

1999 DRAFTING REQUEST

Bill

Received: **05/27/1999**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **her office (Kathleen)**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Real Estate - landlord/tenant**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Increase the amount of notice that a mobile home operator must give a tenant when park is closing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 06/01/1999	jgeller 06/01/1999		_____			
/1			martykr 06/02/1999	_____	lrb_docadmin 06/02/1999	lrb_docadmin 03/03/2000	

FE Sent For:

<END>

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/?	kahlepj 06/1/99	jgeller 06/1/99		_____			
/1			martykr 06/2/99	_____	lrb_docadmin 06/2/99		

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1/1	kahlepj	1/1 JG	km 1/2	JG 6/2			

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<END>

Layton

(Kathleen?)

bill draft

for:

704.19(3) → 28 days
notice

see 710.15 (5m)(f) → change to 90 days

+ 710.15 (5m)(g) → change to w/ 5
days after owner/
operator receives
notice of
closing.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3144

PJK

jlq

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

AN ACT relating to: notice to tenants of mobile 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 somewhat unclear 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 periodic and at will tenancies 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.

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

from cost

under the statutes

regardless of the reason

terminating

building ^{five} or health authorities, the park operator must give notice to the residents within ~~7~~ 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) ^X of the statutes is amended to read:

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

3 History: 1985 a. 235.

3 **SECTION 2.** 710.15 (5r) ^X 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 History: 1985 a. 235.

9 **SECTION 3.** 710.15 (5r) (c) ^X 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.

17 3. A notice under this paragraph [✓] shall be in writing, shall inform the resident
18 or mobile home occupant of the reason for the termination of tenancy or denial of

1 lease renewal and shall state the date on which the tenancy terminates. The notice
2 shall be given in the manner provided in s. 704.21.

3

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 6/2/99

To: Senator Lazich

Relating to LRB drafting number: LRB-3144

Topic

Increase the amount of notice that a mobile home operator must give a tenant when park is closing

Subject(s)

Real Estate - landlord/tenant

1. **JACKET** the draft for introduction Mary Lazich

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Pamela J. Kahler, Senior Legislative Attorney
Telephone: (608) 266-2682