



**CAROL OWENS**

WISCONSIN STATE REPRESENTATIVE

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**Assembly Housing Committee**

**MEMO**

**To: Members of The Assembly Housing Committee**

**From: Representative Carol Owens, Chair**

**Date: October 19, 1995**

The following Clearinghouse rule has been referred to the Assembly Housing Committee:

**Rule No. 95-018: AN ORDER to repeal chapter HSS 177; and to create chapter Adm 65, relating to mobile home parks.**

Enclosed is a copy of the rule. The deadline for committee action on this rule is **November 17, 1995**. If you are interested in requesting a hearing and/or submitting comments, please do so prior to that date.

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 95-018**

AN ORDER to repeal chapter HSS 177; and to create chapter Adm 65, relating to mobile home parks.

Submitted by **DEPARTMENT OF ADMINISTRATION**

02-01-95      RECEIVED BY LEGISLATIVE COUNCIL.  
03-01-95      REPORT SENT TO AGENCY.

RNS:DF:kjf:jt

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 95-018

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### 1. Statutory Authority

In s. Adm 65.16 (2) (a) and (b), "forfeiture" or "monetary forfeiture" should replace "fine." A fine is a criminal, not a civil, penalty and s. 13.366 (3), Stats., authorizes only the imposition of a forfeiture of up to \$250 for each offense.

#### 2. Form, Style and Placement in Administrative Code

a. In ss. Adm 65.03 (4), 65.06 and 65.14 (2), the references to the Departments of Administration and Industry, Labor and Human Relations should not be capitalized. Instead, lower-case letters should be used. [See s. 1.01 (4) (a), Manual.]

b. In s. Adm 65.06, in the third sentence, "shall be" should replace "need to be."

c. In s. Adm 65.08 (1) (c) 3, "The" should replace "To the." Also, after "way," should the word "line" be inserted? [See present s. HSS 177.07 (1) (c) 3.]

In the last sentence of sub. (3), "Streets" should replace "Street." In sub. (4) (a), after the first comma, "need not comply" should replace "shall be allowed to operate without being in compliance." In sub. (4) (b) and (c) and s. Adm 65.16 (4), "comply" should replace "be in accordance." Also, in sub. (4) (a), "rules" should replace "codes" and "... [revisor inserts date]" should follow "chapter." [See s. 1.01 (9) (b), Manual.]

d. In s. Adm 65.09 (2), in the last sentence, "If" should replace "However, if." Also, who makes the determination that construction is impractical or ineffective?

e. In s. Adm 65.12, "shall" should replace "must."

f. In s. Adm 65.16 (1) and (2), "employe" should replace "employee." In sub. (2) (b), in the first sentence, "advance" should replace "advanced." In s. Adm 65.16 (3), "may" should replace "has a right to."

#### 4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. Adm 65.06, "s. Adm 65.08 (1) to (3)" should replace "s. Adm 65.07 (1) (a), (b), (c), (2), (3)."

b. In s. Adm 65.08 (4) (a) to (c), "subs. (1) to (3)" should replace "subs. (1), (2) and (3)."

c. Section Adm 65.10 (2) (a) should refer to "Private sewage systems" since that is the term defined in s. 145.01 (12), Stats.

d. In s. Adm 65.16 (3) (b), "this chapter" should replace "these rules."

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Should s. Adm 65.03 (1) also include villages? See s. 16.366 (2) (a), Stats.

b. In s. Adm 65.03 (9), a period should be inserted at the end of the sentence. Also, in s. Adm 65.13 (4), a period should be inserted after "rubbish."

c. The meaning of the last sentence of s. Adm 65.14 (2) is unclear. This sentence should be rewritten. Who discloses the location to the department?



TOMMY G. THOMPSON  
GOVERNOR  
JAMES R. KLAUSER  
SECRETARY

October 9, 1995

Hon. David Prosser, Speaker  
Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, WI 53702

Dear Representative Prosser:

Re: Clearinghouse Rule No. 95-018

Enclosed in final draft form is Chapter Adm 65, Wis. Admin. Code, relating to Mobile Home Parks, for referral to the appropriate Assembly Committee. A fiscal estimate is also attached.

