sewer lines or facilities; land development; effect of changes
5 in requirements for development-related permits or authorizations on persons
6 who apply for the permits or authorizations; exempting certain vehicles
7 delivering propane from class B highway weight limitations and certain special
8 or seasonal weight limitations; a property owner's right to refuse entry into his
9 or her home for assessment purposes; reviews of and reports on bills and
10 proposed administrative rules that affect housing; maintenance and
11 construction activities on certain structures under a county shoreland zoning
12 ordinance; and making an appropriation.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This substitute amendment makes various changes relating to the following:

1. Review by the Department of Safety and Professional Services of the state electrical wiring code applicable to one-family and two-family dwellings.
2. The legal description required for recording an easement for the construction, operation, or maintenance of sewer lines or facilities.
3. Expanding the use of tax incremental financing for workforce housing development and requiring a reduction in the amount of certain impact fees.
4. The effect of changes in requirements for development-related permits or authorizations on persons who apply for the permits or authorizations.
5. Exempting certain vehicles delivering propane from class B highway weight limitations and certain special or seasonal weight limitations.
6. Reviews of and reports on bills and proposed administrative rules that affect housing.
7. Prohibits a Department of Natural Resources shoreland zoning standard and a county shoreland zoning ordinance from restricting certain maintenance and construction activities with respect to certain structures.

REVIEW OF STATE ELECTRICAL WIRING CODE

This substitute amendment requires the DSPS to review, once every six years, those portions of the state electrical wiring code that apply to one-family and

two-family dwellings. In reviewing the code, DSPS must consult with the Uniform Dwelling Code Council and any council or committee created by the secretary of DSPS to advise DSPS regarding the code.

FORMAL REQUISITES FOR RECORDING SEWER EASEMENTS

This substitute amendment provides that a document that is recorded in the real estate records does not need to contain a full legal description of an easement for the construction, operation, or maintenance of sewer lines or facilities. Under current law, with certain exceptions, a document that affects title to land in this state that is recorded in the real estate records must contain a full legal description of the property affected by the document. One exception provides that a full legal description is not required for a description of an easement for the construction, operation, or maintenance of electric, gas, railroad, water, telecommunications, or telephone lines or facilities. The substitute amendment adds sewers to the types of easements that are not required to have a full legal description.

TAX INCREMENTAL FINANCING, IMPACT FEES

This substitute amendment authorizes the creation of workforce housing development tax incremental districts and changes the method of imposing certain impact fees.

Under the current tax incremental financing program, a city or village may create a TID in part of its territory to foster development under certain conditions. Currently, towns and counties also have a limited ability to create a TID under certain limited circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board (JRB) that consists of members who represent the overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Also under current law, once a TID has been created, the Department of Revenue calculates the "tax incremental base" value of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment." The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID.

The project costs of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or, generally, 20 years, 23 years, or 27 years after the TID is created, depending on the type of TID and the year in which it was created. Also under current law, a city or village may not generally make expenditures for project costs later than five years before the unextended termination date of the TID. Under certain circumstances, the life of the TID, the

expenditure period, and the allocation period may be extended. A TID is required to terminate, under current law and with some exceptions, once its project costs are paid back.

Generally under current law, project costs may be expended to benefit residential development but only certain TIDs for which a project plan was approved before September 30, 1995, or for a mix-use development. With regard to a mixed-use development, lands proposed for newly platted residential use may not exceed 35 percent, by area, of real property within the TID.

Under the substitute amendment, a workforce housing TID may contain only newly platted residential uses, 100 percent of which must be workforce housing. Before such a TID may be created, the JRB must approve the TID by a unanimous vote. For other TIDs, only a majority vote is required. A workforce housing TID has a maximum life of 15 years, and DOR may allocate tax increments for only 15 years.

Also under the substitute amendment, workforce housing is defined to mean housing based on the following two factors, which are subject to the five year average median costs as determined by the U.S. bureau of census:

1. Housing that costs no more than 30 percent of the household's gross median income.
2. The construction cost per housing unit, including rental housing, is no more than 80 percent of the median price for new residential construction in the county.

Under current law, if a city, village, or town imposes an impact fee on a developer to pay for certain capital costs that are necessary to accommodate land development, the ordinance may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing. Under this substitute amendment, the impact fee exemption or reduction provisions also apply to workforce housing. Current law prevents the shifting of an exemption from or reduction in impact fees to any other development in the land development in which the low-cost housing is located. The substitute amendment applies this provision to workforce housing as well.

