

Report From Agency

**DATCP Docket No. 12-R-06
Rules Clearinghouse No. 13-027**

**Proposed Final Draft Rule
July 2, 2013**

**PROPOSED ORDER
OF THE WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

2 The Wisconsin department of agriculture, trade and consumer protection proposes the following
3 rule *to repeal* ATCP 125.01 (8), and 125.03 (4) (c) (Note); *to renumber and amend* ATCP
4 125.01 (1); *to amend* ATCP 125 (Title), 125.01 (2), (3), (7) (intro), (9), and (10) (a), (c) and (d),
5 125.02 (1) to (4), 125.03 (1) (intro.), (a), (d), (e), (f) and (g) and (4) (a), 125.04 (1) (intro.), (b)
6 and (c), (2) (d) and (e), and (3) (a) and (b), 125.05 (Title), (2) (b), (c) and (f), (3) and (4), 125.06
7 (Title) and (1), 125.07 (Title) and (1), 125.08 (1) and (Note) and (3), 125.09 (1), (3) and (4) and
8 (Note); and 134.02 (2); and to *create* ATCP 125.01 (1e) and (1m), 125.03 (1) (am), (1) (em) and
9 (1) (h); *relating to* Manufactured Home Communities – Fair Trade Practices, and affecting small
10 business.

**Analysis Prepared by the Department
of Agriculture, Trade and Consumer Protection**

Statutes Interpreted

Statutes Interpreted: s. 100.20 (1), Stats.

Statutory Authority

Statutory Authority: ss. 93.07 (1) and 100.20 (2), Stats.

Explanation of Statutory Authority

DATCP has broad general authority to interpret statutes under its jurisdiction (see s. 93.07(1), Stats.)

DATCP has authority under s. 100.20 (2) (a), Stats., to promulgate rules forbidding methods of competition or trade practices which the department determines to be unfair, and to prescribe fair methods of competition and trade practices. Section 100.20 (2) (b), Stats., prohibits DATCP from promulgating any rules that regulates the provision of water or sewer service by a manufactured home community operator.

Related Statutes and Rules

Subchapter V of Ch. 101, Stats., regulates manufactured homes and mobile homes and establishes licensing programs within the Wisconsin Department of Safety and Professional Services (DPS) for manufactured home community operators, dealers, installers, salespersons, and manufacturers. This subchapter also establishes the state system for certifying titles of ownership on mobile homes and manufactured homes; and contains a number of requirements and standards related to the homes themselves, water and sewer connections, and standards for manufactured home communities.

Chapter 704, Stats., regulates transactions between landlords and both residential and non-residential tenants. The department does not administer ch. 704. Stats.

Section 710.15, Stats., contains several provisions related to manufactured and mobile home community regulations, including a prohibition against operators considering the age of a mobile home or manufactured home as a determining factor in leasing a lot to that resident.

Chapter ATCP 134, Wis. Admin. Code, regulates relationships between landlords and tenants in residential rental transactions, including prohibiting a landlord from renting condemned premises and prescribing procedures for handling security deposits.

Chapter SPS 326, Wis. Admin. Code, regulates standards for manufactured home communities, including the regulation of park operators' delivery and billing of water and sewer services. Chapter SPS 326 specifies the minimum width of streets and the provision of fire hydrants, and all plans for new manufactured home communities or the expansion of existing manufactured home communities, must be approved by DPS.

Plain Language Analysis

Background

Chapter ATCP 125 was first promulgated as Ag 125 in 1972. At the time, zoning restrictions led to a shortage of mobile home sites in many areas of the state, which inhibited competition and market choice. The rule was promulgated to address unfair trade practices and methods of competition that emerged in the industry. The rule prohibited mobile home park operators from using unfair or deceptive trade practices. It also required that rental contracts be in writing and contain specific disclosures. The rule was revised in 1976 and again in 1987.

