

State of Wisconsin



2015 Assembly Bill 568

Date of enactment: February 29, 2016

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2015 WISCONSIN ACT 176

AN ACT *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 59.69 (4m), 60.64, 62.23 (7) (em), 66.1019 (3) (a), 704.17 (1) (b), 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 66.0809 (9), 101.02 (7m), 349.13 (3m) (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (2) (b), 704.19 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1); and *to create* 59.69 (4m) (b), 59.69 (4m) (c), 60.64 (2), 60.64 (3), 62.23 (7) (em) 2., 62.23 (7) (em) 3., 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c), 175.403, 704.055, 704.17 (1) (b) 1., 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m., 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes; **relating to:** terminating a tenancy for criminal activity or drug-related criminal activity; disposition of personal property left in rental property by a trespasser; preexisting sprinkler ordinances that are stricter than the multifamily dwelling code; towing vehicles illegally parked on private property; terminating certain tenancies for breaches other than failure to pay rent; limitations on the authority of political subdivisions to regulate rental units and historic properties; prohibiting local governmental units from imposing real property purchase or residential real property occupancy requirements; creating a criminal penalty; and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.505 (7) (h) of the statutes is amended to read:

20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys received under s. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

SECTION 2. 59.69 (4m) of the statutes is renumbered 59.69 (4m) (a) and amended to read:

59.69 (4m) (a) ~~A Subject to par. (b),~~ a county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance

any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. ~~The Subject to pars. (b) and (c),~~ the county may create a landmarks commission to designate historic landmarks and establish historic districts. ~~The Subject to par. (b),~~ the county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

SECTION 3. 59.69 (4m) (b) of the statutes is created to read:

59.69 (4m) (b) Before the county designates a historic landmark or establishes a historic district, the county shall hold a public hearing. If the county proposes to designate a place, structure, or object as a historic land-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

mark or establish a historic district that includes a place, structure, or object, the county shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

SECTION 3m. 59.69 (4m) (c) of the statutes is created to read:

59.69 (4m) (c) An owner of property that is affected by a decision of a county landmarks commission may appeal the decision to the board. The board may overturn a decision of the commission by a majority vote of the board.

SECTION 4. 60.64 of the statutes is renumbered 60.64 (1) and amended to read:

60.64 (1) ~~The Subject to sub. (2),~~ the town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. ~~The Subject to subs. (2) and (3),~~ the town board may create a landmarks commission to designate historic landmarks and establish historic districts. ~~The Subject to sub. (2),~~ the board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

SECTION 5. 60.64 (2) of the statutes is created to read:

60.64 (2) Before the town board designates a historic landmark or establishes a historic district, the town board shall hold a public hearing. If the town board proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the town board shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

SECTION 5m. 60.64 (3) of the statutes is created to read:

60.64 (3) An owner of property that is affected by a decision of a town landmarks commission may appeal the decision to the town board. The town board may overturn a decision of the commission by a majority vote of the town board.

SECTION 6. 62.23 (7) (em) of the statutes is renumbered 62.23 (7) (em) 1. and amended to read:

62.23 (7) (em) 1. ~~A Subject to subd. 2.,~~ a city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or

object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. ~~A Subject to subs. 2. and 3.,~~ a city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. ~~The Subject to subd. 2.,~~ the city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

SECTION 7. 62.23 (7) (em) 2. of the statutes is created to read:

62.23 (7) (em) 2. Before the city designates a historic landmark or establishes a historic district, the city shall hold a public hearing. If the city proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the city shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

SECTION 7m. 62.23 (7) (em) 3. of the statutes is created to read:

62.23 (7) (em) 3. An owner of property that is affected by a decision of a city landmarks commission may appeal the decision to the common council. The common council may overturn a decision of the commission by a majority vote of the common council.

SECTION 8. 66.0104 (2) (e) of the statutes is created to read:

66.0104 (2) (e) No city, village, town, or county may enact an ordinance that does any of the following:

1. Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of regularly scheduled inspections conducted in compliance with s. 66.0119, as applicable, or as required under state or federal law.