DEVELOPMENT REGULATION

Under current law, if a project requires more than one approval or approvals from more than one political subdivision 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 are applicable to all subsequent approvals required for the project.

Under this substitute amendment, for any project that requires an approval, if 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 from which a subsequent approval is necessary at the time of filing are applicable to all subsequent approvals required for the project.

PROPANE TRANSPORT

Under current law, in general, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless that person obtains a permit issued by the Department of Transportation or a local

highway authority. Among the weight limitations are, generally, limitations on the gross weight imposed on the highway by the wheels of any one axle or by consecutive axles of the vehicle. In general, the maximum weight that may be imposed on the highway by one axle is 20,000 pounds and the maximum weight that may be imposed on the highway by two axles is 35,000 pounds if the axles are eight feet apart and 34,000 pounds if the axles are less than eight feet apart.

Also under current law, local highway authorities may impose special or seasonal weight limitations on highways that, because of deterioration or climatic conditions, would likely be seriously damaged or destroyed if limitations were not imposed. For vehicles carrying certain commodities or being used to perform certain services, local highway authorities may set different weight limitations or exempt the vehicles from the special or seasonal weight limitations if an exemption or limitation is in the interest of public health, safety, and welfare.

Local authorities may also designate highways under their jurisdiction as class "B" highways. With limited exceptions, the maximum gross weight and per-axle vehicle weight for vehicles on a class "B" highway is 60 percent of the weight allowed by statute if the vehicles were operating on a highway that is not designated as a class "B" highway.

This substitute amendment provides that special or seasonal weight limitations imposed by a highway authority and class "B" highway weight limitations do 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. The substitute amendment provides that a tank vehicle must be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of capacity of the tank and must carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle.

PROPERTY OWNER RIGHTS REGARDING ASSESSMENTS

Current law prohibits a person from appearing before the board of review to contest the assessed value of the person's property if the person has refused a reasonable written request from the assessor to view the property. A person who is prohibited from appearing before the board of review is also barred from filing a claim for an excessive assessment with the taxation district.

This substitute amendment allows a person who has refused an assessor's request to view the interior of a person's residence to appear before the board of review to contest the property's assessed value and, ultimately, to file a claim with the taxation district for an excessive assessment. The substitute amendment also provides that the assessor may not increase the value of a person's property based solely on the person's refusal to allow entry to the assessor. In addition, the substitute amendment requires an assessor to provide written notice to each owner of residential property regarding the property owner's right to refuse entry to his or her residence for property tax assessment purposes. The substitute amendment

retains the authority of the assessor under current law to enter onto property to conduct an exterior inspection of the property.

The substitute amendment also requires the board of review to meet at any time during the 45-day period beginning on the fourth Monday of April, but no sooner than seven days after the assessment roll is open for examination, instead of the 30-day period beginning on the second Monday of May, as provided under current law. In addition, the substitute amendment requires a property owner who is asked by the assessor to provide income information to submit that information no later than seven days before the first meeting of the board of review.

REPORTS ON BILLS AND RULES AFFECTING HOUSING

Current law requires the Department of Administration to prepare a report on any bill or any proposed administrative rule that directly or substantially affects the development, construction, cost, or availability of housing in this state. A report for a bill must be completed within 30 days after the bill affecting housing is introduced, and a report for a proposed rule must be completed within 30 days after the rule is submitted to DOA and must be completed before the rule is submitted to the Legislative Council Staff for review. A report on either a bill or a proposed rule that affects housing must include information on the effect of the bill or proposed rule on the state housing strategy plan, the cost of constructing, rehabilitating, improving, or maintaining housing, the cost and availability of financing to purchase or develop housing, the purchase price of housing, and other housing costs such as rent, utilities and property taxes.

This substitute amendment does all of the following with respect to reports on bills or rules affecting housing:

1. Retitles such a report a “housing impact analysis.”
2. Requires a housing impact analysis for any bill or proposed rule that may increase or decrease, either directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state.
3. Makes various changes to the information and analysis that is required to be included in a housing impact analysis and specifies how that information is expressed in the report.
4. With respect to a housing impact analysis for a proposed rule, requires the agency proposing the rule, rather than DOA, to prepare the housing impact analysis. The substitute amendment also requires that a housing impact analysis be included in an agency’s submission to the Legislative Council Staff during the rule-making process and that an agency prepare a revised housing impact analysis if the housing impact of the rule is significantly changed.