Rule Content

This rule does all of the following:

- Modernizes the existing rule by incorporating the defined terms “manufactured home” and “manufactured home community”. These terms replace the current rule’s “mobile home” and “mobile home park”.
- Repeals the definition “television service” and creates the definition “electronic communications service”. The rule specifies the mechanisms operators are allowed to use, or are prohibited from using, when billing tenants for these services.
- Amends the definition “utility service” to exclude water and sewer services, and telephone service. Section 100.20 (2) (b), Stats., was created after the promulgation of the current rule, which prohibits DATCP from regulating water and sewer services provided by manufactured home community operators. Under this rule, telephone services are included in the definition of “electronic communications service”
- Updates the phrase “mobile home parking fee assessed by local units of government” with the term “municipal permit fee,” as specified under ch. 66, Stats.
- Repeals outdated and obsolete provisions in the current rule.

Under the current rule, rent and other charges may not be increased during the term of the rental agreement. However, this provision does not apply to “mobile home parking fees” and charges for utility services not included in rent. This rule expands the exceptions to include waste hauling or recycling fees that are assessed by local units of government.

Under the current rule, rental agreements are required to express the amount of rent due in each rent paying period in dollars. Under the proposed rule, if the tenant requests a rental agreement that is three years or greater, the amount of rent due in each rent paying period may be expressed in either a dollar amount or a defined formula based on the consumer price index.

Under the current rule, a rental agreement may not include a security deposit greater than either \$350 or three months’ rent, whichever is less. This rule updates the maximum security deposit to \$750, or two months’ rent, whichever is less.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The federal government does not generally regulate manufactured home sales or rental practices. However, Congress did pass the National Manufactured Housing Construction and Safety Standards Act of 1974, which direct the Department of Housing and Urban Development (HUD) to develop regulations; which are now known as the Federal Manufactured Housing Construction and Safety Standards.

Comparison with Rules in Adjacent States

Illinois statutes contain the Mobile Home Landlord and Tenant Rights Act. Among other things, this act restricts park owners from prohibiting television antennas, requires written leases, allows for temporary occupancy in certain situations, requires park owners to disclose information about rent charged during the last five years and projections for the next three, and restricts park owners' ability to control the sale of mobile homes within the park.

Minnesota administrative code regulates mobile home parks and the methods park owners can use to bill residents for utility costs incurred by the community. For example, rental agreements must be in writing and specify certain terms and conditions related to the location of the lot, amount of rent, services or facilities that the park owner agrees to provide, and the name of any person holding a security interest in the resident's home. Minnesota law prohibits park owners from requiring residents to use the services of a particular dealer or broker when selling their home, or buy goods or services from a particular vendor.

Iowa does not have any laws in place related to mobile or manufactured homes or parks. Iowa legislation was introduced in 2011 to grant mobile home residents rights similar to tenants and proposed to place restrictions on park operators operating as real estate agents. This legislation did not pass.

Michigan has law in place related to mobile home park owners and specifies the rights of a tenant. Park owners are prohibited from charging entrance and exit fees, charging more than 1.5 times the amount of monthly rent as a security deposit and cannot require a person to buy a mobile home from another person as a condition of renting space in that park. Park owners must offer tenants a written lease for one year or more, and provide a copy of rules that govern maintenance, pets, fees, and charges that may be incurred by the tenant. Park owners must keep specific written records for each tenant.

Summary of Factual Data and Analytical Methodologies

According to the Department of Safety and Professional Services web page (www.dsps.wisconsin.gov), there are approximately 1,074 licensed manufactured home communities in Wisconsin, with a total of 52,316 home sites (these statistics are from an on-line listing of licensed manufactured home parks by DSPS (March, 2011)).

Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

DATCP convened an Ad Hoc Advisory Group to provide input into the rule and its effects. This group was made-up of two representatives of manufactured home community owners and two tenants' rights advocates.

Effect on Small Business

The rule impacts manufactured home park operators. Many manufactured home park operators are small businesses. This rule does make minor changes to park operators’ duties and responsibilities, but will only have a very minor monetary impact. For more detail on the effect of the proposed rule on small business, see the attached *Initial Regulatory Flexibility Analysis*.

