

County of Kenosha

Board of Supervisors

Resolution No. _____

RESOLUTION CALLING ON THE WISCONSIN LEGISLATORS TO PROTECT HOMEOWNERS FROM “DARK STORE” ASSESSING PRACTICES.

Original <u> X </u>	Corrected <u> </u>	2 nd Correction <u> </u>	Resubmitted <u> </u>
Date Submitted: May 15, 2017			
Date resubmitted: _____			
Submitted by: Supervisors Jill Gillmore & Jeff Wamboldt			
Fiscal Note Attached: <u> </u>			
Legal Note Attached: <u> </u>			
Prepared By: Supervisor Jill Gillmore			

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 chain 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 their 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 support LRB-0373 known as the Dark Store Bill and LRB-0372 which reverses the 2008 Walgreens vs. City of Madison decision; 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.

Respectfully Submitted,

Jill Gillmore

Jeff Wamboldt

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
<hr/> Boyd Frederick, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Dayvin Hallmon, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Andy Berg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Erin Decker	<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/> John Poole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Michael Skalitzy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>