The authority to license and regulate mobile home parks was transferred to the Department of Administration pursuant to 1991 Act 39, creating s. 16.366, Stats. Therefore, the Department requests that Chapter HSS 177 be repealed and proposes to create Chapter Adm 65 in order to regulate and license mobile home parks for the purpose of protecting the public health and safety. The rule also establishes the permit fees pursuant to s. 16.366(2)(c)2, Stats.

Also enclosed is a copy of the Legislative Council staff clearinghouse report. All comments of the clearinghouse have been incorporated in the rule. A public hearing was held on May 31, 1995, in Madison, at which Scott Slattery appeared on behalf of the Wisconsin Manufactured Housing Association to submit comments which are summarized in the enclosed letter. We also received the enclosed comments from the Department of Natural Resources and the Department of Industry, Labor & Human Relations. The rule has been modified to reflect all of the comments received by the Department.

Sincerely,

A handwritten signature in cursive script that reads "James R. Klauser".

James R. Klauser  
Secretary

cc: Revisor of Statutes  
Joint Committee for Review of Administrative Rules

## PROPOSED ORDER OF THE DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to repeal Chapter HSS 177 and to create Chapter Adm 65, Mobile Home Parks.

### **Analysis prepared by the Department of Administration:**

Statutory Authority: ss. 16.004(1), 16.366(3), and 227.11, Stats.

Statute interpreted: s. 16.366, Stats.

The authority to license and regulate mobile home parks was transferred to the Department of Administration pursuant to 1991 Act 39, creating s. 16.366, Stats. Therefore, the Department of Administration requests that Chapter HSS 177 be repealed and proposes to create Chapter Adm 65 in order to regulate and license mobile home parks for the purpose of protecting the public health and safety. The proposed rule also establishes the permit fees pursuant to s. 16.366(2)(c)2, Stats.

### **Initial Regulatory Flexibility Analysis:**

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

### **TEXT OF RULE:**

**SECTION 1:** Chapter Adm 65 is created to read:

#### **Chapter Adm 65**

#### **MOBILE HOME PARKS**

**Adm 65.01 AUTHORITY AND PURPOSE.** This chapter is promulgated pursuant to s. 16.366(3), Stats., in order to regulate and license mobile home parks for the purpose of protecting public health and safety.

**Adm 65.02 SCOPE OF RULES.** (1) **APPLICABILITY.** The provisions of this chapter shall apply to all operators of mobile home parks.

(2) **APPROVED COMPARABLE COMPLIANCE.** When strict compliance with a requirement of this chapter is impractical for a particular mobile home park, the department may approve a modification in the rule for that park if the department is provided with satisfactory proof that the grant of a variance will not jeopardize the health, safety or welfare of the public.

**Adm 65.03 DEFINITIONS.** In this chapter:

- (1) "Agent" means the village, city or county designated by the department to issue permits and make inspections of the mobile home parks.
- (2) "Approved" means acceptable to the department, based on its determination as to conformity with this chapter and good public health practices.
- (3) "Basic unit" means a mobile home without hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.
- (4) "Department" means the department of administration.
- (5) "Mobile home" means a structure, transportable in one or more sections, which is over 400 square feet in area excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in it. In computing square footage, length is multiplied by width. In this subsection, "length" means the distance from the exterior of the front wall, that is, the wall nearest to the exterior of the drawbar and coupling mechanism to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, walls and roof extensions, or other attachments. In this subsection, "width" means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.
- (6) "Mobile home park" means any plot or plots of ground owned by a person, state government or local government upon which 3 or more mobile homes are occupied for dwelling or sleeping purposes are located, regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the mobile home work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.
- (7) "Occupant" means any individual who resides in a mobile home.
- (8) "Operator" means the owner of a mobile home park or a person designated by the owner to manage the park.
- (9) "Person" means an individual, firm, trust, partnership, association or corporation.
- (10) "Rear yard" means the area adjacent to each of the narrow ends of the basic unit.

(11) "Side yard" means the area on either side of the basic unit.

(12) "Site" means a plot of ground within a mobile home park designed for placement of one mobile home.