DATCP Contact

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Place Where Comments can be Submitted and Deadline for Submission

Questions and comments related to this rule may be directed to:

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Rule comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this rule is approved by the Board of Agriculture, Trade and Consumer Protection.

- 1 **SECTION 1.** ATCP 125 (Title) is amended to read:
- 2 ATCP 125 (Title) ~~MOBILE~~ **MANUFACTURED HOME PARKS COMMUNITIES –**
- 3 **FAIR TRADE PRACTICES**
- 4 **SECTION 2.** ATCP 125.01 (1) is renumbered ATCP 125.01 (1s) and amended to read:
- 5 ATCP 125.01 (1s) “~~Mobile~~ Manufactured Home” means a any of the following:
- 6 (a) A manufactured home as defined in s. 101.91 (2) (am), Stats.

1 (b) A unit designed to be towed or transported and used as a residential dwelling, but
2 does not include a unit used primarily for camping, touring, or recreational purposes.

3 **SECTION 3.** ATCP 125.01 (1e) and (1m) are created to read:

4 ATCP 125.01 (1e) “CPI” means the annual average consumer price index – all urban
5 consumers, as calculated and published by the United States bureau of labor statistics.

6 (1m) “Electronic communications service” has the meaning given in s. ATCP 123.01
7 (5).

8 **SECTION 4.** ATCP 125.01 (2), (3) and (7) (intro.) are amended to read:

9 ATCP 125.01 (2) “~~Mobile~~ Manufactured home park community” means any tract of
10 land containing 2 or more sites.

11 (3) “Operator” means any person engaged in the business of renting sites in a ~~mobile~~
12 manufactured home park community to tenants. “Operator” includes officers, representatives,
13 agents and employees.

14 (7) (intro.) “Site” means any plot of land ~~which~~ that is rented or offered for rental for the
15 accommodation of a ~~mobile~~ manufactured home used for residential purposes. It does not
16 include a plot of land rented for the accommodation of a ~~mobile~~ manufactured home ~~which~~ that
17 is:

18 **SECTION 5.** ATCP 125.01 (8) is repealed.

19 **SECTION 6.** ATCP 125.01 (9) and (10) (a), (c) and (d) are amended to read:

20 ATCP 125.01 (9) “Tenant” means any person residing in a manufactured home, and
21 renting a site from an operator.

22 (10) (a) Electricity, ~~water, sewer, telephone,~~ and natural gas;

1 (c) Fuel oil supplied through a permanent central system in the ~~mobile~~ manufactured
2 home ~~park community~~; and

3 (d) ~~Television~~ Electronic communications service.

4 **SECTION 7.** ATCP 125.02 (1) to (4) and (6) are amended to read:

5 **ATCP 125.02 Tie-in sales; separate or discriminatory charges.** No operator shall:

6 (1) Require, as a condition to the rental of any site, the purchase of a ~~mobile~~
7 manufactured home from the operator or any dealer, manufacturer, or agent named by the
8 operator.

9 (2) Represent to any person that the purchase of a ~~mobile~~ manufactured home from the
10 operator or any dealer, manufacturer, or agent named by the operator will give the purchaser an
11 advantage over others in the rental or continued occupancy of a site.

12 (3) Discriminate or threaten to discriminate in rental charges or in any other respect
13 against a tenant for failure of the tenant to purchase a ~~mobile~~ manufactured home from the
14 operator or any dealer, manufacturer, or agent named by the operator.

15 (4) Solicit or receive any payment or other thing of value from any seller of a ~~mobile~~
16 manufactured home for agreeing to rent a site to the purchaser of such ~~mobile~~ manufactured
17 home.

18 (6) Use a ~~mobile~~ manufactured home site to display a ~~mobile~~ manufactured home
19 offered for sale, or rent a site to a ~~mobile~~ manufactured home dealer for purposes other than
20 accommodation of a ~~mobile~~ manufactured home occupied as a residence, if the use or rental of
21 the site results in there being no site in the ~~mobile~~ manufactured home ~~park community~~ available
22 to a prospective tenant who does not purchase a ~~mobile~~ manufactured home from the operator or
23 renting dealer.