SHORELAND ZONING

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area and the ordinance may not regulate a matter more restrictively than the matter is regulated by shoreland zoning standards established by DNR by rule. Current law defines a shoreland to be an area within a specified distance from the edge of a navigable water.

Under current law, generally, a shoreland zoning standard and a county shoreland zoning ordinance may not require any approval or impose any fee or mitigation requirement for, or otherwise prohibit or regulate, the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of certain structures if the activity does not expand the footprint of the existing structure. Under current law, those structures include a nonconforming structure and a structure of which any part is legally located in the shoreland setback area by operation of a variance, and certain specified structures that were legally constructed in the shoreland setback area; the bill adds a building or structure in violation of a county shoreland zoning ordinance that may not be enforced because of a ten-year statute of limitations.

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

1 **SECTION 1.** 13.099 (2) of the statutes is amended to read:
2 13.099 (2) ~~REPORT ON~~ ANALYSIS OF BILLS AFFECTING HOUSING. (a) If any bill that
3 is introduced in either house of the legislature ~~directly or substantially affects~~ may
4 increase or decrease, either directly or indirectly, the cost of the development,
5 construction, ~~cost,~~ financing, purchasing, sale, ownership, or availability of housing
6 in this state, the department shall prepare a ~~report on~~ housing impact analysis for
7 the bill within 30 days after it is introduced. The department may request any
8 information from other state agencies, local governments, or individuals, or
9 organizations that is reasonably necessary for the department to prepare the ~~report~~
10 analysis.
11 (b) A bill that requires a ~~report by the department~~ housing impact analysis
12 under this section shall have that requirement noted on its jacket when the jacket
13 is prepared. When a bill that requires a ~~report~~ housing impact analysis under this
14 section is introduced, the legislative reference bureau shall submit a copy of the bill
15 to the department.

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

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

5 13.099 (3) (title) FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN ~~THE REPORT~~
6 HOUSING IMPACT ANALYSIS.

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

8 13.099 (3) (a) (intro.) ~~The report of the department~~ A housing impact analysis
9 shall contain information about the effect of the bill on housing in this state,
10 including information on the effect of the bill on all of the following:

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

12 13.099 (3) (a) 2. The cost of developing, constructing, rehabilitating, improving
13 ~~or, maintaining single family, or owning single-family~~ or multifamily dwellings.

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

15 13.099 (3) (a) 3. The purchase price of housing new homes or the fair market
16 value of existing homes.

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

18 13.099 (3) (a) 6. The density, location, setback, size, or height of development
19 on a lot, parcel, land division, or subdivision.

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

21 13.099 (3) (b) ~~The report~~ A housing impact analysis shall analyze the relative
22 impact of the effects of the bill on low- and moderate-income households.

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

24 13.099 (3) (c) 1. Except as provided in subd. 2., a housing impact analysis shall
25 provide reasonable estimates of the information under pars. (a) and (b) expressed as

1 dollar figures and shall include descriptions of the immediate effect and, if
2 ascertainable, the long-term effect. The department shall include a brief summary
3 or worksheet of computations used in determining any such dollar figures.

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

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

9 13.099 (3) (d) Except as otherwise specified in par. (a), a housing impact
10 analysis shall be prepared on the basis of a median-priced single-family residence
11 but may include estimates for larger developments as an analysis of the long-term
12 effect of the bill.

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

15 59.692 (1k) (a) 2. (intro.) Except as provided in par. (b), requires any approval
16 or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates,
17 the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all
18 or any part of ~~a~~ any of the following if the activity does not expand the footprint of
19 the structure:

20 a. A nonconforming structure ~~or~~ a.

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

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

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

3 **SECTION 12.** 66.0617 (7) of the statutes is amended to read:

4 66.0617 (7) LOW-COST, WORKFORCE HOUSING. An ordinance enacted under this
5 section may provide for an exemption from, or a reduction in the amount of, impact
6 fees on land development that provides low-cost housing, ~~except that no~~ or workforce
7 housing, as defined in s. 66.1105 (2) (n). Under no circumstances may the amount
8 of an impact fee for which an exemption or reduction is provided under this
9 subsection may be shifted to any other development in the land development in
10 which the low-cost housing or workforce housing is located or to any other land
11 development in the municipality.

