

# WAPA NEWSLETTER



American Planning Association  
Wisconsin Chapter

*Making Great Communities Happen*

A Publication of the Wisconsin Chapter of the American Planning Association

## Sheboygan County Leads the Way: Bike/Ped Plan

By JOE PETERANGELO, UW-MILWAUKEE

A cutting edge pilot program is transforming Sheboygan County into a national model for bicycle and pedestrian planning. Sheboygan County is one of four pioneering communities selected to participate in the federal Non-Motorized

Transportation Pilot Program (NTPP), which has granted the county up to \$25 million to invest in infrastructure upgrades and education/outreach projects aimed at getting people out of their cars and onto their bicycles and feet.

At a time when U.S. communities are struggling to deal with the overlapping problems of an economic crisis, volatile gas prices, excessive traffic congestion, and an obesity epidemic, the goal of NTPP is "to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution." The program was established in 2006 and will receive funding until 2010, although

### Upcoming WAPA Conference

**WAPA Annual Conference**  
Sheboygan, March 26-27, 2009  
**Blue Harbor Resort**



### Winter 2009

APA Conference in Minneapolis.....6

Jane Jacobs Changed My Life.....7

### Law Update

What Does "Existing" Mean?.....12

Legislative Update.....13

---

Publication Info and Board Members.....2

Upcoming Conferences.....4

Membership Form.....11

[www.wisconsinplanners.org](http://www.wisconsinplanners.org)

*Continued on page 3*

The WAPA Newsletter is published electronically four times each year by the Wisconsin Chapter of the American Planning Association to facilitate discussion among its members of planning issues in Wisconsin. Correspondence should be sent to:

Nancy Frank, WAPA News Editor  
Chair, Department of Urban Planning  
School of Architecture and Urban Planning  
University of Wisconsin--Milwaukee  
P.O. Box 413  
Milwaukee, WI 53201-0413  
(414) 229-5372  
(414) 229-6976 (fax)

Email: [news@wisconsinplanners.org](mailto:news@wisconsinplanners.org)

Change of Address: WAPA Newsletter does not maintain the address lists for any APA publication. All lists are maintained at the national APA office and are updated and mailed to the chapters each month. If you have moved, please contact Member Services Coordinator, APA National Headquarters, 122 S. Michigan Street, Suite 1600, Chicago, IL 60603-6107 or call (312) 431-9100 or FAX (312) 431-9985.

Membership Information: To become a member of the Wisconsin Chapter of the American Planning Association, simply become a member of the APA. An application form is provided on the back of this publication. Or you may opt for Wisconsin Chapter only membership.

Professional Services Directory: Put your business in the newsletter.

Advertising rates are \$40.00 per issue or \$150.00 per year. Send business card or camera-ready copy (2 inches high x 3.5 inches wide) to the newsletter editor at the address below. Digital copy may be sent as an attachment by email to [news@wisconsinplanners.org](mailto:news@wisconsinplanners.org).

Submission of Articles: WAPA News welcomes articles, letters to the editor, articles from the WAPA districts, calendar listings, etc. Please send anything that may be of interest to other professional planners in Wisconsin. Articles may be submitted by mail, fax, or email. Articles may be edited for readability and space limitations prior to publication. Content of articles does not necessarily represent the position of APA, the WAPA Executive Committee, or the editor.

Submit articles by email attachment. Graphics are encouraged

Deadlines:

Winter issue: submit by January 15.  
Spring issue: submit by March 15  
Summer issue: submit by June 15  
Fall issue: submit by September 15

## **WAPA Executive Committee**

President, Gary Peterson, AICP  
608-249-2514 (office) / 608-249-6615 (fax)  
[petersong@crispell-snyder.com](mailto:petersong@crispell-snyder.com)

Past President, Rollie Tonn, AICP  
262-567-3888  
[tonn41@ameritech.net](mailto:tonn41@ameritech.net)

Vice Pres. of Prof. Dev., Nancy Frank, AICP  
414-229-5372 / 414-229-6976 (fax)  
[frankn@uwm.edu](mailto:frankn@uwm.edu)

Vice Pres. of Chapter Affairs, Brian Ohm, AICP  
608-262-2098 / 608-262-9307 (fax)  
Email: [bwohm@facstaff.wisc.edu](mailto:bwohm@facstaff.wisc.edu)

Secretary, Lawrence Ward, AICP  
608-342-1713 (office) / (608) 342-1220 (fax)  
[wardla@uwplatt.edu](mailto:wardla@uwplatt.edu)

Treasurer, Connie White  
608-294-5006 / 608-259-0084 (fax)  
[cwhite@hntb.com](mailto:cwhite@hntb.com)

Director at Large, Carolyn Esswein, AICP,  
414-271-2545 / 414-271-2542 (fax)  
[cesswein@pdisite.com](mailto:cesswein@pdisite.com)

Director at Large, David S. Boyd, FAICP  
608.356.2771 / 800.362.4505 phone  
608.356.2770 fax  
[dboyd@msa-ps.com](mailto:dboyd@msa-ps.com)

N.W. District Representative, Dennis Lawrence, AICP  
715-849-5510 / 715-849-5110 (fax)  
[dlawrence@ncwrpc.org](mailto:dlawrence@ncwrpc.org)

S.E. District Representative, Nikki Jones,  
262/797-2445 / 262/780-4605 (fax)  
[njones@newberlin.org](mailto:njones@newberlin.org)

N.E. District Representative, Diana Schultz, AICP  
920-482-0540  
[schultz.diana@gmail.com](mailto:schultz.diana@gmail.com)

S.W. District Representative, Dan Rolfs, AICP  
608-267-8722  
[drolfs@cityofmadison.com](mailto:drolfs@cityofmadison.com)

Planning Official Development Off., Anna Haines  
715-346-2386 / 715-346-4038 (fax)  
[ahaines@uwsp.edu](mailto:ahaines@uwsp.edu)

Certification Maintenance Coordinator  
Linda Stoll  
UW - Stevens Point  
715-346-4853 / 715-346-4038 (fax)  
[linda.stoll@uwsp.edu](mailto:linda.stoll@uwsp.edu)

### **Student Representatives**

UW - Madison

Andrew Obernesser  
617.947.6998  
[obernesser@wisc.edu](mailto:obernesser@wisc.edu)

UW - Milwaukee

Brian Stepp  
414-690-0491  
[btstepp@uwm.edu](mailto:btstepp@uwm.edu)

### **National Officers**

Michael A. Wozniak, AICP  
AICP Director, Region IV  
(651) 442-7629  
(866) 602-4999

APA National—Washington: (202) 872-0611  
APA National—Chicago: (312) 431-9100  
American Institute of Certified Planners  
(202) 872-0611

**Visit the WAPA webpage for up-to-date news and information between issues of the WAPA Newsletter.**

many of the infrastructure projects will not be completed until 2011 or 2012.