1 **SECTION 8.** ATCP 125.03 (1) (intro), (a), (d), and (e) are amended to read:

2 **ATCP 125.03 Rental agreement; requirements.** (1) Every rental agreement shall be in
3 writing. A copy of the rental agreement shall be furnished to the tenant at the time the rental
4 agreement is executed. If a ~~mobile~~ manufactured home is purchased from or through the
5 operator, a copy of the rental agreement shall be furnished to the tenant before the tenant signs
6 the ~~mobile~~ manufactured home purchase contract. The rental agreement shall conspicuously set
7 forth all terms and conditions affecting the rental of the site, and shall include:

8 (a) The amount of rent for each rent paying period and all property, services and
9 facilities provided by the operator and included in the rent. Except as provided in sub. (5), the
10 amount of the rent shall be expressed in a dollar amount.

11 (d) The approximate size of the site and its location in the ~~park~~ manufactured home
12 community.

13 (e) The amount of the monthly ~~mobile-home parking~~ municipal permit fee assessed by
14 local units of government and payable by the tenant. If the monthly fee is not known, an
15 approximation shall be given.

16 **SECTION 9.** ATCP 125.03 (1) (em) is created to read:

17 ATCP 125.03 (1) (em) The amount and due dates of fees assessed by local units of
18 government for waste hauling, recycling, or similar services payable by the tenant. If the amount
19 and due dates are not known, an approximation shall be given.

20 **SECTION 10.** ATCP 125.03 (1) (f) and (g) are amended to read:

21 ATCP 125.03 (1) (f) Notice that the operator reserves the right to screen the purchaser of
22 a tenant's ~~mobile~~ manufactured home before renting a ~~mobile-home~~ site to the purchaser, subject
23 to s. 710.15, Stats.

1 (g) A disclosure as to whether the ~~mobile~~ manufactured home ~~park~~ community contains
2 an emergency shelter, and, if the park has an emergency shelter, the location of the emergency
3 shelter and procedures for its use.

4 **SECTION 11.** ATCP 125.03 (1) (h) is created to read:

5 ATCP 125.03 (1) (h) A copy of the manufactured home community rules and
6 regulations.

7 **SECTION 12.** ATCP 125.03 (4) (intro) and (a) are amended to read:

8 ATCP 125.04 (4) (intro) ~~Rent~~ Except as provided in subsection (5), rent and other
9 charges under the rental agreement may not be increased during the term of the rental agreement.

10 This subsection does not apply to:

11 (a) ~~Mobile home parking~~ Municipal permit fees, recycling fees, waste hauling fees, or
12 other fees assessed by local units of government.

13 **SECTION 13.** ATCP 125.03 (4) (c) (Note) is repealed.

14 **SECTION 14.** ATCP 125.03 (5) is created to read:

15 ATCP 125.03 (5) If the rental agreement is for a period of three years or greater, and all
16 of the following conditions are met, the amount of rent due each rent paying period may be
17 expressed as a formula that includes a base dollar amount and a future adjustment factor tied to
18 the CPI:

19 (a) The operator offered the tenant the option of entering into a rental agreement that was
20 for a period of less than three years.

21 (b) The rental agreement specifies the initial amount of rent due for each rent paying
22 period, and that the operator shall provide the tenant with actual dollar amounts of rent due in
23 future rent paying periods as applicable.

1 (c) If the actual dollar amount of rent due changes under the formula, the operator shall
2 provide the tenant written notice at least 60 calendar days before the new actual dollar amount is
3 due.