2. Charges a fee for conducting an inspection of a residential rental property unless all of the following are satisfied:

a. The amount of the fee is uniform for residential rental inspections.

b. The fee is charged at the time that the inspection is actually performed.

3. Charges a fee for a subsequent reinspection of a residential rental property that is more than twice the fee charged for an initial reinspection.

4. Except as provided in this subdivision, requires that a rental property or rental unit be certified, registered, or licensed. A city, village, town, or county may require that a rental unit be registered if the registration consists only of providing the name of the owner and an

authorized contact person and an address and telephone number at which the contact person may be contacted.

SECTION 9. 66.0104 (2) (f) of the statutes is created to read:

66.0104 (2) (f) No city, village, town, or county may impose an occupancy or transfer of tenancy fee on a rental unit.

SECTION 10. 66.0104 (2) (g) of the statutes is created to read:

66.0104 (2) (g) 1. Except as provided in subs. 2. and 3., no city, village, town, or county may enact an ordinance that requires a residential rental property owner to register or obtain a certification or license related to owning or managing the residential rental property.

2. Subdivision 1. does not apply to an ordinance that applies uniformly to all residential rental property owners, including owners of owner-occupied rental property.

3. Subdivision 1. does not prohibit a city, village, town, or county from requiring that a landlord be registered if the registration consists only of providing the name of the landlord and an authorized contact person and an address and telephone number at which the contact person may be contacted.

SECTION 11. 66.0104 (3) (c) of the statutes is created to read:

66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub. (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

SECTION 12. 66.0809 (9) of the statutes is amended to read:

66.0809 (9) A municipal utility is not required to offer a customer who is a tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a municipal utility to offer or not offer a deferred payment agreement does not require approval, and is not subject to disapproval, by the public service commission.

SECTION 13. 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and amended to read:

66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m).

SECTION 14. 66.1019 (3) (b) of the statutes is repealed.

SECTION 15. 101.02 (7m) of the statutes is amended to read:

101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department

under this subchapter, ~~except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b).~~ Any provision of a contract between a city, village, or town and a property owner of a multifamily dwelling that requires the property owner to comply with an ordinance that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter may be waived by the property owner and if waived is void and unenforceable.

SECTION 16. 101.975 (3) of the statutes is repealed.

SECTION 17. 175.403 of the statutes is created to read:

175.403 Trespassing; arrest and removal. (1) In this section:

(a) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

(b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(2) Each law enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14. The policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.

SECTION 18. 349.13 (3m) (dr) 2. of the statutes is amended to read:

349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal or storage of an illegally parked vehicle under this subsection if unless the towing service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with respect to the vehicle. A towing service operating in a 1st class city may not collect any charges for the removal or storage of an illegally parked vehicle under this subsection if the towing service has not complied with par. (d) 2. with respect to the vehicle.

SECTION 19. 349.13 (3m) (e) 1. of the statutes is amended to read:

349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles under this subsection when no citation has been issued.

SECTION 20. 349.13 (3m) (e) 3. of the statutes is amended to read:

349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement under par. (d) upon removal of a vehicle when no citation has been issued.

SECTION 21. 704.055 of the statutes is created to read:

704.055 Disposition of personalty left by trespasser. (1) DEFINITION. In this section, “trespasser” means a person who is not a tenant and who enters or remains in residential rental property without the consent of the landlord or another person lawfully on the property.

(2) AT THE LANDLORD'S DISCRETION. (a) If a trespasser is removed or otherwise removes from residential rental property and leaves personal property, the landlord shall hold the personal property for 7 days from the date on which the landlord discovers the personal property. After that time, the landlord may presume that the trespasser has abandoned the personal property and may dispose of the personal property in any manner that the landlord, in the landlord's sole discretion, determines is appropriate but shall promptly return the personal property to the trespasser if the landlord receives a request for its return before the landlord disposes of it.

