

**Clearinghouse Rule 14-017**

STATE OF WISCONSIN  
Department of Safety and Professional Services

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IN THE MATTER OF RULEMAKING	:	HEARING NOTICE AND
PROCEEDINGS BEFORE THE	:	PROPOSED ORDER OF THE
DEPARTMENT OF SAFETY AND	:	DEPARTMENT OF SAFETY
PROFESSIONAL SERVICES	:	AND PROFESSIONAL SERVICES,
	:	ADOPTING RULES

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NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services by sections 101.935 (3), 101.937 (1), 101.96 (1) (a) and (b), and 227.11 (2) (a) of the Wisconsin Statutes, and interpreting sections 101.935 (3), 101.937 (1), and 101.96 (1) (a) and (b) of the Wisconsin Statutes, the Department will hold a public hearing at the time and place indicated below to consider the proposed order herein relating to manufactured homes and manufactured home communities.

**Hearing Date, Time and Location**

**Date:** March 14, 2014  
**Time:** Commencing at 9:30 a.m.  
**Location:** 1400 East Washington Avenue  
Room 121C  
Madison, Wisconsin

**APPEARANCE AT THE HEARING:**

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and arguments in writing as well. Facts, opinions, and arguments may also be submitted in writing without a personal appearance, by e-mail to [sam.rockweiler@wi.gov](mailto:sam.rockweiler@wi.gov) or by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366. Written comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

**PROPOSED ORDER**

An order of the Department of Safety and Professional Services to repeal SPS 326.10 (4); 326.32 (3) (b), (7), and (8); 326.34 (1) (a) (Note) and (6); 326.36 (1) (b) 2.; 326.37; and 326.38 (1) (c);

to renumber SPS 326.10 (5) to (20), 326.16, 326.32 (3) (c) to (e), 326.34 (7) and (8), and 326.36 (1) (b) 3. and 4.;

to renumber and amend SPS 326.33 (1) (a);

to amend SPS 321.40 (2) (b) 8.; 326.12 (1) (c) (intro.), 1., and 2.; 326.16 (Note); 326.19 (intro.) and (1); 326.28; 326.30 (1) (a), (b), and (2) (Note); 326.34 (1) (a) and (2); 326.36 (1) (intro.), (c), and (i), and (2); 326.38 (1) (intro.); 326.44 (intro.); and 326.49 (1) (intro.);

to repeal and recreate SPS 321.40 (1) and (Note [1]);

and to create SPS 320.07 (52m) (Note [2]), 321.40 (2) (title), 326.16 (2) and (3), and SPS 326.20 relating to manufactured homes and manufactured home communities.

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### ANALYSIS

#### **Statutes interpreted:**

Sections 101.935 (3), 101.937 (1), and 101.96 (1) (a) and (b).

#### **Statutory authority:**

Sections 101.935 (3), 101.937 (1), 101.96 (1) (a) and (b), and 227.11 (2) (a).

#### **Explanation of agency authority:**

Section 101.935 (3) authorizes the Department to promulgate rules for administering and enforcing the permit process that the section requires for manufactured home communities.

Section 101.937 (1) requires the Department to promulgate rules establishing prescribed standards for providing water or sewer service to a manufactured home community occupant.

Sections 101.96 (1) (a) and (b) require the Department to promulgate rules establishing standards for safe installation of manufactured homes, and for ensuring compliance with the standards.

Section 227.11 (2) (a) of the Statutes authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

#### **Related statute or rule:**

The Department has related rules elsewhere in chapters SPS 320 to 325 addressing (1) building permits for manufactured homes, (2) construction of footings and foundations, and (3) other structures that are attached to these homes.

The Department of Agriculture, Trade and Consumer Protection has rules in chapter ATCP 125 relating to mobile home parks, and covering such items as rental agreements, transfer of tenancy, and termination of tenancy.