4 **SECTION 15.** ATCP 125.04 (1) (intro), (b), and (c), (2) (b), (d) and (e), and (3) (a) and
5 (b) are amended to read:

6 ATCP 125.04 (1) (intro) No operator may charge an entrance fee or exit fee in return for
7 allowing the movement of a ~~mobile~~ manufactured home into or out of a ~~mobile home park~~
8 manufactured home community. This subsection does not apply to:

9 (b) A security deposit not exceeding the amount of ~~3~~ 2 months' rent or ~~\$350~~ \$750,
10 whichever is less.

11 (c) Material and labor costs incurred by the operator to move a tenant's ~~mobile~~
12 manufactured home into or out of the ~~mobile home park~~ manufactured home community, to
13 install the ~~mobile~~ manufactured home on a site or remove it from a site, or to connect or
14 disconnect utility services. The amount of any charges, or the basis upon which charges are to
15 be calculated, shall be clearly set forth in the rental agreement.

16 (2) (b) Service provided by the operator in the installation of a ~~mobile~~ manufactured
17 home on a site, or in the removal of a ~~mobile~~ manufactured home from a site, pursuant to sub.

18 (1) (c).

19 (d) Services involving the transportation of a mobile home to or from the site within the
20 ~~mobile home park~~ manufactured home community, if the operator can show that the person
21 providing the service has damaged ~~the park~~ property within the manufactured home
22 community during a previous move and failed to compensate the operator for the damages.

1 (e) A nondiscriminatory prohibition against sales solicitations within the ~~mobile home~~
2 ~~park~~ manufactured home community.

3 (3) (a) Charges for a utility service provided through the operator's facilities, if not
4 included in the rent, shall be based on the amount of the utility service used by tenants.
5 Charges for ~~television~~electronic communications service provided through the operator's
6 facilities may be assessed in the form of a uniform charge to subscribing tenants, subject to par.

7 (b). Charges, or the method of computing charges for utility services provided through the
8 operator's facilities shall be set forth in the rental agreement under s. ATP 125.03 (1) (b).

9 (b) If ~~television~~electronic communication service is provided by the operator but not
10 included in the rent, the operator may not limit a tenant's access to ~~television~~electronic
11 communication service provided by an outside source.

12 **SECTION 16.** ATP 125.05 (Title) is amended to read:

13 **ATCP 125.05 (Title) Changes in rental terms or ~~park~~ manufactured home**
14 **community rules.**

15 **SECTION 17.** ATP 125.05 (2) (b), (c), and (f), (3) and (4) are amended to read:

16 ATP 125.05 (2) (b) Rules limiting occupancy of ~~mobile~~ manufactured homes with
17 respect to the number or age of occupants.

18 (c) Vehicle parking rules imposed by the ~~park~~ operator.

19 (f) Rules requiring tenants to repair or maintain their ~~mobile~~ manufactured home.

20 (3) Except as otherwise provided in this chapter, a ~~park~~ an operator may change or create
21 general ~~park~~ manufactured home community rules and regulations during the term of any rental
22 agreement or tenancy, provided all tenants are given at least 28 days prior written notice of any

1 proposed change, and an opportunity to meet with the operator or a representative of the operator
2 on the proposed change before it takes effect.

3 (4) Notice of proposed changes in rental terms and conditions or ~~park~~ manufactured
4 home community rules and regulations under this section may be furnished to the tenant in
5 person or by mail. Notice by mail shall be considered actual notice.

6 **SECTION 18.** ATCP 125.06 (Title) and (1) are amended to read:

7 **ATCP 125.06 Sale of ~~mobile~~ manufactured home; transfer of tenancy.** (1) No
8 operator may:

9 (a) Require any tenant to designate the operator, or any person named by the operator, as
10 agent for the sale of a tenant's ~~mobile~~ manufactured home, or unreasonably restrict the sale of a
11 tenant's ~~mobile~~ manufactured home by the tenant or an agent of the tenant's own choosing.

