



MEMORANDUM

TO: Senate Committee on Housing, Commerce and Trade
FROM: Wisconsin Towns Association & League of Wisconsin Municipalities
DATE: February 23, 2022
RE: SB 840 / AB 608, Mandating Statewide Zoning and Land Division for Multifamily and Workforce Housing

The Wisconsin Towns Association and the League of Wisconsin Municipalities oppose SB 840/AB 608, which preempt local planning and zoning in favor of arbitrary and involuntarily imposed statewide standards. Of primary concern, this bill mandates state zoning in towns, cities, and villages that have a zoning ordinance and that furnish water and sewer service. Specifically, this bill:

- Mandates each community have at least one zoning district in which multifamily housing not fewer than 16 residential units per acre is a permitted use. This ignores the complexities of individual communities and disregards decades of local planning.
- Mandates residential development at a density of at least 16 units per acre as a use allowed by right in any commercial use district. This ignores local planning and will have a chilling effect on business development as communities choose to no longer broadly offer commercial zoning in order to protect local planning priorities from arbitrary placement of high density housing in commercial zones. Simply, this bill will make commercial development more difficult and eliminate certainty for business owners as to what use might be placed next to their business.

Importantly, neither of these provisions require the aforementioned state mandated zoning districts to include housing units that are affordable for the workforce.

Additionally, SB 840/AB 608 mandates the following related to workforce housing project applications. These workforce housing requirements are distinct and apply separately from the above mandated zoning standards for high density housing.

- Mandates a local process for approving, denying, or conditionally approving an application for approval of a workforce housing project within 90 days of receiving an application. The bill fails to define what constitutes an “application” under this provision and could result in the 90 day timeframe not being able to be achieved by communities.

- Mandates approval of workforce housing applications that are consistent with either the housing element of a local comprehensive plan or consistent with a local zoning ordinance. This conflates the purpose of planning versus zoning. Zoning is an implementation tool “today,” while planning is simply a policy statement that guides zoning over the “long term.” This bill elevates planning to an implementation tool, resulting in two implementation tools that could direct the community to two entirely different decisions.

For example, a community might be planning an area for workforce housing and investing in infrastructure and facilities to make that happen in 20 years. Because the area is not ready for workforce housing today, it would not currently be zoned for this use. Requiring a community to use its plan as an implementation tool, as this bill does, will result in premature development with insufficient and inefficient use of infrastructure and community facilities.

Furthermore, state statute requires that zoning decisions are made consistent with the comprehensive plan. Because this bill treats both planning and zoning as implementation tools, it would at times require this statutory consistency requirement to be violated, posing a significant conflict in the law.

The Wisconsin Towns Association and the League of Wisconsin Municipalities support the goal of increasing affordable workforce housing across the state, and we look forward to working with the legislature to find collaborative solutions to our state’s workforce housing challenge. Unfortunately, SB 840/AB 608 miss the mark, taking a statewide, “one size fits all” approach to land use planning and zoning that has historically been determined at the local level.

We urge you to vote against recommending passage of SB 840/AB 608. Thank you for your consideration.