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

13 66.10015 (2) (b) If a project requires more than one approval or approvals from
14 ~~more than one~~ or more political subdivision subdivisions and the applicant identifies
15 the full scope of the project at the time of filing the application for the first approval
16 required for the project, the existing requirements applicable in each political
17 subdivision at the time of filing the application for the first approval required for the
18 project shall be applicable to all subsequent approvals required for the project, unless
19 the applicant and the political subdivision agree otherwise.

20 **SECTION 14.** 66.1105 (2) (ab) of the statutes is renumbered 66.1105 (2) (n)
21 (intro.) and amended to read:

22 66.1105 (2) (n) (intro.) “Affordable Workforce housing” means housing ~~that~~
23 ~~costs a household no more than 30 percent of the household’s gross monthly income.~~
24 to which all of the following apply, as adjusted for family size and the county in which
25 the household is located, based on the county’s 5 year average median income and

1 housing costs as calculated by the U.S. bureau of census in its American community
2 survey:

3 **SECTION 15.** 66.1105 (2) (f) 3. (intro.) of the statutes is amended to read:

4 66.1105 (2) (f) 3. (intro.) Notwithstanding subd. 1., project costs may include
5 any expenditures made or estimated to be made or monetary obligations incurred or
6 estimated to be incurred by the city for newly platted residential development only
7 for any tax incremental district for which a project plan is approved before
8 September 30, 1995, for any workforce housing development, or for a mixed-use
9 development tax incremental district to which one of the following applies:

10 **SECTION 16.** 66.1105 (2) (n) 1. of the statutes is created to read:

11 66.1105 (2) (n) 1. The housing costs a household no more than 30 percent of the
12 household's gross median income.

13 **SECTION 17.** 66.1105 (2) (n) 2. of the statutes is created to read:

14 66.1105 (2) (n) 2. With regard to a workforce housing development district, the
15 construction cost per housing unit, including rental housing, is no more than 80
16 percent of the median price for new residential construction in the county.

17 **SECTION 18.** 66.1105 (2) (o) of the statutes is created to read:

18 66.1105 (2) (o) "Workforce housing development" means development that
19 contains only newly platted residential uses, and 100 percent of the residential
20 development must be workforce housing.

21 **SECTION 19.** 66.1105 (4) (c) of the statutes is amended to read:

22 66.1105 (4) (c) Identification of the specific property to be included under par.
23 (gm) 4. as blighted, in need of workforce housing, or in need of rehabilitation or
24 conservation work. Owners of the property identified shall be notified of the
25 proposed finding and the date of the hearing to be held under par. (e) at least 15 days

1 prior to the date of the hearing. In cities with a redevelopment authority under s.
2 66.1333, the notification required under this paragraph may be provided with the
3 notice required under s. 66.1333 (6) (b) 3., if the notice is transmitted at least 15 days
4 prior to the date of the hearing to be held under par. (e).

5 **SECTION 20.** 66.1105 (4) (gm) 4. a. of the statutes is amended to read:

6 66.1105 (4) (gm) 4. a. ~~Not~~ Except as provided in subd. 4. am., not less than 50
7 percent, by area, of the real property within the district is at least one of the following:
8 a blighted area; in need of rehabilitation or conservation work, as defined in s.
9 66.1337 (2m) (a); suitable for industrial sites within the meaning of s. 66.1101 and
10 has been zoned for industrial use; or suitable for mixed-use development; and

11 **SECTION 21.** 66.1105 (4) (gm) 4. am. of the statutes is created to read:

12 66.1105 (4) (gm) 4. am. If the district is a workforce housing development
13 district, 100 percent, by area, of the real property within the district is suitable for
14 a workforce housing development district and will be used for workforce housing.

15 **SECTION 22.** 66.1105 (4) (gm) 4. bm. of the statutes, as affected by 2017
16 Wisconsin Act 15, is amended to read:

17 66.1105 (4) (gm) 4. bm. The project costs relate directly to eliminating blight,
18 directly serve to rehabilitate or conserve the area, directly increase workforce
19 housing, or directly serve to promote industrial or mixed-use development,
20 consistent with the purpose for which the tax incremental district is created under
21 subd. 4. a. or am.; and

22 **SECTION 23.** 66.1105 (4) (gm) 6. of the statutes is amended to read:

23 66.1105 (4) (gm) 6. Declares that the district is a blighted area district, a
24 rehabilitation or conservation district, an industrial district, a workforce housing
25 development district, or a mixed-use district based on the identification and

1 classification of the property included within the district under par. (c) and subd. 4.
2 a. or am. If the district is not exclusively blighted, rehabilitation or conservation,
3 industrial, workforce housing, or mixed use, the declaration under this subdivision
4 shall be based on which classification is predominant with regard to the area
5 described in subd. 4. a.