(13) "Street" means the paved or surfaced portion of the roadway between curbs.

**Adm 65.04 PERMIT.** (1) APPLICATION. Before a mobile home park is opened for public use, the operator shall obtain a permit from the department or its agent by application made upon a form furnished by the department or its agent. The permit is valid for a period of 2 years, unless otherwise stipulated by the department, and shall be renewed prior to expiration.

Note: To obtain a copy of the application form, write to: Department of Administration, Division of Housing, P.O. Box 8944, Madison, WI 53708-8944.

(2) ACTION BY THE DEPARTMENT. Within 30 days after receiving a completed application, the department or its agent shall either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing, for the denial. The department or its agent shall conduct an on-site review for new parks, park expansions or complaints. The department shall assess an inspection fee, not to exceed \$100.00 for such inspection.

**Adm 65.05 PERMIT FEES.** Permits issued under this section expire on June 30. The two-year nonreturnable and nonprorated permit fees are as follows:

(1) For a mobile home park with 1 to 25 sites, \$200.

(2) For a mobile home park with 26 to 50 sites, \$270.

(3) For a mobile home park with 51 to 100 sites, \$300.

(4) For a mobile home park with more than 100 sites, \$350.

**Adm 65.06 LATE FEES.** A late fee of \$30 shall be required for each permit if the renewal fee is not paid before the permit expires.

**Adm 65.07 PLAN APPROVAL.** Plans and related specification and calculation for a new or expanded mobile home park shall be submitted by the operator to the department or its agent for examination in relation to this chapter and for approval before work is begun on the park. After the initial approval, no change in plans or specifications which is affected by any provision of this chapter may be made unless the change is approved and dated by the department or its agent. Plan requirements shall be shown to scale and directional according to s. Adm 65.09(1) to (3). An approval letter from the department of industry, labor and human relations shall also be attached to plans for any private

disposal systems. A copy of a safe water sample test result shall be submitted for private wells.

**Adm 65.08 LOCATION.** (1) Every mobile home park and mobile home within the park shall be located on a well-drained area and shall be properly graded to prevent the accumulation of storm or other waters.

(2) No mobile home park or mobile home within the park may be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

**Adm 65.09 PHYSICAL LAYOUT.** (1) SITES. (a) Each site shall be clearly delineated on plans submitted to the department or its agent for approval.

(b) The basic unit shall be so located on a site that there is at least a 10 foot side yard clearance from other basic units and a 10 foot rear yard clearance between basic units. The clearance requirements shall be exclusive of a parking area.

(c) No basic unit may be located closer than 10 feet to:

1. Any building such as a pump house, the office building for the park, a laundry building or a recreational building, except a garage or accessory structure belonging to the site or occupant;
2. Any property line of the park; or
3. The right of way line of a street within the park.

(2) PARKING. Parking spaces in a ratio of one and one half for each site shall be provided and maintained in good condition.

(3) STREETS. For a 2-way street within the park, the width shall be at least 32 feet if parking is permitted on both sides of the street; 24 feet if parking is permitted on one side of the street and 18 feet if parking on the street is prohibited. A one-way street shall be at least 24 feet wide if parking is permitted on both sides; 18 feet wide if parking is permitted on one side; and 14 feet wide if parking on the street is prohibited. Streets shall be graveled or paved, maintained in good condition, have natural drainage and be adequately lighted at night.

(4) EXISTING MOBILE HOME PARKS. (a) Mobile home parks or a section of a mobile home park which before the effective date of this chapter (Revisor inserts date) either complied with existing rules or were in existence prior to 1962, need not comply with subs. (1) to (3) unless the department determines that non-compliance endangers the health or safety of occupants.

(b) Any mobile home park expansion shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(c) Any modification of a mobile home park which existed prior to 1962 relating to the size of the basic units, the separation between basic units or the placement of basic units on a lot in relationship to streets and other buildings shall be permitted by the department unless the department determines that the modification endangers the health or safety of occupants. Any modification of a mobile home park which did not exist prior to 1962 shall comply with subs. (1) to (3) and other applicable parts of this chapter.

**Adm 65.10 WATER SUPPLY.** (1) PUBLIC WATER UTILITIES. When a public water supply is available to the mobile home park, connection and use are required.

(2) PRIVATE WELLS. The well shall be constructed and the pump installed in accordance with chs. NR 811 and 812, rules governing well drilling and pump installation.

(3) SAMPLING FREQUENCY. The water supply shall be sampled for microbiological and chemical contamination in accordance with ch. NR 809, or upon request by the department.

(4) BOTTLED WATER. Bottled and packaged potable water, if used, shall be obtained from a source that complies with the requirements of ch. ATCP 70 and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container. If the mobile home park meets the criteria in ch. NR 809, all monitoring requirements must be met.

**Adm 65.11 SEWAGE DISPOSAL.** (1) Private sewage systems shall be designed, constructed and operated in accordance with s. 145.245, Stats., and chs. ILHR 82 and 83.

(2) Failed on-site private system disposals shall be replaced, rehabilitated or abandoned. A failed system has the meaning prescribed for "failing private sewage systems" in s. 145.245(4), Stats.

**Adm 65.12 PLUMBING.** (1) GENERAL. All plumbing shall meet the requirements of chs. ILHR 82 and 83 that are applicable to mobile homes and mobile home parks.

(2) WATER CONNECTION. A separate water service shall be extended to each site.

**Adm 65.13 ELECTRICITY.** Mobile home park electrical connections shall meet the requirements set forth in ch. ILHR 16.

**Adm 65.14 GARBAGE AND REFUSE.** (1) All garbage not disposed of through a garbage disposal unit connected with the sewage system shall be kept in a separate, leak proof, non-absorbent containers equipped with tight-fitting covers unless otherwise

protected from flies and insects, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(2) Garbage cans shall be maintained in a clean and sanitary condition.

(3) The use of wooden or paper containers for garbage is prohibited.

(4) Fly-tight containers with covers shall be used for cans, bottles and other rubbish. The contents shall be disposed of as often as necessary to prevent overflow. If a local ordinance requires the separation of garbage and rubbish, the requirement shall be followed.

**Adm 65.15 MANAGEMENT.** (1) AVAILABILITY. The operator or a designee in charge of the mobile home park in the absence of the operator shall, during reasonable hours, be available in the park or in close proximity to the park.

(2) REGISTRATION OF OWNERS. The operator shall keep a register of all owners of mobile homes located in the mobile home park, and shall permit the department or its agent to inspect the register at all reasonable times and upon reasonable notice. The register may be kept in a computerized form. If the register is being stored at a location different than the licensed address, the operator must disclose the new storage location to the department.

(3) MAINTENANCE. The operator shall maintain the mobile home park in a clean, safe, orderly and sanitary condition at all times.

(4) COMMUNICABLE DISEASE CONTROL. The operator shall cooperate with local health officials in all cases of persons or animals infected or suspected of being infected with any reportable communicable disease under s. HSS 145.03(2).

**Adm 65.16 DUTIES OF OCCUPANTS.** All owners and other occupants of mobile homes in a mobile home park shall:

(1) Register with the operator; and

(2) Maintain their site in a clean, orderly and sanitary condition at all times.

**Adm 65.17 ENFORCEMENT.** (1) ACCESS. An authorized employe or agent of the department, upon presenting proper identification, shall be permitted to enter any mobile home park at any reasonable time for the purpose of inspecting the mobile home park to determine compliance with this chapter. The department's authorized employe or agent shall be permitted to examine the records of the mobile home park pertinent to this chapter, including mobile home park registration records.

(2) ENFORCEMENT POLICY. (a) Notification. If upon inspection of a mobile home park the authorized employe or agent of the department finds that the mobile home park is not planned, operated or equipped as required by this chapter, the employe or agent shall, except as provided under par. (b), notify the operator in writing and shall specify the changes required to make the mobile home park conform to the standards established in this chapter and the time period within which compliance shall take place. If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, or any extension of time granted for compliance, the department may issue an order suspending or revoking the permit to operate the mobile home park or issue a monetary forfeiture to the operator, or both. The suspension or revocation order shall take effect 15 days after the date of issuance unless a request for a hearing has been received under sub. (3).