(b) If the landlord disposes of the abandoned personal property by private or public sale, the landlord may send the proceeds of the sale minus any costs of sale and, if the landlord has first stored the personal property, minus any storage charges to the department of administration for deposit in the appropriation under s. 20.505 (7) (h).

(3) RIGHTS OF 3RD PERSONS. The landlord's power to dispose as provided by this section applies to any personal property left on the landlord's property by the trespasser, whether owned by the trespasser or by others. The power to dispose under this section applies notwithstanding any rights of others existing under any claim of ownership or security interest. The trespasser, other owner, or any secured party has the right to redeem the personal property at any time before the landlord has disposed of it or entered into a contract for its disposition by payment of any expenses that the landlord has incurred with respect to the disposition of the personal property.

SECTION 22. 704.17 (1) (b) of the statutes is renumbered 704.17 (1) (b) (intro.) and amended to read:

704.17 (1) (b) (intro.) If a month-to-month tenant commits waste or a material violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's agreement, other than for payment of rent, the tenancy can be terminated if ~~the landlord gives~~ any of the following applies:

2. The landlord gives the tenant notice requiring the tenant to vacate on or before a date at least 14 days after the giving of the notice.

SECTION 23. 704.17 (1) (b) 1. of the statutes is created to read:

704.17 (1) (b) 1. The landlord gives the tenant a notice that requires the tenant to either remedy the default or vacate the premises no later than a date at least 5 days after the giving of the notice, and the tenant fails to comply with the notice. A tenant is considered to be complying with the notice if promptly upon receipt of the notice the tenant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the landlord and the tenant makes a bona fide and reasonable offer to pay the landlord all damages for the tenant's breach. If, within one year from receiving a notice under this subdivision, the tenant again

commits waste or breaches the same or any other covenant or condition of the tenant's rental agreement, other than for payment of rent, the tenant's tenancy is terminated if the landlord gives the tenant notice to vacate on or before a date at least 14 days after the giving of the notice.

SECTION 24. 704.17 (2) (b) of the statutes is amended to read:

704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's lease, other than for payment of rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice requiring the tenant to remedy the default or vacate the premises on or before a date at least 5 days after the giving of the notice, and if the tenant fails to comply with such notice. A tenant is deemed to be complying with the notice if promptly upon receipt of such notice the tenant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the landlord and the tenant makes a bona fide and reasonable offer to pay the landlord all damages for the tenant's breach. If within one year from the giving of any such notice, the tenant again commits waste or breaches the same or any other covenant or condition of the tenant's lease, other than for payment of rent, the tenant's tenancy is terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives the tenant notice to vacate on or before a date at least 14 days after the giving of the notice.

SECTION 25. 704.17 (3m) of the statutes is created to read:

704.17 (3m) CRIMINAL ACTIVITY. (a) In this subsection:

1. "Controlled substance" has the meaning given in s. 961.01 (4).

2. "Drug-related criminal activity" means criminal activity that involves the manufacture or distribution of a controlled substance. "Drug-related criminal activity" does not include the manufacture, possession, or use of a controlled substance that is prescribed by a physician for the use of a disabled person, as defined in s. 100.264 (1) (a), and that is manufactured by, used by, or in the possession of the disabled person or in the possession of the disabled person's personal care worker or other caregiver.

(b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household engages in any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants;

engages in any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; engages in any criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or engages in any drug-related criminal activity on or near the premises. The notice shall require the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance; include a description of the criminal activity or drug-related criminal activity, the date on which the activity took place, and the identity or description of the individuals engaging in the activity; advise the tenant that he or she may seek the assistance of legal counsel, a volunteer legal clinic, or a tenant resource center; and state that the tenant has the right to contest the allegations in the notice before a court commissioner or judge if an eviction action is filed. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the landlord by the greater preponderance of the credible evidence of the allegation in the notice.

2. To terminate a tenancy under this subsection, it is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

(c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s. 950.02 (4), of the criminal activity.

SECTION 26. 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and amended to read:

704.17 (5) (a) ~~Provisions~~ Except as provided in par. (b), provisions in the lease or rental agreement for termination contrary to this section are invalid except in leases for more than one year.

