

1999 ASSEMBLY BILL 770

February 17, 2000 – Introduced by Representatives SYKORA and F. LASEE. Referred to Committee on Housing.

1 **AN ACT to renumber** 710.15 (1m); **to amend** 710.15 (1) (a), 710.15 (1) (c), 710.15
2 (1) (d), 710.15 (2), 710.15 (4) and 710.15 (5m) (intro.); and **to create** 710.15 (1m)
3 (b) and 710.15 (6) of the statutes; **relating to:** rentals of mobile homes and
4 termination of tenancies in mobile home parks.

Analysis by the Legislative Reference Bureau

Current law contains some provisions that regulate mobile home parks, such as prohibiting a mobile home park operator from requiring the removal of a mobile home because of its age and specifying the bases on which a tenancy in a park may be terminated or not renewed. A “mobile home occupant” is defined as a person who rents a mobile home in a park from an operator. A “resident” is defined as a person who rents a mobile home site in a park from an operator. An “operator” is defined as a person engaged in the business of renting mobile home sites or mobile homes in a park. Thus, a resident who rents out mobile homes that he or she owns and that are located on sites that he or she rents from an operator may also be considered an operator under the statute. This bill changes the definition of “operator” by adding that an “operator” does not include a resident or a mobile home occupant. The bill also changes the definition of “mobile home occupant” so that anyone who rents a mobile home in a park, regardless of whether the home is rented from the operator or a resident, is a mobile home occupant. In addition, the bill provides that a resident may not rent out a mobile home that he or she owns in a park unless the operator approves the rental and is a party to the agreement.

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The bill provides that a park owner or operator may require that each mobile home in a park be occupied only by a person who rents the mobile home from the operator or a person who owns the mobile home that he or she is occupying. This provision may not be used to terminate a tenancy but it may be the basis for not renewing a lease. This provision is also an exception to the current law provision that prohibits an operator from requiring the removal of a mobile home from a park *solely or in any part* because the ownership or occupancy of the mobile home has changed or will change. The bill changes this provision by prohibiting an operator from requiring the removal of a mobile home from a park, and from refusing to enter into an initial lease with a prospective resident or mobile home occupant, *solely* because the ownership or occupancy of the mobile home has changed or will change. An operator may, however, refuse to enter into an initial lease, or disapprove a sublease, for any other lawful reason.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 710.15 (1) (a) of the statutes is amended to read:

2 710.15 (1) (a) “Lease” means a written agreement between an operator and a
3 resident ~~or, between an operator and a mobile home occupant or among an operator,~~
4 a resident and a mobile home occupant establishing the terms upon which the mobile
5 home may be located in the park or the mobile home occupant may occupy a mobile
6 home in the park.

7 **SECTION 2.** 710.15 (1) (c) of the statutes is amended to read:

8 710.15 (1) (c) “Mobile home occupant” means a person who rents a mobile home
9 in a park ~~from an operator.~~

10 **SECTION 3.** 710.15 (1) (d) of the statutes is amended to read:

11 710.15 (1) (d) “Operator” means a person engaged in the business of renting
12 plots of ground or mobile homes in a park to mobile home owners or mobile home
13 occupants. “Operator” does not include a resident or a mobile home occupant.

14 **SECTION 4.** 710.15 (1m) of the statutes is renumbered 710.15 (1m) (a).

15 **SECTION 5.** 710.15 (1m) (b) of the statutes is created to read:

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1 710.15 **(1m)** (b) A resident may not agree to rent a mobile home in a park to
2 a prospective mobile home occupant unless the operator of the park approves the
3 rental and is a party to the agreement. Any rental agreement between a resident and
4 a mobile home occupant that was entered into before the effective date of this
5 paragraph [revisor inserts date], may not be renewed unless the operator of the
6 park approves the renewal and is made a party to the rental agreement.

7 **SECTION 6.** 710.15 (2) of the statutes is amended to read:

8 710.15 **(2)** RULES INCLUDED IN LEASE. All park rules that substantially affect the
9 rights or duties of residents ~~or~~, mobile home occupants or ~~of~~ operators, including park
10 rules under sub. (2m) (b), shall be made a part of every lease ~~between them~~.

11 **SECTION 7.** 710.15 (4) of the statutes is amended to read:

12 710.15 **(4)** PROHIBITED CONSIDERATION OF CHANGE IN OWNERSHIP OR OCCUPANCY OF
13 MOBILE HOME. An Except as provided in sub. (6), an operator may not require the
14 removal of a mobile home from a park, or refuse to enter into an initial lease with a
15 prospective resident or mobile home occupant, solely or in any part because the
16 ownership or occupancy of the mobile home has changed or will change. An operator
17 may, however, refuse to enter into an initial lease with, or disapprove a sublease to,
18 a prospective resident or mobile home occupant for any other lawful reason.

19 **SECTION 8.** 710.15 (5m) (intro.) of the statutes is amended to read:

20 710.15 **(5m)** TERMINATION OF TENANCY OR NONRENEWAL OF LEASE. (intro.)
21 Notwithstanding ss. 704.17 and 704.19, and except as provided in sub. (6), the
22 tenancy of a resident or mobile home occupant in a park may not be terminated, nor
23 may the renewal of the lease be denied by the park operator, except upon any of the
24 following grounds:

25 **SECTION 9.** 710.15 (6) of the statutes is created to read:

