

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Clearinghouse Rule Number: 06-071		Hearing Location: Madison	
Rule Number: Chapters Comm 5, 20, 21, 22 and 27		Hearing Date: July 17, 2006	
Relating to: Installation of Manufactured Homes			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit No. 1	Ross Kinzler Wisconsin Housing Alliance, Madison	Supports the public hearing draft as presented. Acknowledges that federal model installation standards are not yet available.	No response necessary.
Exhibit No. 2	Kristen Zehner Wisconsin Manufactured Home Owners Association, Inc., Marshall	Contends that the language under s. Comm 5.323 will allow a person who holds a manufactured home dealer license and who is also community owner/operator to force the removal of a sited home when the home is put up for sale. Contends that s. Comm 5.323 supersedes s. DATCP 125.02. Believes that it is inherently illegal for an individual to hold a manufactured home dealer license and be a community owner/operator that will presage future conflicts between community owners/operators and homeowners/tenants.	The proposed rule treatment merely amends an existing rule to reflect statutory terminology. The revised rule pertains to the responsibilities for individuals who hold manufactured home dealer licenses with respect to potential sales. The rule does not empower license holders. The rules under s. Comm 5.323 do not supersede other agency's rules including s. ATCP 125.02 as determined by legal counsel from both agencies. Owners/operators are obligated to comply with s. ATCP 125.02. The department cannot prohibit an owner/operator from pursuing a career as a manufactured home dealer. A person, as an owner/operator, has to abide by the responsibilities set forth in s. ATCP 125.02 and, as a dealer, has to abide by the responsibilities set forth in s. Comm 5.323 (4). Persons that do not abide by these rules are subject to consequences and penalties of the respective departments.
Exhibit No. 3	M. Larson	Believes that requiring continuing education is a false assurance of quality installations. Believes that continuing education is time consuming, expensive, unproductive and ineffective means of assuring continuing qualifications. Believes that the public and installer would be better served by closed-book retesting. Contends that the technical installation provisions under s. Comm 21.40 have been previously ignored and wonders who is responsible for compliance. Contends more attention must be paid to anchoring and that it is insufficient to	Continuing education prerequisites for license renewal are one facet in improving installation compliance. The installation of each manufactured home will necessitate a permit and inspection under the Uniform Dwelling Code program. Licensed installers who are negligent or demonstrate incompetence in the performance of their activities and responsibilities are subject to disciplinary action including license suspension or revocation.

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		refer to the manufacturer's requirements.	
Exhibit No. 4	David Jenkins Wisconsin Federation of Cooperative, Madison	Supports the proposed rule revision under s. Comm 22.06(10) creating an exemption for ground source heat pumps with respect to the definition for electrical heating equipment/systems.	No response necessary.
Exhibit No. 5	Carol and Elgin Waugh Madison Amada Harding Madison Phyllis Bresser Madison Dayna Scheriol Madison Eugene Gilbert Madison Ray and Sharon Van Dyke Madison Larry Jacobson Madison	(Multiple form letters were submitted) Contends that the language under s. Comm 5.323 will allow a person who holds a manufactured home dealer license and who is also community owner/operator, under the pretense of forcing the removal of a sited home, manipulate the situation resulting in the buyer having to purchase a home directly from the dealer/operator.	The proposed rule treatment merely amends an existing rule to reflect statutory terminology. The revised rule pertains to the responsibilities for individuals who hold manufactured home dealer licenses with respect to potential sales. The rule does not empower license holders. The rules under s. Comm 5.323 do not supersede other agency's rules including s. ATCP 125.02 as determined by legal counsel from both agencies. Owners/operators are obligated to comply with s. ATCP 125.02.