12 **Note:** Sections 710.15 (3) and (4), Stats., provide that:

13 *“(3) PROHIBITED CONSIDERATION OF AGE OF MOBILE HOME OR*
14 *MANUFACTURED HOME. (a) An operator may not deny a resident the opportunity*
15 *to enter into or renew, and may not include, exclude or alter any terms of, a lease*
16 *to continue to locate a mobile home or manufactured home in the ~~park~~ community*
17 *solely or in any part on the basis of the age of the mobile home or manufactured*
18 *home.*

19 *(b) An operator may not require the removal of a mobile home or*
20 *manufactured home from a ~~park~~ community solely or in any part of the basis of*
21 *the age of the mobile home or manufactured home, regardless of whether the*
22 *ownership or occupancy of the mobile home or manufactured home has changed*
23 *or will change.”*

24 *“(4) PROHIBITED CONSIDERATION OF CHANGE IN OWNERSHIP OR OCCUPANCY*
25 *OF MOBILE HOME OR MANUFACTURED HOME. An operator may not require the*
26 *removal of a mobile home or manufactured home from a ~~park~~ community solely*
27 *or in any part because the ownership or occupancy of the mobile home or*
28 *manufactured home has changed or will change. An operator may refuse to enter*
29 *into an initial lease with a prospective resident or ~~mobile home~~ occupant for any*
30 *other lawful reason.”*

1 (b) Solicit or receive any payment or other thing of value as a condition to the
2 assignment or sublease of a rental agreement by a tenant, or as a condition to the transfer of
3 tenancy to a buyer of the tenant's ~~mobile~~ manufactured home.

4 (c) Sell, for placement in a ~~mobile home park~~ manufactured home community owned or
5 operated by the operator, any ~~mobile~~ manufactured home purchased from a tenant who was
6 prohibited from selling the home directly for placement in the ~~mobile home park~~ manufactured
7 home community.

8 (d) Refuse to rent a ~~mobile home~~ site to the purchaser of a tenant's ~~mobile~~ manufactured
9 home except for reason specified under s. 710.15 (5m), Stats. This does not prohibit the
10 screening of prospective tenants by an operator.

11 (e) Limit a tenant's ability to post, on the tenant's ~~mobile~~ manufactured home or on the
12 site on which the mobile home is located, a "For Sale" sign or other advertisement announcing
13 the tenant's offer to sell the tenant's ~~mobile~~ manufactured home if the limitation is not applied
14 uniformly to every person, including the operator and any ~~mobile~~ manufactured home dealer,
15 who sells or offers to sell a ~~mobile~~ manufactured home on site in the ~~mobile home park~~
16 manufactured home community.

17 **SECTION 19.** ATCP 125.07 (Title) and (1) are amended to read:

18 **ATCP 125.07 (Title) ~~Mobile~~ Manufactured home relocation.** (1) No tenant shall be
19 required to relocate a ~~mobile~~ manufactured home within a ~~park~~ manufactured home community
20 during the term of the rental agreement, or to assume the cost of any required relocation under a
21 new or renewal rental agreement, except in emergency or where the tenant has violated the terms
22 and conditions of the rental agreement. This does not apply to a mobile home ~~which~~ that has
23 been vacated by the tenant.

1 **SECTION 20.** ATCP 125.08 (1) and (Note), and (3) are amended to read:

2 ATCP 125.08 (1) Whenever an operator terminates any rental agreement or refuses, upon
3 the expiration of a lease, to renew the lease or to enter into a new rental agreement, the operator
4 shall provide the tenant with written notice setting forth the reason for such termination or
5 refusal. Notices of termination shall comply with the requirements of s. 710.15 and ch. 704,
6 Stats., as applicable. If the rental agreement does not comply with the requirements of s. ATCP
7 125.03 (1) (intro.) and (2), the operator shall comply with the notice requirements of s. 704.17
8 (2), Stats., when terminating a tenancy, unless the ~~park~~ operator or tenant proves that other notice
9 requirements under s. 704.17 (1) or (3), Stats., are applicable.