The four communities selected to participate in NTPP all have a track record of progressive bicycle/pedestrian planning. They were chosen with the goal of representing the diversity of U.S. communities and with the belief that they each had the potential to make significant advancements during the four-year term of the pilot. The other participating communities are Columbia, MO, Marin County, CA, and Minneapolis, MN.

Before the pilot began, Sheboygan County was the most auto-oriented of the four participating communities, with personal vehicles accounting for 89% of the transportation "mode share." They did have some cycling infrastructure in place, however, including one major bike trail along Highway 23 and the interurban trail that runs most of the distance between Chicago and Sheboygan.

Sheboygan County is also the most rural of the four participating communities. The transportation issues and obstacles facing Sheboygan County residents vary dramatically from those facing people who live and work in an urban center like Minneapolis. For this reason, each pilot community has the potential to serve as a model for similar communities throughout the country.

## Sheboygan County Non-Motorized Transportation Pilot Program – SRTS Examples

Sheboygan County

Route is roughly 3.5 Miles

W/in 1 Mile

- 14/16 Public Schools
- 10 Parochial Schools
- 52 Churches
- 130 Mfg Employers
- 8,600 Employees
- 41% of County Pop.

### NTPP in Action

With NTPP underway, the first thing Sheboygan County did was to make a county-wide call for input and project suggestions, asking residents to identify their top concerns related to cycling and walking in their community. This public



input helped shape the county's updated Pedestrian and Bicycle Comprehensive Plan, which was adopted in September of 2007.

The new plan included recommendations for almost \$60 million of infrastructure projects alone, but the first projects that were undertaken were educational in nature.

"Education and outreach projects are easier to move forward with federal funds than infrastructure projects," explains Mary Ebeling, the NTPP Program Manager for Sheboygan County, "and educational projects create a lot of change in

themselves."

Safe Routes to School (SRTS) is one such educational project that has been very successful in Sheboygan County. SRTS is a national program whose purpose is to make walking and cycling to school a safe and attractive

option for U.S. children. In Sheboygan County, they are providing safe bicycling events and workshops at schools and now have regular "Bike and Walk to School" days. The results have been very positive, with participation rates as high as 99% at one area school.

Sheboygan County is also provid-

ing "bicycle-friendly community" workshops throughout the county, and has started an annual Bike and Walk to Work Week, which created a double-digit spike in bicycling and walking for work trips during that week last year.

Infrastructure projects have begun as well. They've installed bicycle racks on buses, which is consistent with the goal of NTPP to make connections between bicycling, walking, and transit. They've conducted a "sidewalk inventory" and are fixing and connecting breaks in the sidewalk networks of target communities within the county. And they're working on a county-wide bicycle lane plan, which will lead to striping 60-80 miles of roads in the county with new bicycle lanes.

This year, more infrastructure projects will get underway. They will install bike racks at county-owned facilities, commercial districts, and some area churches, and will swap non-standard

## Check It Our For Yourself!

*Go Green. Bring your bike to*

*the WAPA conference in*

*Sheboygan, March 26-27, and*

*take a ride on the NTPP.*

**MSA**  
PROFESSIONAL SERVICES  
TRANSPORTATION • MUNICIPAL  
DEVELOPMENT • ENVIRONMENTAL  
*Your Trusted Partner*

- Comprehensive Planning
- Community and Economic Development
- Public Engagement • Development Review
- Grants & Funding • Urban Design & Redevelopment

**800.446.0679**  
www.msa-ps.com

**Cedar** corporation  
604 Wilson Avenue  
Menomonie, Wisconsin  
800-472-7372 • 715-235-9081  
www.cedarcorp.com

- Planning
- Engineering
- Architecture
- Surveying
- Mapping - GIS/GPS
- Economic Development
- Environmental
- Landscape Architecture

**civi ♦ tek**  
CONSULTING

Tim Schwecke AICP  
phone 920.728.2814  
tim.schwecke@verizon.net  
135 Milton St. Lake Mills, WI 53551

MUNICIPAL PLANNING SERVICES  
FOR GROWING COMMUNITIES



racks at schools with new, modern replacements. They'll also be paving shoulders for lanes and creating some shared-lanes.

"We're doing a lot of retrofitting," says Ebeling, "and that also includes a new off-road facility that will be a 10 or 12 foot wide bicycle-pedestrian trail along a busy roadway."

## Evaluating Success

Congress has a goal for the NTPP to show the extent to which bicycling and walking can be part of "the transportation solution."

"And we have a goal of a double-digit change in the mode share from driving to walking or biking," says Ebeling. "We're doing quarterly data collection and analysis, which involves manual counts in different locations throughout the county, year-round." In a cooperative effort among all four pilot communities, the University of Minnesota has been tapped to administer

a "before" and "after" survey County-wide to analyze the data for NTPP to determine what kind of overall impact all the effort is making. Alta Planning & Design is assisting the pilot communities with bicycle and pedestrian traffic analysis and modeling based on the manual counts the county is conducting.

If the project is successful, more communities may receive funding to participate



Bike racks on buses extend options to many more users.

in the future. That is what happened with the Safe Routes to School program, which also started as a pilot program.

Mary Ebeling says that with so much happening with NTPP, she is most excited to see the dots connecting between all of the different projects they are working on.

"It's the whole picture together that will make the shift," she says.

"This is an amazing and unique opportunity and people are very excited about it. I want it to be the most successful project possible and I think we've positioned ourselves well for that."

As luck would have it, this year's WAPA conference will take place in Sheboygan on March 26-27, so you can go see Sheboygan County's bike/ped transformation for yourself as it is still taking shape.

For more information, contact Mary Ebeling, Sheboygan County's NTPP Program Manager, at [ebelimre@co.sheboygan.wi.us](mailto:ebelimre@co.sheboygan.wi.us).

