
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 969

Assembly Amendment 1

BACKGROUND

Generally, ch. 75, Stats., regulates county¹ sales of tax deeded² property. This chapter gives a county the power to sell property it acquires through tax deed and specifies processes related to this power. [ss. 75.35, 75.36, and 75.69, Stats.] One of these processes is the ability for a county to pass an ordinance to give preference to the former owner who lost their title through a delinquent tax collection enforcement procedure. [s. 75.35 (3), Stats.] Also, once a county acquires a tax deed, the county treasurer must notify the former owner that they may be entitled to a share of the excess proceeds at a future sale. If there are excess proceeds after the sale of the property, the county must send those excess proceeds to the former owner. If the county is unable to locate the former owner within five years of mailing the notice of entitlement, then the former owner forfeits their right to any remaining equity. [s. 75.36 (2m), Stats.] Lastly, current law requires a county to notice the sale and appraised value of tax deeded property by publication of a class 3 notice³ before it can be sold. [s. 75.69 (1), Stats.] There are various exceptions to this notice publication requirement, including for a county with a population of 750,000 or more. [s. 75.69 (1m), Stats.]

2023 ASSEMBLY BILL 969

2023 Assembly Bill 969 makes various changes to ch. 75, Stats., regarding how counties sell or otherwise dispose of tax deeded properties, including the removal of their ability to exchange tax deeded property, how excess proceeds are calculated, when the notice of sale must be published if the Department of Natural Resources must approve a discontinuance, and the timeline with respect to claiming excess proceeds. Additionally, the bill expands the repurchase preference that may be given to a former owner of tax deeded property to include a former owner's beneficiaries and heirs. The bill also allows a county to sell tax deeded land to the former owner without first publishing the notice of sale.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes three main changes to the bill. First, the amendment requires, rather than allows, a county to have an ordinance or resolution giving former owners, their beneficiaries, or their heirs the right to repurchase land lost through tax deed by paying the county for all costs and expenses incurred, plus any taxes that would have been owed while the county owned the property.

¹ These procedures also apply to a first class city (the City of Milwaukee). Unless the context specifically indicates otherwise, all powers granted to counties in this chapter are granted to that city. [s. 75.06, Stats.]

² Under ch. 75, Stats., tax deed means a tax deed executed under s. 75.14, Stats., a deed executed under s. 75.19, Stats., or a judgement issued under s. 75.521, Stats.

³ Publication of legal notices are generally regulated by ch. 985, Stats.

Second, the amendment adds a timing requirement to the publication of a notice of sale. Under Assembly Amendment 1, counties would generally be required to publish the notice within 90 days of acquiring the property. However, if the property is subject to a residential lease and is occupied by a tenant, the county must publish the notice within 180 days of acquiring the property.

Lastly, the amendment replaces the current exception from publishing the notice for a county with a population of 750,000, and instead requires a county to publish the notice within 36 months of acquiring the property, if the property is in a county with a population of 750,000 or more and meets any of the following criteria:

- The property is subject to a redemption or sale-back process;
- The property qualifies for a raze order;
- The county has estimated a cost of repair that exceeds 50 percent of the property's assessed value in the year the county acquires it;
- The delinquent property taxes, fees, interest, penalties, and other costs exceed 75 percent of the property's assessed value in the year the county acquires it;
- The county has reason to believe the property is a brownfield; or
- The property is subject to a hazardous substance.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Brooks on February 13, 2024. On February 15, 2024, the Assembly Committee on Housing and Real Estate recommended adoption of the amendment and passage of the bill, as amended, on successive votes of Ayes, 10; Noes, 5.

For a full history of the bill, visit the Legislature's [bill history page](#).

AG:ksm