

1999 SENATE BILL 455

March 8, 2000 – Introduced by Senators LAZICH, CLAUSING, PLACHE, WIRCH, DARLING and ROSENZWEIG, cosponsored by Representatives ALBERS, MUSSER, OLSEN, STONE, HASENOHRL, HEBL and MILLER. Referred to Committee on Economic Development, Housing and Government Operations.

1 **AN ACT** *to renumber and amend* 710.15 (5r); *to amend* 710.15 (5r) (title); and
2 *to create* 710.15 (5r) (c) of the statutes; **relating to:** notice to tenants of mobile
3 home park's closing.

Analysis by the Legislative Reference Bureau

Current law specifies the reasons for which a mobile home park operator may terminate the tenancy of a resident of the park or deny the renewal of a lease. Most of the reasons relate to actions of the park resident. A park operator may also terminate a tenancy or deny the renewal of a lease, however, if the park owner or operator decides to permanently retire the park or if local or state building or health authorities require the owner or operator to discontinue the use of the park.

It is unclear under the statutes how much notice a mobile home park operator must give a park resident if the park is discontinued for use as a mobile home park. The statutes provide that the notice requirements that apply to a residential landlord apply to terminations of tenancies in mobile home parks. Those notice requirements, however, address terminations of tenancies for nonpayment of rent and violations of lease provisions, and do not address a termination of tenancy or nonrenewal of lease due to discontinuing the use of the property for rental purposes. If the park operator and park resident have not entered into a lease, presumably the notice requirements that apply to terminating periodic and at will tenancies regardless of the reason apply, in which case the amount of notice that must be given is at least 28 days or an amount of time equal to the rent-paying period if rent is paid more frequently than once a month.

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This bill specifies the amount of notice that must be given to a resident of a mobile home park if the park is being discontinued for rental purposes. If the park owner or operator wishes to retire the park, the operator must give notice to the residents at least 90 days before their tenancies terminate. If the park owner or operator must discontinue the use of the park because of action taken by local or state building or health authorities, the park operator must give notice to the residents within five days after the owner or operator receives notice of the closing from the authorities. A notice must be in writing, must state the reason for the termination of tenancy or nonrenewal of lease and must state the date on which the tenancy terminates.

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

1 **SECTION 1.** 710.15 (5r) (title) of the statutes is amended to read:

2 710.15 **(5r)** (title) NOTICE REQUIREMENTS APPLY.

3 **SECTION 2.** 710.15 (5r) of the statutes is renumbered 710.15 (5r) (a) and
4 amended to read:

5 710.15 **(5r)** (a) The notice requirements of s. 704.17 (1) (a), (2) (a) and (3) apply
6 to a termination of tenancy under sub. (5m) (a) ~~and the~~

7 (b) The notice requirements of s. 704.17 (1) (b), (2) (b) and (3) apply to a
8 termination of tenancy under sub. (5m) (b) to (em) and (h) to (k).

9 **SECTION 3.** 710.15 (5r) (c) of the statutes is created to read:

10 710.15 **(5r)** (c) 1. A park operator shall provide notice of a termination of
11 tenancy or denial of lease renewal under sub. (5m) (f) at least 90 days before the
12 tenancy terminates.

13 2. A park operator shall provide notice of a termination of tenancy or denial of
14 lease renewal under sub. (5m) (g) within 5 days after the park owner or operator
15 receives notice from the local or state building or health authorities that the use of
16 the park must be discontinued.

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1 3. A notice under this paragraph shall be in writing, shall inform the resident
2 or mobile home occupant of the reason for the termination of tenancy or denial of
3 lease renewal and shall state the date on which the tenancy terminates. The notice
4 shall be given in the manner provided in s. 704.21.

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(END)