Economic Positioning  
Regional Planning  
Redevelopment  
Place Design  
Growth Management  
Transportation Planning  
Communication

**Shaping places,  
shaping change**  
[www.vandewalle.com](http://www.vandewalle.com)

**Vandewalle & Associates**  
Madison . Milwaukee

**PROFESSIONAL PLANNING SERVICES**

- Community Planning
- Urban Design
- Redevelopment Planning
- Environmental Planning
- Transit Planning
- Neighborhood Planning
- Public Involvement
- Comprehensive Planning
- GIS/Technology Services
- Park/Recreation Planning

HNTB-Milwaukee  
Telephone (414) 359-2300  
[www.hntb.com](http://www.hntb.com)

HNTB-Madison  
Telephone (608) 259-0045

**HNTB**

**TESKA**

Community Planning  
Site Design  
Development Economics  
Landscape Architecture

627 Grove Street  
Evanston, IL 60201-4474  
fax: 847.869.2059  
voice: 847.869.2015

[www.TeskaAssociates.com](http://www.TeskaAssociates.com)



## APA Meets in Minneapolis, April 25-29, 2009

Minneapolis will be host for the 101st National Planning Conference at the Minneapolis Convention Center, April 25-29, 2009. This conference is expected to bring together up to 6,000 professionals from multiple disciplines who are active in and passionate about city building. In addition to the hundreds of sessions selected by the American Planning Association, the Local Host Committee has developed over 100 mobile workshops (many of which will be

conducted by foot, bike or transit), orientation tours, special events, a planners guide on what to experience while in Minneapolis, and conference merchandise.

The conference will offer something for everyone. The American Planning Association, the Local Host Committee and all the volunteers are working hard to make the 2009 conference in Minneapolis one of the best, and more importantly, most relevant given the challenging economic times. The session tracks include: Why Places Grow; Neighborhood Planning in Citywide Context; Green Urban Design; Reclaiming the Waterfront (and Mississippi River); Is Regional Planning Coordinated Planning?; Civic Planning and the Role of Foundations; The Arts and Culture Economy; Small Town and Rural Planning; Youth Engagement in Planning; Climate Change and a Sustainable Future; The Changing Face of the American Community; Planning and Community Health and Activity; Transportation Infrastructure: The Next Hundred Years.

The 2009 National Planning Conference Local Host Committee, in partnership with the American Planning Association staff, continues its work to make the 2009 conference in Minneapolis one of the best, and more importantly, most relevant given the challenging economic times. The Co-Chairs wanted to call out a few sessions that members from the Midwest might find particularly useful:

- Saturday Workshop: Bringing Economic Reality to the Planning Process
- Sunday: Infrastructure and Global Competitiveness
- Sunday: Transportation Infrastructure and Economic Growth

**R.A. SMITH & ASSOCIATES, INC.**

PLANNING - ECONOMIC DEVELOPMENT - ENGINEERING  
LANDSCAPE ARCHITECTURE - TRANSPORTATION - GIS

Contact: Michael Stumpf, AICP, CECD  
(262) 317-3202

Brookfield, WI (Headquarters)  
Appleton, WI  
Madison, WI  
Oshkosh, WI

Pittsburgh, PA  
Phoenix, AZ

www.rasmith.com

*We'll Help Plan Your Community's Future*

We can assist your community with:

- Development and zoning review
- Landscape design and streetscaping
- Neighborhood and comprehensive planning
- Park planning and design.

**Ruekert-Mielke**  
engineering solutions for a working world

Waukesha • 262.542.5733  
Kenosha • 262.953.2650  
Visit us at: [www.ruekert-mielke.com](http://www.ruekert-mielke.com)

<b>JJR</b>	
<b>Planners</b>	Contact: Bill Patek
<b>Landscape Architects</b>	625 Williamson Street
<b>Urban Designers</b>	Madison, Wisconsin 53703
<b>Civil Engineers</b>	608   251   1177
<b>Environmental Scientists</b>	bill.patek@jjr-us.com

*"Building Relationships with a Commitment to Client Satisfaction through Trust, Quality and Experience."*

*Celebrating 10 years 1998-2008*

**JSD Professional Services, Inc.**  
• Engineers • Surveyors • Planners

Madison, WI 608.848.5060  
Milwaukee, WI 262.513.0666  
Kenosha, WI 262.925.8367

www.jsdinc.com

- Planning & Development
- Site/Civil Engineering
- Transportation Engineering
- Water Resources
- Landscape Architecture
- Construction Services
- Surveying & Mapping

- Sunday: Planning Directors and Infrastructure Investment
- Monday: Trends that Matter: Why Regions Grow
- Monday: Spatial Economics of Land Use
- Monday: Dealing with Shrinkage and Growth
- Monday: Planning Directors in the Hot Seat
- Monday: Achieving City Quality in Economic Downtimes
- Tuesday: Mastering Leadership
- Tuesday: Mega-Region Strategy and Planning
- Tuesday: Funding the Infrastructure Gap
- Tuesday: Progress and Preservation in City Planning
- Wednesday: Women Planning Directors in Big Cities

On Saturday, the APA is once again offering the New Directors Institute. This year, the APA is introducing a New Managers Institute, also to be held on Saturday. These are great ways to build your professional capacity and network. We have put together an interesting and diverse set of mobile workshops, many of which, based on input from members, will be conducted on foot, by bicycle and/or via transit. There is so much to see and learn at the conference. This is a wonderful opportunity to spotlight all the City of Minneapolis, region and state have to

offer, as well as learn new information and tools to address ongoing challenges and opportunities. We can't wait to see you all in Minneapolis in April 2009.

Please visit the APA web site at <http://www.planning.org/nationalconference/> for more information.

## How Jane Jacobs Changed My Life

By: Christopher DeWolf  
christopher.dewolf@gmail.com

*Reprinted by permission of the author from the Utah Planner.*

**Christopher DeWolf originally published the following article online at UrbanPhoto.net on April 25, 2007. Jane Jacobs, the urban expert and social activist who wrote *The Death and Life of Great American Cities*, died on April 25, 2006 at Toronto Western Hospital. The American-born Canadian was 89 years old. Jacobs was considered one of the most influential critics of urban planning and the built environment. The Utah Planner gratefully acknowledges the author's permission to reprint the following article.**

I've been interested in cities for as long as I can remember. My childhood is marked by Lego metropolises on the living room floor, streetscapes doodled in

schoolbooks and early Saturday mornings playing SimCity for hours on end. So it only made sense that, when I was fourteen, on a beautiful summer day spent wandering Vancouver's streets, my uncle turned to me and insisted that I read Jane Jacobs.

"Sure," I mumbled in a teenagerly way and we continued walking. He proceeded to tell me about a Marxist-Leninist bookstore on Hastings Street that had a great urban-issues section. "You should go there sometime," he added. Later that year, sitting under my family's Christmas tree, I ripped open a present from my uncle, revealing a bold mustard-colored paperback. The title was stamped in bold capital letters: *The Death and Life of Great American Cities*. Below it was a blurb from the *New York Times Book*



Review: “Perhaps the most influential single work in the history of town planning... a work of literature.”

