

**KENOSHA COUNTY**  
**BOARD OF SUPERVISORS**

**RESOLUTION NO. 13**

Subject: Calling on the Legislature to Address the Dark Store Loophole	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Daniel Esposito, William Grady, Erin Decker and Zach Rodriguez	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: William Grady and Erin Decker	Signature:

**Whereas**, home owners in Wisconsin already pay approximately 70% of the total statewide property tax levy; and

**Whereas**, that property tax burden is about to get more disproportionate unless the legislature addresses tax avoidance strategies that national chains stores are using across the country to gain dramatic reductions in their property tax bills at the expense of homeowners and other taxpayers; and

**Whereas**, national chain stores are using what is known as the “Dark Store Theory” to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

**Whereas**, national chain stores in Wisconsin have argued in communities across Wisconsin that the assessed value of their property for property tax purposes should be less than half of their actual sale prices on the open market; and

**Whereas**, lawsuits filed by national chain stores in Wisconsin are forcing assessors to dramatically reduce the market value of thriving national retail stores, shifting their tax burden to local businesses and homeowners; and

**Whereas**, in many cases the courts have sided with these national chain stores, requiring communities to refund tax revenue back to the stores.

**Now, Therefore, Be It Resolved**, that the Kenosha County Board of Supervisors call on the Wisconsin State Legislature and Governor to protect homeowners and local businesses from having even more of the property tax burden shifted to them by passing legislation clarifying that: leases are appropriately factored into the valuation of leased properties; and when using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations; and

**Be It Further Resolved**, that the Kenosha County Board of Supervisors call on the Wisconsin State Legislature and Governor to pass legislation prohibiting assessors from valuing new retail stores the same as nearby abandoned stores from a different market segment; and

**Be It Further Resolved**, that the Kenosha County Board of Supervisors urges our legislators and the

governor to have this matter reviewed by the Wisconsin Legislative Council Study Committee on Property Tax Assessment Practices no later than July, 2018; and

**Be It Further Resolved**, that since this matter has **not** been adequately addressed in 2018 by the Wisconsin State Legislature, the Governor shall call a special session of the Wisconsin State Legislature to address this issue no later than September 2018; and

**Be It Further Resolved**, that a copy of this resolution be forwarded to Kenosha County's legislative delegation, Governor Scott Walker, the Wisconsin Counties Association, and to all other Wisconsin counties.

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Daniel Esposito

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William R. Grady

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Erin Decker

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Zach Rodriguez

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
<hr/> Gabe Nudo, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Andy Berg, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Dayvin Hallmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Boyd Frederick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Zack Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>