

Veldran, Lisa

From: Schumacher, Michael
Sent: Friday, October 31, 2008 3:23 PM
To: ALL ALDERS; Mayor; Piraino, Janet; Mendoza, Mario; May, Michael
Cc: Veldran, Lisa; witynski@lwm-info.org
Subject: Low Income Housing Property Tax Exemptions & League Conference Resolutions
Attachments: 08-res1.doc; 08-res2.doc; 08-res3.doc; 08-res4.doc

Hi

As an FYI, at last week's annual conference the League of Wisconsin Municipalities approved the following four resolutions:

- 08-01 Exempt Municipalities with Property Tax Rates Under \$5.00 per thousand of Equalized Value from Levy Limits
- 08-02 Allow Municipalities to Carry Forward Unused Levy Capacity
- 08-03 Wisconsin Stewardship Program's Public Access for Hunting Policy
- 08-04 Resolution Supporting Neighborhood Electric Vehicles (NEV) use on State and County Highways in Urban Environments

Furthermore, today's State Journal had an article on the low income housing tax exemptions : <http://www.madison.com/wsj/home/local/312074> (highlighting Vera Court in my district).

Coincidentally, the Board of Directors discussed this very issue and agreed to taking the following approach in this coming legislative session:

Allow Municipalities to License Tax Exempt Low-Income Housing Complexes. In return for acquiescing to elimination of the "rent use" requirement in sec. 70.11(intro.) the League seeks:

- Enabling legislation allowing municipalities to adopt by ordinance a licensing requirement for facilities providing residential housing and qualifying for a property tax exemption under sec. 70.11(4) as property owned by churches and religious, educational, and benevolent associations.
- The enabling legislation must allow municipalities to collect a licensing fee based on gross receipts.
- The enabling legislation must allow licensing fees to be determined locally, but such fees must be less than a statutorily established maximum of 5 percent of gross receipts.
- The enabling legislation should provide that any qualified facility is entitled to a license under a local licensing ordinance as long as the facility complies with community standards relating to property maintenance and is not the source of chronic nuisance activities.

The goal of the licensing proposal is to ensure that tax exempt residential housing pays its fair share of the cost of municipal services and that such properties are properly maintained and operated according to the standards of the community.

If you have any questions, please let me know or contact Curt Witynski, LWM Assistant Director, at 267-2380.

I will provide a brief verbal summary of the 110th annual conference at the next CCoC meeting in December (tentative date).

11/25/2008

Resolution No. 2008-01

**Exempt Municipalities with Property Tax Rates Under \$5.00 per
thousand of Equalized Value from Levy Limits**

Whereas, the Wisconsin Legislature and Governor Doyle approved 2007 Act 20, limiting the authority of municipalities to levy property taxes in 2007, 2008, and 2009; and

Whereas, levy limits have been imposed on municipalities since 2005; and

Whereas, state imposed levy limits prohibit a municipality from increasing its property tax levy in 2008 by more than 2% over its 2007 levy; and

Whereas, state imposed levy limits are particularly harsh and unfair for communities that had either been voluntarily restraining the growth in their property tax levy prior to the implementation of levy limits or had experienced an artificially low tax levy the year before limits were imposed.

Whereas, municipalities with property tax rates under \$5.00 per thousand dollars of equalized value are precluded from participating in the voluntary Expenditure Restraint Program.

Now, Therefore, Be It Resolved, that the League of Wisconsin Municipalities in conference assembled on October 23, 2008 hereby urges the Governor and state legislature to exempt all municipalities with municipal property tax rates under \$5.00 per thousand dollars of equalized value from the levy limit provisions contained in 2007 Act 20.

Resolution No. 2008-02

Allow Municipalities to Carry Forward Unused Levy Capacity

Whereas, the 2007-09 state budget, Act 20, extended property tax levy limits on municipalities until November 2009; and

Whereas, when Governor Doyle used his veto pen to modify the levy limit for 2007 from 2 percent to 3.86 percent, he deleted language in the 2007-2009 budget bill allowing municipalities to carry forward into future years any unused levy capacity; and

Whereas, not allowing municipalities to carry forward unused levy capacity forces growing communities to consider taxing to the maximum allowed so that they don't lose the levy capacity for future years.

Now, Therefore, Be It Resolved, that the League of Wisconsin Municipalities in conference assembled on October 23, 2008 hereby urges the Governor and state legislature to restore language allowing municipalities to carry forward into the future any unused levy capacity under state imposed levy limits.

Wisconsin Stewardship Program's Public Access for Hunting Policy

Whereas, the Wisconsin Department of Natural Resources is in the process of promulgating a new administrative rule interpreting a new public access for hunting policy included in the 2007-2009 state budget (Act 20) for lands acquired by municipalities with Stewardship funds; and

Whereas, under Act 20 access for hunting, fishing, trapping, hiking and cross country skiing cannot be restricted on lands acquired by a municipality with Stewardship funds unless the Natural Resources Board determines that the prohibition meets one of the following three conditions: 1) protect public safety; 2) protect a unique animal or plant community; or 3) accommodate usership patterns, as defined by rule by DNR.

Whereas, the new public access for hunting policy impacts the ability of municipalities to enact and enforce ordinances prohibiting the discharge of firearms, hunting, or trapping on Stewardship acquired lands to protect public safety and impacts the eligibility of municipalities to receive future Stewardship program funding.

Now Therefore be it Resolved: that the League of Wisconsin Municipalities in conference assembled on October 23, 2008 opposes any attempt to undermine the sovereignty of municipal ordinances, policies and regulations designed to protect public safety, manage competing or conflicting parkland uses; or deny or in any way restrict Stewardship grant funding to local governments that have enacted such ordinances, policies or regulations.

Be it Further Resolved that the League of Wisconsin Municipalities supports flexibility in DNR rules to allow for stewardship funded land acquisition projects to proceed in situations where hunting and trapping is prohibited, not feasible or impractical, such as purchases involving smaller parcels of land in urbanizing, populous areas.

Resolution No. 2008-04

Resolution Supporting Neighborhood Electric Vehicles (NEV) use on State and County Highways in Urban Environments

Whereas, it is desirous to use alternative transportation methods to reduce our reliance on imported fossil fuels; and,

Whereas, Neighborhood Electric Vehicles (NEVs) utilize electricity as fuel; and,

Whereas, Wisconsin law (s. 349.26, Stats.) authorizes municipalities to allow by ordinance operation of NEVs on public roadways under their jurisdiction that have a speed limit of 35 miles per hour or less; and

Whereas, state law does not allow NEV use on state highways; and

Whereas; a municipality may, with the state Department of Transportation's approval, allow NEVs to operate on connecting highways and on intersections where the roadway crosses a state trunk highway; and,

Whereas, the Department of Transportation has been routinely denying approval of municipal NEV ordinances that allow NEVs to cross a state highway or operate on connecting highways; and,

Whereas, many communities, like the City of Eagle River, are crisscrossed by state highways; and,

Whereas, state law and DOT requirements make NEV use in these communities not feasible.

Now, Therefore Be It Resolved that the League of Wisconsin Municipalities in conference assembled on October 23, 2008 hereby urges the Wisconsin State Legislature and Governor Doyle to enact legislation enabling municipalities to allow the use of NEVs on state and county highways within municipal boundaries.

Be It Further Resolved that the League of Wisconsin Municipalities urges DOT to work toward routinely approving municipal NEV ordinances that allow NEVs to cross state and county highways within municipal boundaries.