It wasn't until the following spring that I actually got around to reading Jane Jacobs' 1961 classic, a book so widely read that it has never gone out of print. It opened my eyes. It confirmed what I had already begun to suspect about cities, about the way they worked, looked and felt, about their cultures and economies. Looking around the Calgary of my youth, I saw how suburban planning had deprived the city of a public sphere. When I moved to Montreal, I was ecstatic to find exactly the opposite: a city whose human spirit was alive and visible in its streets, businesses and buildings. The seed of my interest in cities was planted a long time ago; *Death and Life* made it grow into something robust.

This book is an attack on current city planning and rebuilding. It is also, and mostly, an attempt to introduce new principles of city planning and rebuilding, different and even opposite from those now taught in everything from schools of architecture and planning to the *Sunday supplements* and women's magazines.

So reads the first line of *Death and Life*, a stinging slap in the face of almost every established urban planner, architect and bureaucrat in North America at the time. Here was an outsider—a woman, a writer, a mother—with no



formal training in planning who had taken it upon herself to obliterate more than a century of conventional thinking about cities. In the 458 pages that followed her blistering introduction, Jacobs did more to reshape our vision of the modern city than almost any other thinker in recent history.

What was so radical about Jacobs' vision, at the time, was her insistence upon seeing the city as an organism; one

that evolves naturally over time and is as complex and dynamic as the human beings that live in it. To put it very simply, she advocated a ground-up approach to urban planning and urban governance. Plan for how the city actually works, she told us, instead of determining how it ought to work.

Jacobs' ideas are nuanced and complex, but the essence of her philosophy has been expertly synthesized by the



Project for Public Spaces (PPS), a non-profit organization dedicated to creating and sustaining community-building public spaces. The PPS breaks down her arguments into easily understandable components: Cities are ecosystems in which every element, from sidewalks to neighborhoods to economies, “functions together synergistically.”

Mixed-use development allows for the diversity of buildings, residences and businesses required to create vibrant, inclusive and dynamic neighborhoods. High density is essential to achieving this dynamism. Density was long a bugaboo of civic leaders, who associated it with disease, squalor and vice. But Jacobs effectively demonstrated how density—when it takes the proper form—can create safe, tightly knit and economically successful communities.

Communities are the building blocks of social and economic progress. Jacobs stressed the need for bottom-up development and support for small businesses and grassroots entrepreneurs.

Jacobs died one year ago today in Toronto, her adopted home of thirty-eight years, where she had become a well-known and well-respected activist leader and a voice of reason. Her influence, however, is felt far and wide. Since the publication of *Death and Life*, Jacobs’ ideas revolutionized civic life. She helped

to unleash a revolt against the Modernist city planning—highways, slum clearance, superblocks—that decimated North American cities in the 1950s, 1960s and 1970s. The revolt led directly to New Urbanism, a philosophy of urban planning that drew heavily from Jacobs’ ideas.

But Jacobs’ legacy is controversial. She is equally appealing to the grassroots left and the neoliberal right, which has led to her co-option by both sides of the ideological spectrum (despite Jacobs’ adamant refusal to be pinned to any single system of belief). This was especially evident after her death, when plaudits came showering in from every direction. Her ideas on urban design were widely lauded in the mainstream media, with glowing obituaries published in the *Globe and Mail*, the *Guardian*, the *New York Times* and countless other papers. Many of the more astute obituaries reflected, as Howard Husock did in *City Journal*, on Jacobs’ “faith in cities and people to work out their problems in original ways, ways which would create new jobs, new wealth, and, ultimately, lead to new problems that people would eventually solve as well.”

But there was criticism, too. *New York Times* architecture critic Nicolai Ouroussoff all but dismissed Jacob’s urban vision as quaint and nostalgic.

Of course, Ouroussoff (whose column, ironically, is titled “Streetwise”) is unabashedly enthralled with—and writes about little other than—an elite group of “starchitects” whose designs are often conceptually brilliant but ultimately dysfunctional and poorly integrated into the city.

I wanted to get a sense of what Jacobs means to us today, forty-six years after the publication of *Death and Life*. Eschewing the usual expert opinions—the ones we heard so much after Jacobs’ death—I decided to talk to someone of whom she would have approved; a fellow amateur urbanist, Steve Boland. Boland publishes San Francisco Cityscape, a city-issues blog that draws heavily from

Jacobs’ urban philosophy. “Reading *Death and Life* was a definite turning point,” he tells me. “I’ve since read loads of other writers, but what really got me about Jane was the talented amateur quality [of her work]. She was an observer. It gives you this idea, if you’re a young person who’s just sort of getting into this, that ‘I can do this too.’ You start observing your own city. It deepens your understanding and at the same time it deepens your interest.”

The tug-of-war that has occurred over Jacobs’ legacy amuses Boland. “Everybody wants a piece of Jane,” he says, laughing. “What happens a lot

is that people are very selective in their interpretations of her, which is why you can have people who arrive at such radically different conclusions from her books.” Even though New Urbanism is closely identified with her ideas, Jacobs criticized it for creating the kind of overly regulated, master-planned developments she lambasted in *Death and Life*. But she was still sympathetic to most of New Urbanism’s goals—after all, a large part of the New Urbanism movement focuses on piecemeal urban infill and not the wholly packaged, Disneyesque subdivisions that garner so much attention. So when prominent libertarians cite Jacobs in their attacks on smart growth, as Leonard Gilroy did in a recent Washington Post editorial, their arguments fall flat. “There is a libertarian nugget in Jane’s work,” says Boland. “She was railing against big government, essentially. She was talking about a market, a lot of interactions between ordinary people. But where the libertarians get in trouble is when they take that concept and ignore anything else, all the humanizing qualities of her argument.”

Some observers have suggested that Jacobs is no longer relevant, or is only relevant to inner cities that have now (much to Jacobs’ chagrin) been gentrified. But her influence is widely

felt in almost every aspect of urban life. Adaptive reuse of old buildings, the role of streets and parks as public spaces, the cultural import of poster-ing, public markets as economic incubators, safety on the streets and public participation in local governance; these kinds of things play a vital role in the well-being of the city but are invisible to the untrained eye—or to the blind eye. “If you live in a world of pure theory, which leads to ideology, which leads to you excluding any evidence that doesn’t support your belief structure, then you stop observing,” insists Boland. “You lose your common-sense approach to things. I don’t think Jane ever lost that clear eye. She wasn’t burdened by ideology.”