**Plain language analysis:**

The proposed rule revisions primarily would update the installation standards for manufactured homes by incorporating the current, federal model standards in Title 24, Part 3285 of the *Code of Federal Regulations* – after approval for incorporating these standards is received from the Attorney General.

In addition to including several minor clarifications and updates, the proposed rule revisions would also (1) codify the Department’s current modifications of the federal installation standards, and (2) update the Department’s rules in chapter SPS 326 for manufactured home communities to reflect current administrative and regulatory practices. For example, the current provisions for deferred payment agreements for water and sewer service in a community would be repealed because they are better addressed in lease agreements between landlords and tenants. Also, where a community-wide soil test does not exist and a soil test is required, such as for a proposed frost-free-foundation design, the test would need to determine the soils in the entire community rather than at an individual site.

**Summary of, and comparison with, existing or proposed federal regulation:**

Federal construction requirements that preempt state or local requirements for constructing manufactured homes are addressed in Title 42 of the *United States Code* under sections 5401 to 5425, and in Title 24 of the *Code of Federal Regulations* under Part 3280. Federal minimum, model installation requirements for manufactured homes are addressed in 24 CFR Part 3285.

Under 24 CFR 3285.1(a)(1), “States that choose to operate an installation program for manufactured homes in lieu of the federal program must implement installation standards that provide protection to its residents that equals or exceeds the protection provided by these Model Installation Standards.” Wisconsin has exercised this choice, through subchapter V of chapter 101 of the Statutes.

The rule revisions proposed in this order will not infringe on the federal construction requirements in 24 CFR Part 3280, and will not provide less protection than the federal minimum installation requirements in 24 CFR Part 3285.

No current federal regulations were found relating to construction or operation of manufactured-home communities.

No proposed federal regulations were found relating to either manufactured homes or manufactured home communities.

**Comparison with rules in adjacent states:**

An Internet-based search of Web sites from the four adjacent states and telephone contact with program staff there produced the following results relating to these proposed rule changes.

**Illinois:** Manufactured homes must be installed under the on-site supervision of a licensed manufactured home installer, in compliance with either the manufacturers instructions, or, where no such instructions are available, in compliance with prescribed standards relating to such items as site location, support systems, electrical connections, and perimeter enclosures. Statewide requirements also address anchoring of the home, the water and sewer connections, and licensing of plumbers and roofers. Licensure of manufactured home communities is comprehensive, covering such items as streets, parking, water and sewer service, fire safety, and waste disposal.

**Iowa:** The federal installation standards are applied without any state-level modifications, and the credentialing for installers is similar to Wisconsin's. The only statewide regulations that were found relating to manufactured home communities essentially address only the rental agreements.

**Michigan:** The federal installation standards are applied, and the credentialing for installers is similar to Wisconsin's. Regulation of manufactured home communities is comprehensive, covering such items as plan approval, inspections, recreational areas, streets, utilities, fire safety, and business practices.

**Minnesota:** The federal installation standards are applied, and the credentialing for installers is similar to Wisconsin's. The regulations for manufactured home communities cover such items as home spacing, water and sewer service, garbage and refuse disposal, fire protection, inspections, and storm shelters.

### **Summary of factual data and analytical methodologies:**

The data and methodology for developing these rule revisions were derived from and consisted primarily of comparing the current edition of 24 CFR Part 3285 to the 2007 draft final rule of that Part, which the Department has applied since April 1, 2007. The Department's review and assessment process included evaluating the modifications to those federal standards that the Department has likewise applied since April 1, 2007. This comparison and evaluation was performed with the Manufactured Housing Code Council, as created under section 15.407 (13) of the Statutes. The members of the Council include representatives of the major stakeholders, including manufacturers of manufactured homes, dealers, installers, owners and residents of manufactured home communities, inspectors, labor representatives, industry suppliers, and an association of the manufactured housing industry. The Department utilized the Council to obtain information on any potential impacts of both the technical and administrative elements of the rule revisions. A responsibility of Council members is to bring forth concerns their respective organizations may have with the requirements, including concerns regarding economic impacts.

### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The primary document that was used to determine the effect of the proposed rule revisions on small businesses, and to prepare an economic impact analysis was 24 CFR Part 3285, along with the installation instructions the Department has posted on its Web site since April 2007.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

The proposed rule revisions are not expected to have an effect on small businesses because the current edition of 24 CFR Part 3285, as it would be modified by these rule revisions, is not expected to impose costs that would substantially exceed the costs imposed by the currently applied requirements.

The Department’s Regulatory Review Coordinator may be contacted by e-mail at [Tom.Engels@wi.gov](mailto:Tom.Engels@wi.gov), or by calling (608) 266-8608.

**Agency contact person:**

Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI, 53708-8366; or at telephone (608) 266-0797; or by e-mail at [sam.rockweiler@wi.gov](mailto:sam.rockweiler@wi.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI, 53708-8366; or by e-mail to [sam.rockweiler@wi.gov](mailto:sam.rockweiler@wi.gov). Comments must be received on or before March 14, 2014, to be included in the record of rulemaking proceedings.

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TEXT OF RULE

SECTION 1. SPS 320.07 (52m) (Note [2]) is created to read:

**SPS 320.07 (52m) Note:** “Mobile home” is defined in section 101.91 (10), Stats., as follows: “ ‘Mobile home’ means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. ‘Mobile home’ includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.”

SECTION 2. SPS 321.40 (1) and (Note [1]) are repealed and recreated to read:

**SPS 321.40 (1) PRODUCED ON OR AFTER APRIL 1, 2007.** (a) *Adoption of standards.* The federal *Model Manufactured Home Installation Standards*, 24 CFR part 3285, as in effect on [the effective date of this rule...LEGISLATIVE REFERENCE BUREAU TO INSERT DATE] is hereby incorporated by referenced into this chapter.

**Note:** Section 24 CFR 3285.1(a)(1) reads as follows: “States that choose to operate an installation program for manufactured homes in lieu of the federal program must implement installation standards that provide protection to its residents that equals or exceeds the protection provided by these Model Installation Standards.”

(b) *Compliance.* A manufactured home produced on or after April 1, 2007, shall be installed in accordance with 24 CFR part 3285 except as otherwise provided by this subsection.

**Note:** As provided under 24 CFR 3285.1(a)(intro.), “The manufacturer’s installation instructions, including specific methods for performing a specific operation or assembly, will be deemed to comply with these Model Installation Standards, provided they meet or exceed the minimum requirements of these Model Installation Standards and do not take the home out of compliance with the Manufactured Home Construction and Safety Standards (24 CFR part 3280).”

(c) *Additional definitions.* These are department definitions in addition to the definitions in 24 CFR 3285.5:

1. “Department” means the department of safety and professional services.
2. “HUD” means the federal department of housing and urban development.
3. “Manufactured home section” means a portion of a manufactured home which when installed does not provide all the facilities for year-round residential occupancy.
4. “Manufactured home unit” means a complete manufactured home which when installed provides all the facilities for year-round residential occupancy.

(d) *Substituted definitions.* Substitute the following definitions and informational note for the corresponding definitions in 24 CFR 3285.5:

- 1 “Approved” means acceptable to the department.
2. “Base flood elevation” means the elevation of the base flood, including wave height, relative to the datum specified on a county’s flood hazard map.
3. “Flood hazard area” means the greater of either (1) the special flood hazard area shown on the flood insurance rate map or (2) the area subject to flooding during the design flood and shown on a county’s flood hazard map, or otherwise legally designated.
4. “Flood hazard map” means a map delineating the flood hazard area and adopted by a county.
5. “Local authority having jurisdiction (LAHJ)” means the department; except where it is used in conjunction with “flood hazard map,” in which case it means the county.
6. “Manufactured home” has the meaning given in s. 101.91 (2), Stats.