6 **SECTION 24.** 66.1105 (4m) (b) 2. of the statutes is amended to read:

7 66.1105 (**4m**) (b) 2. No tax incremental district may be created and no project
8 plan may be amended unless the board approves the resolution adopted under sub.
9 (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5)
10 (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a
11 majority vote within 45 days after receiving the resolution, except that with regard
12 to a workforce housing development district, the board must approve the resolution
13 adopted under sub. (4) (gm) or (h) 1. by a unanimous vote. With regard to a
14 multijurisdictional tax incremental district created under this section, each public
15 member of a participating city must be part of the majority that votes for approval
16 of the resolution or the district may not be created. The board may not approve the
17 resolution under this subdivision unless the board's approval contains a positive
18 assertion that, in its judgment, the development described in the documents the
19 board has reviewed under subd. 1. would not occur without the creation of a tax
20 incremental district. The board may not approve the resolution under this
21 subdivision unless the board finds that, with regard to a tax incremental district that
22 is proposed to be created by a city under sub. (17) (a), such a district would be the only
23 existing district created under that subsection by that city.

24 **SECTION 25.** 66.1105 (6) (a) 8. of the statutes is amended to read:

1 66.1105 (6) (a) 8. Twenty-seven years after the tax incremental district is
2 created if the district is created on or after October 1, 2004, and if the district is a
3 district specified under sub. (4) (gm) 6. other than a district specified under subd. 7.
4 or 14. If the life of the district is extended under sub. (7) (am) 3. an allocation under
5 this subdivision may be made 30 years after such a district is created. If the life of
6 the district is extended under sub. (7) (am) 4., an allocation under this subdivision
7 may be made for not more than an additional 3 years after allocations would
8 otherwise have been terminated under this subdivision. For a tax incremental
9 district created after March 3, 2016, the period during which a tax increment may
10 be allocated under this subdivision shall be increased by one year if that district's
11 project plan is adopted under sub. (4) (g) after September 30 and before May 15.

12 **SECTION 26.** 66.1105 (6) (a) 14. of the statutes is created to read:

13 66.1105 (6) (a) 14. Fifteen years after the tax incremental district is created if
14 the district is a workforce housing development district.

15 **SECTION 27.** 66.1105 (6) (g) 3. of the statutes is amended to read:

16 66.1105 (6) (g) 3. If a city receives tax increments as described in subd. 2., the
17 city shall use at least 75 percent of the increments received to benefit affordable
18 workforce housing in the city. The remaining portion of the increments shall be used
19 by the city to improve the city's housing stock.

20 **SECTION 28.** 66.1105 (7) (ak) 5. of the statutes is created to read:

21 66.1105 (7) (ak) 5. For a workforce housing development district, 15 years after
22 the district is created.

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

24 70.05 (4m) A taxation district assessor may not enter upon a person's real
25 property for purposes of conducting an assessment under this chapter more than

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

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

14 70.05 (4n) If a taxation district assessor is requesting to view the interior of a
15 residence, the assessor shall provide written notice to the property owner of the
16 property owner's rights regarding the inspection of the interior of the owner's
17 residence. The notice shall be in substantially the following form:

18 **PROPERTY OWNER RIGHTS**

19 You have the right to refuse entry into your residence pursuant to section 70.05
20 (4m) of the Wisconsin statutes. Entry to view your property is prohibited unless
21 voluntarily authorized by you. Pursuant to section 70.05 (4m) of the Wisconsin
22 statutes, you have the right to refuse a visual inspection of the interior of your
23 residence and your refusal to allow an interior inspection of your residence will not
24 be used as the sole reason for increasing your property tax assessment. Refusing
25 entry to your residence also does not prohibit you from objecting to your assessment

1 pursuant to section 70.47 (7) of the Wisconsin statutes. Please indicate your consent
2 or refusal to allow an interior visual inspection of your residence.

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

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

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

17 70.47 (7) (aa) No person shall be allowed to appear before the board of review,
18 to testify to the board by telephone or to contest the amount of any assessment of real
19 or personal property if the person has refused a reasonable written request by
20 certified mail of the assessor to ~~view such property~~ enter onto property to conduct an
21 exterior view of the real or personal property being assessed.