That clear-eyed approach is something I admire and something I have always strived to incorporate into whatever I do. In university, as I worked towards a degree in Canadian Studies and History, I looked at things through an urban lens. I tried to see how cities shape our society and how we shape our cities.

I still have the copy of *Death and Life* that my uncle gave to me when I was fifteen. Looking at it in front of me, its edges slightly dog-eared, I remember what it did for me the most—it taught me to see the city.

## Π

### Planning Service & Solutions

---

Independent Consulting  
Pamela A. Lazaris, AICP

110 E. Madison Street ▲ P.O. Box 17 ▲ Lake Mills, WI 53551  
(920) 648-6617 ▲ FAX (920) 648-2115  
pal@gdinet.com



## Foth

- ◆ Comprehensive & Community Planning
- ◆ Sustainability Planning
- ◆ Local & Regional Economic Development
- ◆ Ordinance & Implementation Services

Green Bay ◆ Madison ◆ Milwaukee

**800-236-8690**

www.foth.com



**DEWITT  
ROSS & STEVENS**  
LAW FIRM

Capitol Square Office  
2 E. Mifflin St., Suite 600  
Madison, WI 53703  
608-252-9365



**Michael R. Christopher**  
mrc@dewittross.com

*Land Use Attorney Since 1972  
Offices in Madison and Metro Milwaukee*

GARY PETERSON, AICP  
PRESIDENT, WISCONSIN AMERICAN PLANNING ASSOCIATION

Community Planning  
Grant Writing & Administration  
Municipal Engineering  
Environmental Consulting  
Park & Open Space Planning

Madison  
Lake Geneva  
Germantown  
Racine  
Fox Valley

Mid America  
Planning Services  
A Division of

CRISPELL-SNYDER, INC.  
PROFESSIONAL CONSULTANTS

800.604.6277  
www.crispell-snyder.com

Defining, enhancing, & sustaining  
communities and the land,  
now and for the future.

**SAA**  
Define. Enhance. Sustain.

Urban Design  
Land Planning  
Civil Engineering  
Community Planning  
Landscape Architecture

**Schreiber/Anderson  
Associates, Inc.**  
717 John Nolen Drive  
Madison, WI 53713  
T 608.255.0800  
F 608.255.7750

**PLANNING  
AND DESIGN  
INSTITUTE, INC.**

414.271.2545  
www.pdisite.com

urban design  
site development  
smart growth plans  
downtown revitalization  
redevelopment plans  
form-based zoning  
corridor studies  
town & neighborhood plans

**American  
Planning  
Association**

**NATIONAL & CHAPTER MEMBERSHIP**

Includes full chapter membership; 11 issues of *Planning* magazine; support for APA's policy and public information programs; and discounts on books, reports, national APA conferences and workshops, and group insurance programs.

☐ I want to join National APA and the Wisconsin chapter. Check the dues category that applies:

☐ Member. National dues (from table below) \$ \_\_\_\_\_ plus \$40 chapter dues. Enter total under **PAYMENT**.

☐ Student member. Dues \$42\* (national dues \$37; chapter dues \$5)

☐ Planning board member. Dues \$65\* (national dues \$56; chapter dues \$9)

**NATIONAL DUES TABLE**

Check the range that includes your salary plus other profession-related income.

Salary Range	Dues
<input type="checkbox"/> less than \$29,000	\$ 95
<input type="checkbox"/> \$29,000 - \$34,999	\$110
<input type="checkbox"/> \$35,000 - \$41,999	\$130
<input type="checkbox"/> \$42,000 - \$49,999	\$150
<input type="checkbox"/> \$50,000 - \$59,999	\$170
<input type="checkbox"/> \$60,000 - \$69,999	\$195
<input type="checkbox"/> \$70,000 and over	\$220

☐ You may pay flat national dues of \$225, plus chapter dues.

**CHAPTER MEMBERSHIP ONLY**

Includes chapter publications and entitles you to participate in all chapter activities.

☐ I want to join the Wisconsin chapter (dues \$40).

**PAYMENT**

Amount due \$ \_\_\_\_\_

☐ Purchase order enclosed

☐ Check enclosed payable to APA

☐ Charge my ☐ MasterCard

☐ Visa ☐ American Express

Cardholder's name \_\_\_\_\_

Cardholder's signature (required) \_\_\_\_\_

Card number \_\_\_\_\_ Expiration date \_\_\_\_\_

**MAIL TO:**

**American Planning Association**  
**Lock Box 97774**  
**Chicago, IL 60678-7774**  
**312-431-9100**

**STUDENT STATUS VERIFICATION**

I certify that I am enrolled as a full-time student at \_\_\_\_\_

Name of College/University \_\_\_\_\_

Expected graduation date \_\_\_\_\_ Student ID# \_\_\_\_\_

**PLANNING BOARD VERIFICATION**

I am a current member of the agency listed below. I do not earn my living in planning.

Name of board or commission \_\_\_\_\_ Date \_\_\_\_\_

Phone number of primary board contact \_\_\_\_\_

**Full-time student/Planning board member**

☐ By checking this box I verify that all of the above information is correct.

**NAME & MAILING ADDRESS**

Name ☐ Mr. ☐ Ms. ☐ Mrs. ☐ Miss \_\_\_\_\_

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Home phone number \_\_\_\_\_

Preferred E-mail address \_\_\_\_\_ CHAP \_\_\_\_\_

**EMPLOYER MAILING ADDRESS**

Employer Name \_\_\_\_\_

Employer Address \_\_\_\_\_ Suite No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Office Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

**Please tell us where to send correspondence from APA.**

Send invoices to: ☐ Home ☐ Office

Send publications and other mail to: ☐ Home ☐ Office

Rev. 12/03

# Law Update

Brian W. Ohm, JD, Vice-President of Chapter Affairs  
c/o Department of Urban & Regional Planning, UW-Madison  
925 Bascom Mall  
Madison, WI 53706  
bwohm@wisc.edu

February 27, 2009

Wisconsin Supreme Court No planning related cases to report Wisconsin Court of Appeals opinions PUDs can reflect changes in underlying zoning

Janacek Investment, Inc. v. City of New Berlin, an unpublished opinion of the Wisconsin Court of Appeals (meaning it has limited precedential value), provides an interesting situation involving a planned unit development (PUD). A developer planned to construct a mixed-use facility comprising a hotel, conference center, indoor water park, retail shops and restaurants in the City of New Berlin in southeastern Wisconsin. A PUD ordinance for the project was adopted in January 2001 making the underlying zoning B-1 with a PUD overlay.