SECTION 27. 704.17 (5) (b) of the statutes is created to read:

704.17 (5) (b) Provisions in any lease or rental agreement for termination contrary to sub. (3m) are invalid.

SECTION 28. 704.19 (2) (b) 2. of the statutes is amended to read:

704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents termination of a tenancy before the end of a rental period because of an imminent threat of serious physical harm, as provided in s. 704.16, or for criminal activity or drug-related criminal activity, non-payment of rent, or breach of any other condition of the tenancy, as provided in s. 704.17.

SECTION 29. 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 (title) Prohibition on imposing time-of-sale, purchase, or occupancy requirements.

SECTION 30. 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY OF PROPERTY PROHIBITED.

SECTION 31. 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

1m. Restrict the ability of an owner of real property to sell or otherwise transfer title to or refinance the property by requiring the owner or an agent of the owner to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

SECTION 32. 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. a.

SECTION 33. 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. b.

SECTION 34. 706.22 (2) (a) 2m. of the statutes is created to read:

706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real property by requiring the person or an agent of the person to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the person may complete the purchase of or take title to the property.

b. At the time of completing the purchase of or taking title to the property.

c. Within a certain period of time after completing the purchase of or taking title to the property.

SECTION 35. 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. c.

SECTION 36. 706.22 (2) (a) 3m. of the statutes is created to read:

706.22 (2) (a) 3m. Restrict the ability of a purchaser or transferee of title to residential real property to take occupancy of the property by requiring the purchaser or transferee or an agent of the purchaser or transferee to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the purchaser or transferee may take occupancy of the property.

b. At the time of taking occupancy of the property.

c. Within a certain period of time after taking occupancy of the property.

SECTION 37. 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (b) (intro.) and amended to read:

706.22 (2) (b) (intro.) Paragraph (a) does not prohibit do any of the following:

1. Prohibit a local governmental unit from requiring a real property owner or the owner's agent to take certain actions with respect to the property not in connection with the purchase, sale, or refinancing of, or the transfer of title to, the property.

SECTION 38. 706.22 (2) (b) 2. of the statutes is created to read:

706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise affect the responsibility, authority, or ability of a local governmental unit to enforce, a federal or state requirement that does any of the things a local governmental unit is prohibited from doing under par. (a).

SECTION 39. 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (3) (a) and amended to read:

706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the ordinance, resolution, or policy does not apply and may not be enforced.

SECTION 40. 706.22 (3) (b) of the statutes is created to read:

706.22 (3) (b) If a local governmental unit has in effect on the effective date of this paragraph [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not apply and may not be enforced.

SECTION 41. 800.035 (1) of the statutes is amended to read:

800.035 (1) A defendant may make an initial appearance in person or by submitting a written response to the citation or complaint except when the judge has required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section, if a defendant is a limited liability company, the defendant appears in person if the appear-

ance is by a member, as defined in s. 183.0102 (15), by an agent or authorized employee of the defendant, or by an agent of the member or an authorized employee of the agent.

SECTION 42. 943.14 of the statutes is renumbered 943.14 (2) and amended to read:

943.14 (2) Whoever intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

SECTION 43. 943.14 (1) of the statutes is created to read:

943.14 (1) In this section, "dwelling" means a structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident.

SECTION 44. Initial applicability.

(1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes first applies to criminal activities or drug-related criminal activities that are committed on the effective date of this subsection.

(2) The creation of section 704.17 (5) (b) of the statutes first applies to leases and rental agreements that are entered into or renewed on the effective date of this subsection.

(3) The renumbering and amendment of sections 59.69 (4m), 60.64, and 62.23 (7) (em) of the statutes and the creation of sections 59.69 (4m) (b) and (c), 60.64 (2) and (3), and 62.23 (7) (em) 2. and 3. of the statutes first apply to a decision of a landmarks commission made on the effective date of this subsection and a designation of a historic landmark or an establishment of a historic district on the effective date of this subsection.