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

23 70.47 (7) (af) No person may appear before the board of review, testify to the
24 board by telephone or object to a valuation; if that valuation was made by the
25 assessor or the objector using the income method; unless no later than 7 days before

1 the first meeting of the board of review the person supplies to the assessor all of the
2 information about income and expenses, as specified in the manual under s. 73.03
3 (2a), that the assessor requests. The municipality or county shall provide by
4 ordinance for the confidentiality of information about income and expenses that is
5 provided to the assessor under this paragraph and shall provide exceptions for
6 persons using the information in the discharge of duties imposed by law or of the
7 duties of their office or by order of a court. The information that is provided under
8 this paragraph, ~~unless a court determines that it is inaccurate,~~ is not subject to the
9 right of inspection and copying under s. 19.35 (1) unless a court determines before
10 the first meeting of the board of review that the information is inaccurate.

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

12 101.63 (5m) Once every 6 years, review those portions of the state electrical
13 wiring code promulgated by the department under s. 101.82 (1) that apply to
14 dwellings. In its review, the department shall consult with the uniform dwelling code
15 council and any council or committee created by the secretary to advise the
16 department regarding the state electrical wiring code.

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

18 227.115 (1) DEFINITION. In this section, “state housing strategy plan” means the
19 plan developed under s. 16.302.

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

21 227.115 (2) (title) ~~REPORT ON~~ ANALYSIS OF RULES AFFECTING HOUSING.

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

24 227.115 (2) (a) If a proposed rule ~~directly or substantially affects~~ may increase
25 or decrease, either directly or indirectly, the cost of the development, construction,

1 ~~cost, financing, purchasing, sale, ownership,~~ or availability of housing in this state,
2 the department agency promulgating the proposed rule shall prepare a report on the
3 housing impact analysis for the proposed rule before it is submitted to the legislative
4 council staff under s. 227.15. The department agency may request any information
5 from other state agencies, local governments, or individuals or organizations that is
6 reasonably necessary for the department agency to prepare the report.—The
7 department shall prepare the report within 30 days after the rule is submitted to the
8 department analysis.

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

10 227.115 (2) (b) On the same day that the agency submits the housing impact
11 analysis to the legislative council staff under s. 227.15 (1), the agency shall also
12 submit that analysis to the department of administration, to the governor, and to the
13 chief clerks of each house of the legislature, who shall distribute the analysis to the
14 presiding officers of their respective houses, to the chairpersons of the appropriate
15 standing committees of their respective houses, as designated by those presiding
16 officers, and to the cochairpersons of the joint committee for review of administrative
17 rules. If a proposed rule is modified after the housing impact analysis is submitted
18 under this paragraph so that the housing impact of the proposed rule is significantly
19 changed, the agency shall prepare a revised housing impact analysis for the proposed
20 rule as modified. A revised housing impact analysis shall be prepared and submitted
21 in the same manner as an original housing impact analysis is prepared and
22 submitted.

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

24 227.115 (3) (title) ~~FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT~~
25 HOUSING IMPACT ANALYSIS.

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

2 227.115 (3) (a) (intro.) ~~The report of the department~~ A housing impact analysis
3 shall contain information about the effect of the proposed rule on housing in this
4 state, including information on the effect of the proposed rule on all of the following:

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

6 227.115 (3) (a) 2. The cost of developing, constructing, rehabilitating,
7 improving ~~or, maintaining single family, or owning single-family~~ or multifamily
8 dwellings.

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

10 227.115 (3) (a) 3. The purchase price of housing new homes or the fair market
11 value of existing homes.

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

13 227.115 (3) (a) 6. The density, location, setback, size, or height of development
14 on a lot, parcel, land division, or subdivision.

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

16 227.115 (3) (b) ~~The report~~ A housing impact analysis shall analyze the relative
17 impact of the effects of the proposed rule on low- and moderate-income households.

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

19 227.115 (3) (c) 1. Except as provided in subd. 2., a housing impact analysis shall
20 provide reasonable estimates of the information under pars. (a) and (b) expressed as
21 dollar figures and shall include descriptions of the immediate effect and, if
22 ascertainable, the long-term effect. The agency shall include a brief summary or
23 worksheet of computations used in determining any such dollar figures.

