

**AMENDMENT ,
TO WLC: 0090/1**

- 1 At the locations indicated, amend the draft as follows:
- 2 **1.** Page 5, line 9: after “complex” insert “registered or”.
- 3 **2.** Page 5, line 14: delete lines 14 to 15 and substitute: “8. Housing for older persons
- 4 as defined in s. 106.50 (1m) (m) that satisfies the requirements under s. 106.50 (5m) (a).”.

NOTE: This amendment was prepared at the request of public member John Sauer. It provides that registered, as well as certified, residential care apartment complexes owned and used exclusively as residential housing by a benevolent association, or church or religious association, would be exempt from the property tax under WLC: 0090/1.

The amendment also deletes the provision in the draft that property that is used as residential housing that is equally available to any applicant without requiring a showing of the person’s income or economic assets is exempt from the property tax. Instead, housing for older persons, as defined in s. 106.50 (1m) (m), stats., that satisfies the requirements under s. 106.50 (5m) (a), stats., would be exempt from the property tax.

Housing for older persons is defined in s. 106.50 (1m) (m), stats., as any of the following:

1. Housing provided under any state or federal program that the secretary of the department of workforce development determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.
2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.
3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

Section 106.50 (5m) (a), stats., provides that Wisconsin’s open housing law does not prohibit discrimination based on age or family status with respect to housing for older persons. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age

or older per dwelling unit may qualify as housing for older persons only if the owner of the housing maintains records containing written verification that all of the following factors apply to the housing:

1. At least 80% of the dwelling units in housing that is primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit, are occupied by at least one person 55 years of age or older.
2. Policies are published and procedures are adhered to that demonstrate intent by the owner or manager to provide housing for persons 55 years of age or older. The owner or manager may document compliance with this requirement by maintaining records containing written verification of the ages of the occupants of the housing.

In addition, under s. 106.50 (5m) (a), stats., no person may discriminate by refusing to continue renting to a person living in housing for older persons that is housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit who is subject to a hardship condition.

Finally, under s. 106.50 (5m) (a), stats., housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether one or more dwelling units were unoccupied on that date, if the persons who first occupy the housing on or after that date have attained the age of 62.