The stated purpose of the PUD was

“to create a zoning district that allows creative project design and flexibility from the rigid development standards of underlying zoning districts.” The PUD stated that the conference center would feature a five-story hotel and two levels of below-grade parking, and provided that “[b]uilding height shall conform to existing zoning ordinances.”

The City’s zoning ordinances in effect at the time the PUD was approved limited hotel building height in B-1 zoning districts to fifty-five feet. However, soon after the adoption of the PUD, the City revised its zoning code to allow hotels to exceed the maximum height requirement of 55-feet by up to 2 floors if underground parking was provided.


In December 2006, Deer Creek submitted a request for use approval under the PUD to the Plan Commission. The use approval took advantage of the changes to the underlying zoning and proposed a seven-story, ninety-four-foot-high hotel with five levels of below-grade parking. The Plan Commission granted the use approval and a neighboring property owner initiated this challenge to the approval.

The neighboring property owner argued that “existing zoning ordinances” meant existing at the time the PUD was created. If not, the neighbor argued that it would mean the City substantially changed the plans for the proposed



**Russell Knetzger  
A.I.C.P.**  
Community Planning  
Real Estate Analysis

Fax: 414-962-0671  
2625 E. Shorewood Blvd.  
Milwaukee, WI 53211-2457  
414-962-5108



**RUDD & ASSOCIATES**  
Robert T. Rudd, A.I.C.P.

Planning  
and Zoning  
Services

W6355 Meadow Valley Road  
New Glarus, Wisconsin 53574  
PHONE 608-527-5828  
FAX 608-527-5941  
E-MAIL rudd1@hughes.net



Comprehensive Planning  
Economic Development  
Community Design  
Ordinance Development  
Environmental Planning  
Mapping/GIS

Appleton, WI  
800.571.6677  
www.omni.com



development under the original PUD, thus effectively amending the PUD ordinance without proper notice. The City and Developer argued that the phrase "existing zoning ordinances" meant the ordinances that exist at the time use approval is sought.

The Court of Appeals sided with the City and the developer and found that the City's approval of the larger hotel was proper. The Court seems to have been persuaded by its conclusion that the City meant this PUD to be flexible and the City had this project in mind when it amended the zoning ordinance to provide the additional floor credit for underground parking.

## WAPA Legislative Update

By Steve Hiniker  
1000 Friends of Wisconsin

March 3, 2009

These legislative updates and other related information are on the WAPA website's Law and Legislation page for members to access and continue to personally track the bills that they are interested in following more closely.

## 2009 - 2010 Wisconsin Legislative Session Bill Tracking NEW LEGISLATIVE PROPOSALS



### AB 18 – Tax Credit for Historic Rehabilitation

Under current law, a person who owns an income-producing historic building may claim a federal income tax credit that is equal to 20 percent of certain costs to rehabilitate the historic building. To claim the credit, the building must be listed, or be eligible for listing, on the national register of historic places or located in certain national, state, or local historic districts, and the

### Did you know . . .

. . . the WAPA webpage posts RFPs and RFQs related to planning work.

Email to:

[wapa@wisconsinplanners.org](mailto:wapa@wisconsinplanners.org)

. . . you may post planning jobs for free on the WAPA webpage.

Email to:

[jobs@wisconsinplanner.org](mailto:jobs@wisconsinplanner.org)

. . . WAPA is always looking for members (or their friends, relatives, and neighbors) willing to volunteer to make WAPA stronger and provide better service to our members.

Email Gary Peterson:

[petersong@crispell-snyder.com](mailto:petersong@crispell-snyder.com)

. . . WAPA is still searching for a volunteers willing to devote long hours for low pay to be our next conference coordinator.

Email Gary Peterson:

[petersong@crispell-snyder.com](mailto:petersong@crispell-snyder.com)

. . . **it's time to vote.**

Watch your mail for the annual WAPA election ballot.



**Martenson & Eisele, Inc.**

Planning ■ Surveying ■ Engineering  
Environmental ■ Architecture

*Professionals dedicated to serving people committed to improving their communities*

1377 Midway Road, Menasha, WI 54952-0449  
(920) 731-0381 ■ (920) 733-8578 FAX

[www.martenson-eisele.com](http://www.martenson-eisele.com)

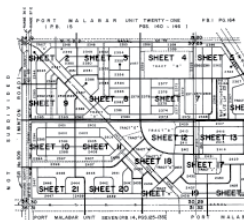
rehabilitation work must comply with Standards established by the Secretary of the Interior.

Under current law, a person who may claim the federal income tax credit for rehabilitating an income-producing historic building may also claim a state income tax or franchise tax credit that is equal to 5 percent of certain costs to rehabilitate the historic building. To claim the credit, the person must include with the person's tax return evidence that the secretary of the interior approved the rehabilitation work before the rehabilitation work began.

Under this bill, a person may claim the state income and franchise tax credit for rehabilitating an income-producing historic building if the person includes with the person's tax return evidence that the state historic preservation officer recommended the rehabilitation work for approval by the secretary of the interior before the rehabilitation work began and that the rehabilitation was approved by the Secretary of the Interior.

Under current law, each partner in a partnership or member of a limited liability company is allocated a portion of any tax credit that the partnership or limited liability company may claim, including the credit for rehabilitating a historic building,

based on each partner's or member's ownership interest. Under this bill, a partner or member is allocated a portion of the tax credit for rehabilitating a historic building in a manner specified in an agreement with the other partners or members.



### AB 25 - Relating to school board approval of subdivision plats

Under current law, before a subdivision plat may be recorded, the city, vil-

lage, or town in which the subdivision lies must approve the plat. The city, village, or town may condition approval of a plat upon such conditions as compliance with its ordinances and comprehensive plan.

This bill requires the school board of each school district in which the subdivision lies to approve the subdivision plat, as well. A school board may condition plat approval upon the requirements that the subdivision not pose a safety hazard for the busing of pupils, not increase school district transportation costs, not reduce state school aids received by the school district, or not otherwise adversely affect the school district's budget.