24 2. If, after careful consideration, the agency determines that it is not possible
25 to make an estimate expressed as dollar figures as provided in subd. 1., the analysis

1 shall instead contain a statement to that effect setting forth the reasons for that
2 determination.

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

4 227.115 (3) (d) Except as otherwise specified in par. (a), a housing impact
5 analysis shall be prepared on the basis of a median-priced single-family residence
6 but may include estimates for larger developments as an analysis of the long-term
7 effect of the proposed rule.

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

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

11 227.15 (1) SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. Prior to a public hearing
12 on a proposed rule required under s. 227.16 or, if no such public hearing is required,
13 prior to notice under s. 227.19, an agency shall submit the proposed rule to the
14 legislative council staff for review. The proposed rule shall be in the form required
15 under s. 227.14 (1), and shall include the material required under s. 227.14 (2), (3),
16 and (4), any housing impact analysis required under s. 227.115 (2) (a), any revised
17 housing impact analysis required under s. 227.115 (2) (b), the economic impact
18 analysis required under s. 227.137 (2), and any revised economic impact analysis
19 required under s. 227.137 (4). An agency may not hold a public hearing on a proposed
20 rule or give notice under s. 227.19 until after it has received a written report of the
21 legislative council staff review of the proposed rule or until after the initial review
22 period of 20 working days under sub. (2) (intro.), whichever comes first. An agency
23 may give notice of a public hearing prior to receipt of the legislative council staff
24 report. This subsection does not apply to rules promulgated under s. 227.24.

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

1 227.19 (3) (g) Any housing impact analysis prepared under s. 227.115 (2) (a)
2 and any revised housing impact analysis prepared under s. 227.115 (2) (b).

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

4 348.16 (3) (d) Subsection (2) does not apply to a motor vehicle that is being
5 operated to deliver propane for heating purposes if the gross weight imposed on the
6 highway by the vehicle does not exceed 30,000 pounds, for a vehicle with a single rear
7 axle, or 40,000 pounds, for a vehicle with tandem rear axles, and, if the motor vehicle
8 is a tank vehicle, the tank is loaded to no more than 50 percent of the capacity of the
9 tank. A tank vehicle operated under this paragraph shall be equipped with a gauge
10 on the tank that shows the amount of propane in the tank as a percent of the capacity
11 of the tank and shall carry documentation of the capacity of the tank either on the
12 cargo tank or in the cab of the vehicle.

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

14 349.16 (3) (d) The authority in charge of the maintenance of the highway shall
15 exempt from the special or seasonal weight limitations imposed under sub. (1) (a) a
16 motor vehicle that is being operated to deliver propane for heating purposes if the
17 gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds,
18 for a vehicle with a single rear axle, or 40,000 pounds, for a vehicle with tandem rear
19 axles, and, if the motor vehicle is a tank vehicle, the tank is loaded to no more than
20 50 percent of the capacity of the tank. A tank vehicle operated under this paragraph
21 shall be equipped with a gauge on the tank that shows the amount of propane in the
22 tank as a percent of the capacity of the tank and shall carry documentation of the
23 capacity of the tank either on the cargo tank or in the cab of the vehicle. A motor
24 vehicle operated under this paragraph shall, to the extent practicable, make

1 deliveries on seasonally weight-restricted roads at times of the day when the
2 highways used are the least vulnerable.

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

4 706.05 (2m) (b) 1. Descriptions of easements for the construction, operation,
5 or maintenance of electric, gas, railroad, water, sewer, telecommunications, or
6 telephone lines or facilities.

7 **SECTION 53. Initial applicability.**

8 (1) FORMAL REQUISITES FOR RECORDING SEWER EASEMENTS. The treatment of
9 section 706.05 (2m) (b) 1. of the statutes first applies to a description of an easement
10 that is recorded on the effective date of this subsection.

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

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

17 (4) HOUSING IMPACT ANALYSES FOR RULES. The treatment of sections 227.115 (1),
18 (2) (b), (3) (title), (a) (intro.), 2., 3., and 6., (b), (c), and (d), and (5), 227.15 (1), and
19 227.19 (3) (g) of the statutes, the renumbering and amendment of section 227.115 (2)
20 of the statutes, and the amendment of section 227.115 (2) (title) of the statutes first
21 apply to a proposed rule whose statement of scope is presented for approval under
22 section 227.135 (2) of the statutes on the effective date of this subsection.

23 (END)