(b) Order to deal with an immediate danger to health. Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a mobile home park, or of equipment used on the premises, creates an immediate danger to health, an authorized designee of the administrator of the department's division of housing, pursuant to s. 16.366(2)(e), Stats., may without advance written notice, issue a temporary order to remove the immediate danger to health and issue a monetary forfeiture to the operator for each day the danger is present after it has been identified. That order shall take effect on the delivery to the operator or other person in charge of the mobile home park. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the premises to cease other operations or methods of operations, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the temporary order the department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The department shall then schedule and hold a hearing pursuant to sub. (3) unless the immediate danger to health is removed or the order is not contested and the operator and the department mutually agree that no purpose would be served by a hearing.

(3) HEARING. (a) The operator may request a hearing in writing within 15 days after issuance of the order issued under sub. (2)(a). The department shall hold a hearing no later than 30 days after the department receives the written request for a hearing, unless both parties agree to a later date. A final decision shall be issued under s. 227.47, Stats., within 15 days of the conclusion of the hearing. The decision may order changes in or cessation of any operations or method of operation of the equipment or premises, or any combination of these actions necessary to correct the violation. The decision may order the cessation of all operations authorized by the permit only if a more limited order will not remove the immediate danger to health.

(b) A proceeding under this section, or the issuance of a permit for the premises after notification of procedures under this section, does not constitute a waiver by the department of its authority to rely on a violation of s. 16.366, Stats., or this chapter as the

basis for any subsequent suspension or revocation of the permit or any other enforcement action arising out of the violation.

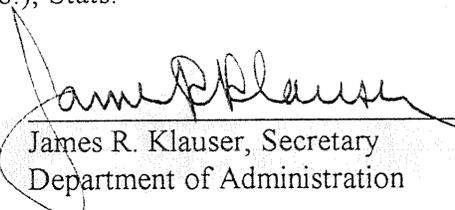
(4) APPEAL BY THE OPERATOR. Any operator aggrieved by an order of the department under this chapter, except for an order issued pursuant to sub. (2)(b), may request a hearing under this subsection to challenge the order. A request for a hearing under this subsection shall be submitted to and reviewed by the secretary's office within 15 days after issuance of the order. Procedures for the hearing shall comply with ch. 227, Stats. After the hearing, the department shall affirm, set aside or modify the order. The final decision of the department may be appealed to the circuit court as provided in ch. 227, Stats.

(5) LOCAL ENFORCEMENT. Notwithstanding subs.(2) and (3), if an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 254.69(2) and 66.124, Stats., which shall supersede subs. (2) and (3).

**SECTION 2:** Chapter HSS 177 is repealed.

This rule shall take effect on the first day of the month commencing after the date of publication as provided in s. 227.22(2)(intro.), Stats.

Dated: 13 Oct 95

  
James R. Klauser, Secretary  
Department of Administration

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**FISCAL ESTIMATE**

DOA-2048 N(R10/94)

**Subject**

Mobile Home Parks

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No  
 Decrease Costs

Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Local:  No local government costs

1.  Increase Costs  
 Permissive       Mandatory  
2.  Decrease Costs  
 Permissive       Mandatory

3.  Increase Revenues  
 Permissive       Mandatory  
4.  Decrease Revenues  
 Permissive       Mandatory

5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties       Others \_\_\_\_\_  
 School Districts       WTCS Districts

**Fund Sources Affected**

GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

20.505(7)(if)

**Assumptions Used in Arriving at Fiscal Estimate**

The current mobile home park revenues are bringing in insufficient funds to support the program. This rule increases the level of revenue to fully fund the program.

	<u>ANNUAL</u>	<u>2 YEAR</u>
Proposed revenue	\$120,000	\$240,000
Proposed inspection revenue	<u>9,700</u>	
Proposed total revenue	<u>\$129,700</u>	
Current revenue	\$ 83,855	\$167,710
Difference	\$ 45,845	
Park inspections (Jan '94 - Jan '95) 97 @ \$100 \$9,700		

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

Lee Martinson, Administrator (7-4889)

 267-4889

2/1/95