

## Trespass Law and Authority to Enter Property

Wisconsin Statutes 70.32 requires assessors to value property from actual view or from the best information that can practicably be obtained. However, Statute 70.05 limits the assessor's access to your land to once per year unless you consent to additional visits.

Wisconsin Trespass Laws (943.13 and 943.15) do not apply to an assessor and an assessor's staff entering your land or posted construction site (other than locked and enclosed buildings, agricultural land or pasture, or a livestock confinement area). Assessors are restricted to the following conditions when entering the construction site, other than buildings, of another if all the following apply:

- (a) The assessor or the assessor's staff enters the construction site in order to make an assessment on behalf of the state or a political subdivision.
- (b) The assessor or assessor's staff enters the construction site on a weekday during daylight hours, or at another time as agreed upon by the landowner.
- (c) The assessor or assessor's staff spends no more than one hour on the construction site.
- (d) The assessor or assessor's staff does not open doors, enter through open doors, or look into windows of structures on the construction site.
- (e) The assessor or the assessor's staff leaves in a prominent place on the principal building at the construction site, or on the land if there is not a principal building, a notice informing the owner or occupant that the assessor or the assessor's staff entered the construction site and giving information on how to contact the assessor.
- (f) The assessor or the assessor's staff has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

In 2009, Wisconsin Act 68 was enacted to amend Section 70.05(5)(b) Wis. Stats. and to create Section 70.05 (4m), 895, 488, 943.13 (4m)(d) and 943.15(1m) of the statutes; relating to: partially exempting an assessor and an assessor's staff from liability for trespassing, creating immunity from civil liability, and changing the notice requirements relating to the revaluation of property by an assessor.

The trespass bill states in part *"Before a city, village, or town assessor conducts a revaluation of property under this paragraph [Section 70.05(5)(b) Wis. Stats.], the city, village or town shall publish a notice on its municipal website that a revaluation will occur and the approximate dates of the property revaluation. The notice shall also describe the authority of an assessor, under Section 943.13, Wis. Stats. and Section 943.15, Wis. Stats., to enter land. If a municipality does not have a Website, it shall post the required information in at least 3 public places within the city, village or town."* (Emphasis added.)

Copies of the applicable statutes can be obtained at public depositories throughout the State of Wisconsin, and from the State of Wisconsin Legislative Reference Bureau website at [www.legis.state.wi.us/rsb/stats.html](http://www.legis.state.wi.us/rsb/stats.html).