**VIERBICHER ASSOCIATES**

- Community Planning
- Real Estate Development
- Economic Development
- Redevelopment
- Market Analysis
- TIF and Grants
- Downtown Revitalization

800-261-3898  
699 Fournier Drive, Suite 201  
Madison, WI 53717  
www.vierbicher.com

Engineering • Planning • Surveying

**Realizing Your Vision.**  
ENGINEERS | PLANNERS | DESIGNERS

**SRF**  
CONSULTING, INC.

Madison | Minneapolis | Fargo | www.srfconsulting.com | 608.829.0010  
Derek Hungness, AICP or Beth Bantz, AICP

**StockhamConsulting**  
Urban Planning & Development Services

**John Stockham**  
Email: jstockham@charter.net  
www.stockhamconsulting.com

424 Virginia Terrace  
Madison, WI 53726  
Tel: 608.233.1827  
Cell: 608.516.8423



**AB 90 – The operation of motorboats, other than personal watercraft, at slow-no-wake speed within a given distance of the shoreline of a lake.**

Under current law, no person may operate a motorboat in excess of slow-no-wake speed within 100 feet of buoyed restricted areas or structures such as piers. Current law defines “motorboat” to include personal watercraft. Current law imposes an additional slow-no-wake restriction on the operation of personal watercraft by prohibiting operation within 200 feet of the shoreline of a lake. Under current law, there is no slow-no-wake restriction for other motorboats within a given distance of a shoreline. This bill imposes a slow-no-wake restriction of 100 feet from the shoreline for motorboats that are not personal watercraft.

Under current law, cities, towns, villages, public inland lake protection and rehabilitation districts, and town sanitary districts (local governmental units) may enact local boating ordinances but the ordinances may not be inconsistent with state law. The bill provides an exception from this general requirement by allowing a local governmental unit to enact an

ordinance exempting motorboats from the 100-foot restriction created in this bill.

Current law exempts from these restrictions pickup and drop areas for personal watercraft and motorboats and persons involved in water skiing. These exemptions apply to this new provision.



**AB 92 - The regulation, preservation, and restoration of historic buildings; the supplement to the federal historic rehabilitation tax credit and**

the state historic rehabilitation tax credit; requiring the certification of downtowns; promoting certain downtown areas in this state; highway projects involving business and downtown areas; granting rule-making authority; and making appropriations.

Companion Bill to SB 55 (see analysis below)



**SB 12 - Relating to the operation of motorboats, other than personal watercraft, at slow-no-wake speed within a given**

**distance of the shoreline of a lake.**

Under current law, no person may operate a motorboat in excess of slow-no-wake speed within 100 feet of buoyed restricted areas or structures such as piers. Current law defines “motorboat” to include personal watercraft. Current law imposes an additional slow-no-wake restriction on the operation of personal watercraft by prohibiting operation within 200 feet of the shoreline of a lake. Under current law, there is no slow-no-wake restriction for other motorboats within a given distance of a shoreline. This bill imposes a slow-no-wake restriction of 100 feet from the shoreline for motorboats that are not personal watercraft.

Under current law, cities, towns, villages, public inland lake protection and rehabilitation districts, and town sanitary districts (local governmental units) may enact local boating ordinances but the ordinances may not be inconsistent with state law. The bill provides an exception from this general requirement by allowing a local governmental unit to enact an ordinance exempting motorboats from

Planning | Architecture | Engineering | Environmental | Transportation

*consulting services*

Let our resources be yours.

**SEH...Your Trusted Resource.**

Contact David Carlson at SEH Planning Group  
800.472.5881 | [www.sehinc.com](http://www.sehinc.com)



the 100-foot restriction created in this bill.

Current law exempts from these restrictions pickup and drop areas for personal watercraft and motorboats and persons involved in water skiing. These exemptions apply to this new provision.



### **SB 47 - Designating portions of the Totogatic River as a wild river**

Under current law, the legislature may designate rivers as part of the state's wild river system. The Department of Natural Resources (DNR) administers the system to preserve, protect, and enhance a river's natural beauty and unique recreational value. This bill adds to the wild river system portions of the Totogatic River. The bill also specifically allows DNR to authorize the removal of natural obstructions in the river if needed for the growth of wild rice and allows for the maintenance and replacement of piers and certain bridges and water crossings that currently are in place on the designated portions of the river.



### **SB 50 - Legislative oversight of expenditure of federal economic stimulus funds**

This bill increases the legislature's role in approving the expenditure of federal economic stimulus funds during the 2008-09 fiscal year and the 2009-11 fiscal biennium. Under the bill, "federal economic stimulus funds" are defined to mean federal moneys received by the state beginning on the bill's effective date and ending on June 30, 2011, pursuant to federal legislation enacted during the 111th Congress for the purpose of reviving the economy of the United States. Under the bill, as soon as practical after the receipt of any federal economic stimulus funds by the state, the governor must submit to the Joint Committee on Finance (JCF) a plan for the expenditure of the funds. After receiving the plan, the co-chairpersons of JCF must determine whether the plan is complete. If the co-chairpersons determine that the plan is complete, JCF must meet and either approve or modify and approve the plan within 14 days after the co-chairpersons determine that the plan is complete. The governor must then implement the plan as approved by JCF.

The bill further provides that JCF must develop guidelines for the timely completion of all projects proposed in the governor's plan and must require the governor to submit, on a periodic basis, a status report on all work undertaken on the projects. If for any reason a project cannot be completed on a timely basis,

or if federal economic stimulus funds cannot be expended as proposed in the plan, the governor must submit a revised plan to the co-chairpersons of JCF. The revised plan may only be implemented if approved by JCF using the process described above.



### **SB 55 - The regulation, preservation, and restoration of historic buildings; the supplement to the federal historic rehabilitation tax credit and the state**

historic rehabilitation tax credit; requiring the certification of downtowns; promoting certain downtown areas in this state; highway projects involving business and downtown areas; granting rule-making authority; and making appropriations.

### **State Historic Building Code**

This bill specifies that the State Historic Building Code must be liberally interpreted to facilitate the preservation and restoration of qualified historic buildings. The bill also creates a specific administrative procedure for determining the extent to which a provision in a local building code applies to a qualified historic building. The bill permits the owner of a qualified historic building



who has elected to be governed by the State Historic Building Code to request that Commerce review any decision of a local governmental unit that requires the owner to comply with a provision in a local ordinance. Commerce must review the decision to determine whether the provision in the ordinance concerns a matter dealt with in the State Historic Building Code, in which case the owner would be exempt from the provision.

Commerce must consult with the State Historical Society (SHS) before making its determination. The bill specifies that, in performing this review, Commerce must follow the existing procedure for resolving conflicts between local orders and orders of Commerce that relate to the safety of places of employment or public buildings. In addition, the bill requires Commerce, in cooperation with the SHS, to develop an informational pamphlet to increase public awareness and use of the State Historic Building Code.

