

State of Misconsin 2007 - 2008 LEGISLATURE

## 2007 ASSEMBLY BILL 508

September 14, 2007 – Introduced by Representatives WOOD, ALBERS, BERCEAU, GUNDERSON and MUSSER, cosponsored by Senator Schultz. Referred to Committee on Housing.

1 AN ACT *to create* 710.17 of the statutes; **relating to:** the unenforceability of 2 restrictive covenants on location of construction.

### Analysis by the Legislative Reference Bureau

This bill provides that a restrictive covenant or deed provision that prohibits or requires a particular location of construction for a one-family or two-family dwelling may not be enforced against any home that is constructed in compliance with the one-family and two-family dwelling code under the statutes. Under the bill, "location of construction" refers to whether the construction takes place in whole or in part on-site or off-site.

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

- 3 **SECTION 1.** 710.17 of the statutes is created to read:
- 4 **710.17 Restrictions on construction location. (1)** In this section, "location
- 5 of construction" refers to whether the construction of the dwelling takes place in
- 6 whole or in part on-site or off-site. "Location of construction" does not mean where
- 7 the dwelling is physically located on the property.

2007 – 2008 Legislature

### **ASSEMBLY BILL 508**

| 1 | (2) A restrictive deed provision or restrictive covenant that prohibits or             |
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| 2 | requires a particular location of construction for any one-family or 2-family dwelling |
| 3 | constructed on real property to which the deed provision or covenant applies is not    |
| 4 | enforceable with respect to any home constructed on the real property if the home      |
| 5 | is constructed in compliance with the one-family and 2-family dwelling code under      |
| 6 | subch. II of ch. 101.  |
| 7 | SECTION 2. Initial applicability.  |
| 8 | (1) This act first applies to restrictive deeds and restrictive covenants that are     |

9 recorded on the effective date of this subsection.

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#### (END)