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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2005 Wisconsin Act 233**  
[2005 Assembly Bill 657]

**Restriction on Condemnation of  
Property**

Act 233 prohibits the condemnation of property that is not blighted if the condemnor intends to convey or lease the condemned property to a private entity.

Under the definition in the Act, “blighted property” is property that has various conditions resulting in blight, such as dilapidation, deterioration, age, or obsolescence. In addition to this “blighted property” definition, which applies to all property, the Act adds an additional requirement for property that consists of only one dwelling unit. Even if property that contains only one dwelling unit otherwise meets the conditions for the “blighted property” definition, the property is not deemed to be “blighted property” unless it meets either of the following conditions: (1) it is not occupied by the owner, the owner’s spouse, or specified individuals related to the owner; or (2) the crime rate in, on, or adjacent to the property is at least three times higher than in the remainder of the municipality in which the property is located.

The Act applies the prohibition only to condemnation by a county, town, village, city, or school district, the Department of Health and Family Services, the Department of Corrections, the Board of Regents of the University of Wisconsin System, other public boards or commissions, a housing authority, a redevelopment authority, a community development authority, a local cultural arts district, or a local exposition district. Other entities that may acquire property by condemnation are not subject to the Act.

Before commencing the condemnation of property that the condemnor intends to convey or lease to a private entity, the Act requires the condemnor to make written findings and provide a copy of the findings to the owner of the property. The findings must include all of the following: (1) the scope of the redevelopment project encompassing the owner’s property; (2) a legal description of the redevelopment area that includes the owner’s property; (3) the purpose of the condemnation; and (4) a finding that the owner’s property is blighted and the reasons for that finding.

**Effective Date:** The effective date of Act 233 is April 13, 2006. The Act first applies to jurisdictional offers to purchases made on the effective date of the Act.

**Prepared by:** Mark C. Patronsky, Senior Staff Attorney

April 3, 2006

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.