



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 39

**Assembly Substitute
Amendment 2**

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2005 Assembly Bill 39 makes numerous changes to the statutes regulating manufacturers of manufactured homes and the titling of manufactured homes and establishes a system of regulation of the installation of manufactured homes.

Assembly Substitute Amendment 2 (ASA 2) makes the following changes to the bill:

1. **The bill** specifies that, among other requirements, in order to meet the definition of “manufactured home,” a structure must comply with certain standards established under federal law, specifically 42 U.S.C. ss. 5401 to 5424. **ASA 2** specifies that to meet the definition, a structure must be certified by the federal Department of Housing and Urban Development as complying with those standards.

2. **The bill** establishes a grant program to promote rehabilitation and recycling of manufactured homes. **ASA 2** specifies the proper appropriation into which manufactured housing rehabilitation and recycling fees are to be deposited.

3. **Current law** contains both of the following provisions:

101.92 (2) [The Department of Commerce] [s]hall license all manufacturers desiring to sell or distribute for sale manufactured homes in this state.

101.95 **Manufactured home manufacturers regulated.** The department [of Commerce] shall by rule prescribe the manner by which a manufacturer shall be licensed for the manufacture, distribution or selling of manufactured homes in this state.

The bill does not amend these provisions.

ASA 2 deletes the first of these provisions, s. 101.92 (2). The Department of Commerce has stated that these provisions are redundant.

4. **Current law** requires the payment of an environmental impact fee when filing an application for a certificate of title for a manufactured home. **The bill** creates a new fee that must be paid with an application – the manufactured housing rehabilitation and recycling fee. **ASA 2** repeals the environmental impact fee under current law.

5. **The bill** creates a new requirement for manufactured home installers to be licensed by the Department of Commerce, effective July 1, 2006. **ASA 2** creates a delayed effective date of January 1, 2007 for this requirement to provide adequate time for the Department of Commerce to promulgate rules to establish the licensing program. **The bill** requires an applicant to pass an examination in order to receive an installer's license. Commerce must, by rule, establish a procedure under which it may waive the examination requirement for a home installer's license if certain conditions are met. Under the bill, the authority to waive the examination requirement expires on December 1, 2006. **ASA 2** extends Commerce's authority to waive the examination requirement to June 1, 2007.

6. **The bill** establishes standards and licensing requirements for the installation of manufactured homes. The bill specifies that no city, village, town, or county may enact an ordinance or adopt a resolution regulating a matter that is governed by s. 101.96, Stats., as created by the bill.

ASA 2 provides instead that ordinances enacted, or resolutions adopted, on or after January 1, 2007, by any county, city, village, or town relating to manufactured home installation must conform to s. 101.96, Stats., as created by the bill.

7. **The bill** creates an 11-member Manufactured Housing Code Council to advise the Department of Commerce concerning the regulation of the manufactured housing industry. The Council consists of: two members representing manufacturers of manufactured homes; two members representing manufactured home dealers; two members representing owners of manufactured home communities; two members representing installers of manufactured homes; one member representing an association of the manufactured housing industry in Wisconsin; one member representing suppliers of materials or services to the manufactured housing industry; and one member representing the public.

ASA 2 adds two additional members to the Council: one member representing labor; and one member representing inspectors of manufactured homes.

8. **The bill** requires the Department of Commerce to promulgate various rules regulating manufactured housing and installation of manufactured housing. **ASA 2** authorizes the department to promulgate those rules as emergency rules.

Legislative History

Assembly Substitute Amendment 2 was offered by the Joint Committee on Finance on September 21, 2005. On September 22, 2005, the Joint Committee on Finance recommended adoption of ASA 2 on a vote of Ayes, 16; Noes, 0, and passage of the bill as amended on a vote of Ayes, 16; Noes, 0.

MM:jal