### **Historic buildings used as multifamily dwellings**

This bill permits a local governmental unit to adopt an ordinance that requires the local governmental unit to grant a variance from these handrail and guardrail requirements, as they apply to a qualified historic building that is con-

verted from a single-family dwelling to a multifamily dwelling, if the owner of the qualified historic building shows that the type, height, and design of the handrail or guardrail proposed for installation is historically appropriate and if the handrail or guardrail is at least as protective of public safety as the rail that is otherwise required.

### **Historic rehabilitation tax credit**

Under the bill, for taxable years beginning in 2010, a person who is eligible to claim the federal rehabilitation tax credit may claim the supplemental state rehabilitation credit in an amount equal to 20 percent of qualified expenses, if the rehabilitated property is located in this state and the SHS certifies the rehabilitation. In addition, under the bill, a person who is not eligible to claim the federal rehabilitation tax credit because the person's qualified expenses do not satisfy the adjusted-basis requirement under federal law may claim the supplemental state rehabilitation credit in an amount equal to 20 percent of qualified expenses, if the qualified expenses are at least \$10,000, the rehabilitated property is located in this state and the SHS certifies the rehabilitation. The SHS may charge and collect a fee for the certifications described in this paragraph in an amount equal to 2 percent of the quali-

fied expenses, but not less than \$300 nor more than \$20,000. Fifty percent of the amount of such fees collected by the SHS will be used to provide additional staffing for the administration of the State Main Street Program, which is a program that promotes revitalization efforts in certain business areas.

Under this bill, if a person who claims the supplemental state income or franchise tax credit for qualified expenses related to preserving or rehabilitating historic property in this state sells the property within five years from the date on which the preservation or rehabilitation is completed, or if the SHS determines that the preservation or rehabilitation does not comply with the standards established by the SHS, the person who claimed the tax credit must pay to the state all, or a portion, of the amount of the credit that the person received, depending on the date on which the person sold the property or the date on which the preservation or rehabilitation does not comply with SHS standards.



### **DOWNTOWN DEVELOPMENT Certification and Promotion of Downtowns**

This bill requires Commerce to develop and publish guidelines to aid communities in reconstructing central business districts that are destroyed or severely damaged in major disasters. The bill also requires Commerce to promulgate rules pursuant to which Commerce will certify downtowns. In addition, under the bill, the Department of Tourism must promote travel to these certified downtowns and to business areas that are or have been the subject of revitalization efforts under the State Main Street Program.

This bill imposes additional requirements relating to highway projects that are funded by the Department of Transportation (DOT) and that involve a highway in a business area included in the State Main Street Program or in a downtown certified by Commerce. First, DOT must consult, during preliminary stages of a proposed highway project, on issues concerning the proposed project and its effect on the business or certified downtown area with Commerce and, unless none exists, with a local board or downtown planning organization of that municipality. Second, DOT must, during the concept definition phase of the project, recognize the high visual and aesthetic significance of, and impact related to, these types of highway projects in eval-

uating the aesthetic and visual impact of the project.



**SB 77**  
- **Changes to economic development tax benefit programs, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.**

### **Consolidation of Economic Development Zone Programs**

This bill consolidates the development zones, enterprise development zones, agricultural development zones, technology zones, and airport development zones (five development zone programs) into a program that provides tax benefits to persons who enter into a contract with Commerce to undertake eligible activities anywhere in the state. Eligible activities under the bill include all of the following:

1. Job creation projects that result in the creation and maintenance of jobs paying wages and providing benefits at a level approved by Commerce.
2. Projects that involve a significant investment of capital, as defined by

Commerce by rule, by the person in new equipment, machinery, real property, or depreciable personal property.

3. Projects that involve significant investments in the training or reeducation of employees, as defined by Commerce by rule, for the purpose of improving the productivity or competitiveness of the business of the person.

4. Projects that will result in the location or retention of a person's corporate headquarters in Wisconsin or that will result in the retention of employees if the person's corporate headquarters are located in Wisconsin. Commerce may allocate tax benefits under the consolidated program up to the total amount remaining to be allocated under the five development zone programs on the effective date of this bill. Tax benefits are allocated under the bill only after the person has verified to Commerce that the person has met the performance obligations established under the contract.

The value of tax benefits for which a person is eligible under the new tax credit program depends on the number of jobs created by the person, the amount of the capital investment made by the person, the amount of training or reeducation provided to the employees of a person, or the number of jobs retained by the person having its corporate headquarters located in Wisconsin.

Under the bill, Commerce may award additional tax benefits to a person that conducts eligible activities in an economically distressed area or if the eligible activities benefit members of a target group. Commerce is required by the bill to develop a methodology for designating an area as an “economically distressed area.” The bill defines “member of a target group” as a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets certain eligibility requirements for a Wisconsin Works employment position, a person who is employed in a trial job or in a real work real pay project position, a person who is eligible for child care assistance, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a dislocated worker, as defined under federal law, or a food stamp recipient, if the person has been certified by a designated local agency.

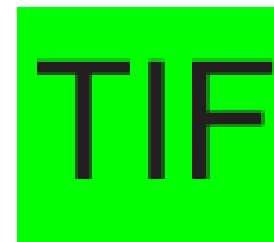


#### **SB 78 - Protections for tenants in foreclosure actions**

This bill requires the plaintiff in a foreclosure action

against residential rental property to provide the tenants of the property with notice that a foreclosure action has been filed, notice that the plaintiff has been granted judgment, along with notice of the date on which the redemption period ends, and notice of the date and time of the hearing to confirm the sale of the property. A tenant may recover \$250 in damages if a notice is not given. In addition, the bill provides that a tenant may retain possession of the rental unit for up to two months after the end of the month in which the sale of the property is confirmed, and may withhold rent in the amount of the security deposit for the last period during which the tenant actually retains possession of the rental unit.

The bill also requires a landlord to notify any prospective tenant in writing that a foreclosure action has been commenced and, if judgment has been entered, the date on which the redemption period ends. Any rental agreement entered into during the pendency of a foreclosure action must include a separate statement, signed by the tenant, that the landlord has provided the required notices, or it is voidable at the option of the tenant.



#### **SB 81 - Authorizing a city or village to extend the life of a tax incremental district for one year to benefit housing in the city or village.**

This bill authorizes a city or village to extend the life of a TID created by the city or village for one year after all of the TID's project costs have been paid. Under the bill, DOR is required to continue to authorize the allocation of tax increments for the TID as if its project costs had not been paid off, without regard to whether the TID would otherwise not be eligible to receive the increments, and without regard to whether the TID would otherwise be required to terminate. The city or village must use at least 75 percent of the increments received during the TID's extended life to benefit affordable housing in the city or village. The remainder of the increments must be used to improve the quality of the city's or village's existing housing stock.