10 **Note:** Section 710.15 (5m) Stats., provides that:

11 *“Notwithstanding ss. 704.17 and 704.19, the tenancy of a resident or*
12 *~~mobile-home~~ occupant in a ~~park~~ community may not be terminated, nor may the*
13 *renewal of the lease be denied by the ~~park~~ community operator, except upon any*
14 *of the following grounds:*

15 (i) *Failure to pay rent due, or failure to pay taxes or any other charges*
16 *due for which the ~~park~~ community owner or operator may be liable.*

17 (ii) *Disorderly conduct that results in a disruption to the rights of others*
18 *to the peaceful enjoyment and use of the premises.*

19 (iii) *Vandalism or commission of waste of the property.*

20 (iv) *A breach of any term of the lease.*

21 (v) *Violation of ~~park~~ community rules that endangers the health or safety*
22 *of others or disrupts the right to the peaceful enjoyment and use of the premises*
23 *by others, after written notice to cease the violation has been delivered to the*
24 *resident or ~~mobile-home~~ occupant.*

25 (vi) *Violation of federal, state or local laws, rules or ordinances relating*
26 *to mobile homes or manufactured homes after written notice to cease the*
27 *violation has been delivered to the resident or ~~mobile-home~~ occupant.*

28 (vii) *The ~~park~~ community owner or operator seeks to retire the ~~park~~*
29 *community permanently from the housing market.*

30 (viii) *The ~~park~~ community owner or operator is required to discontinue use*
31 *of the ~~park~~ community for the purpose rented as a result of action taken against*
32 *the ~~park~~ community owner or operator by local or state building or health*
33 *authorities and it is necessary for the premises to be vacated to satisfy the relief*
34 *sought by the action.*

35 (ix) *The physical condition of the mobile home or manufactured home*
36 *presents a threat to the health or safety of its occupants or others in the ~~park~~*

1 *community or, by its physical appearance, disrupts the right to the enjoyment and*
2 *use of the ~~park~~ community by others.*

3 *(i) Refusal to sign a lease.*

4 *(j) Material misrepresentation in the application for tenancy.*

5 *(k) Other good cause.”*
6

7 (3) No operator may solicit or receive any payment or other thing of value, except for
8 normal rental payments, in return for permitting a tenant to leave the tenant’s mobile home in the
9 ~~park~~ manufactured home community upon termination of tenancy.

10 **SECTION 21.** ATCP 125.09 (1), (3) and (4) and (Note) are amended to read:

11 ATCP 125.09 (1) Make any false, deceptive, or misleading representation to induce a
12 ~~mobile~~ manufactured home sale or site rental, or make any representation inconsistent with or
13 contrary to the written rental agreement.

14 (3) Require any tenant to make permanent improvements to the ~~mobile home park~~
15 manufactured home community or any of its facilities, or assess any separate charge therefor.
16 This subsection does not prevent the operator from requiring the tenant to install the
17 manufactured home according to applicable installation codes.

18 (4) Enter a tenant’s ~~mobile~~ manufactured home without the tenant’s permission and
19 reasonable prior notice to the tenant. This does not prohibit the operator from entering a tenant’s
20 ~~mobile~~ manufactured home if the tenant cannot be contacted and the operator reasonably
21 believes that entry is necessary because of emergency, or to preserve and protect the ~~mobile~~
22 manufactured home or the ~~mobile home park~~ manufactured home community.

23 **Note:** Entry by an operator into a tenant’s ~~mobile~~ manufactured home may be prohibited
24 by other applicable law.
25

26 **SECTION 22.** ATCP 134.02 (2) is amended to read:

1 ATCP 134.02 (2) "Dwelling unit" means a structure or that part of a structure that is
2 primarily used as a home, residence, or place of abode. The term includes a ~~mobile~~ manufactured
3 home or ~~mobile~~ manufactured home site as defined in s. ATCP 125.01 ~~(4)~~ (1s) and (7).

4 **SECTION 23. EFFECTIVE DATE:** This rule takes effect on the first day of the month
5 following publication in the Wisconsin administrative register, as provided in s. 227.22 (2)
6 (intro.), Stats.

Dated this _____ day of _____, _____.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: _____

Ben Brancel
Secretary