



JON PLUMER

STATE REPRESENTATIVE • 42nd ASSEMBLY DISTRICT

Assembly Committee on Housing & Real Estate January 9, 2024

Thank you Chairman Brooks and members of the Assembly Committee on Housing and Real Estate for your consideration of Assembly Bill 621/ Senate Bill 589.

During construction for both residential and commercial projects, it is common practice for builders and developers to obtain written agreements with adjacent property owners to allow for construction cranes to swing over the adjoining real property. While in most cases, all parties are in agreement, there are occasional holdouts.

With Wisconsin's current housing and rental shortage, a circumstance where a property owner does not agree to the use of air space, can delay a project indefinitely, often drastically increasing building costs, which are then passed on to consumers. This can result in higher rents and mortgage costs for hardworking Wisconsin families.

This bill permits the owner of a property, who is building or renovating on that property, to freely utilize construction cranes throughout the surrounding airspace above adjoining real property. Following discussions with the Wisconsin Realtors Association, and the Wisconsin Land Title Association, we have drafted an amendment that addresses some concerns related to assessed value, insurance, and just compensation.

By eliminating red tape, this bill can assist developers and construction companies in alleviating Wisconsin's housing shortage, and shorten construction time for various other types of projects.

I look forward to continued conversations with industry leaders and stakeholders to finalize an amendment that will make it beneficial for all parties.

Thank you again for your consideration of this legislation.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

AB 621

Assembly Committee on Housing and Real Estate
Tuesday, January 9, 2024

It is common practice for builders and developers to obtain written agreements with adjacent property owners to allow for construction cranes, also known as ‘boom cranes’, to swing over the adjoining real property. Most of the time, both parties agree to terms and construction can move forward. However, sometimes there are holdouts and construction has to stop or be postponed until a resolution is met.

In the case where a property owner does not agree to the use of air space, the project can be delayed for any length of time, often drastically increasing building costs in a world where building costs are now higher than ever.

By creating a temporary easement, AB 621 permits the owner of a property, to freely utilize construction cranes throughout the surrounding airspace above adjoining real property during construction. By eliminating red tape, this bill can assist developers and construction companies in alleviating Wisconsin’s housing shortage and shorten construction time for various other types of projects.

I am conscious of and sympathetic to concerns regarding property rights, specifically the property rights of the owners of the adjoining property. I believe there will be some groups testifying today who will voice these concerns and my office is happy to work with them to clear up some of these issues. I believe we can reach an agreement that allows work to continue without interruption while protecting the rights of property owners.

In addition, there are some technical changes that Rep. Plumer and I intend on fixing in an amendment. That will be forthcoming.

TO: Members of the Assembly Committee on Housing and Real Estate
FROM: Terrence Wall
DATE: January 9, 2024
RE: Support for Assembly Bill 621

Dear Chairman Brooks and Committee Members,

I am a local developer with over 30 years of experience and have developed numerous successful multifamily housing projects from Wausau to Green Bay to Milwaukee to LaCrosse and all over the state. I want to thank Representative Plumer and Senator Tomczyk for introducing Assembly Bill 621 (AB 621) – relating to crane booms that pass over adjacent real property.

This legislation is simple. Sky cranes are a vital part of economic development, now more than ever as urban areas can only grow within certain footprints. We are seeing more and more 3 to 4 story and taller projects all over the state.

I would argue this legislation is not only about the ability to develop but about public safety as well. Sky cranes have to be able to swing free like a weather vane. There are stories like a development in Miami where the boom of a crane was not able to swing freely because of an adjacent property owner's objection and the crane fell.

We have heard concerns about air rights and in many cases around the country, these issues have been litigated. Courts have talked about "reasonable use" of one's air rights and this legislation would solidify what most courts have said. There are arguments that what differentiates an airplane or a drone over one's property versus a temporary sky crane. We are working with the authors and stakeholders on a compromise amendment to address some of these concerns. The three areas would be providing proper notice to the adjacent landowner, making sure there's liability insurance held by the crane company and providing just compensation to the adjacent land owner. We hope this will satisfy the property rights concerns that have been brought forward. One other provision in the amendment would have the municipality grant a license for the sky crane rather than an easement in order to address the land title association's concerns over filing temporary easements.

With these changes, I would ask that you please support this idea to help create more economic development, jobs and tax base in Wisconsin.

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