**Note:** Section 101.91 (2) of the Statutes is reprinted in a Note under section SPS 320.07 (52m).

(e) *Fire separation.* Substitute the following wording for the requirements in 24 CFR 3285.201: Fire separation distances shall be provided in accordance with the distances specified in s. SPS 326.12.

(f) *Flood hazard.* Substitute the following wording and informational note for the requirements in 24 CFR 3285.102(c): Prior to the initial installation of a new manufactured home, the owner or permit applicant is responsible to determine whether the home site lies wholly or partly within a special flood hazard area as shown on the county's flood insurance rate map, flood boundary and floodway map, or flood hazard boundary map. If so located, the map and supporting studies adopted by the county may be used to determine the flood hazard zone and base flood elevation at the site.

**Note:** The department of natural resources and the federal emergency management agency may also have regulations that apply to construction in flood hazard areas.

(g) *Wind loads.* This is a department informational note to be used under 24 CFR 3285.103(a): The HUD-required wind loads for Wisconsin, Zone 1, are not less than 15 psf horizontal and not less than 9 psf uplift.

(h) *Roof loads.* This is a department informational note to be used under 24 CFR 3285.103(b): See appendix for a reprint of HUD's roof-load zone map.

(i) *Thermal zone.* This is a department informational note to be used under 24 CFR 3285.103(c): The HUD-required thermal zone for Wisconsin is Zone 3, for an overall maximum coefficient of heat transmission not to exceed 0.079 Btu/(hr.)(sq. ft.) (°F).

(j) *Soil test.* This is a department requirement in addition to the requirements in 24 CFR 3285.202(a): Where a community-wide soil test does not exist and a soil test is required by this chapter, such as for a proposed frost-free-foundation design, the test shall be conducted to determine the soils in the entire community rather than at an individual site.

(k) *Footings and foundations.* This is a department requirement in addition to the requirements in 24 CFR 3285.301: Footings and foundations may be designed in accordance with subchs. IV and V, which include a frost depth of at least 48 inches.

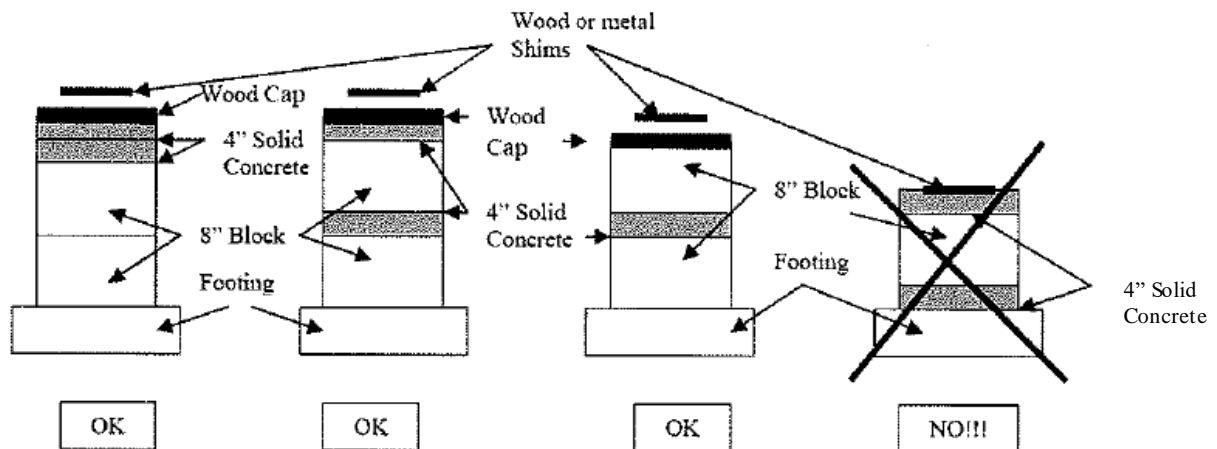
(L) *Caps.* Substitute the following wording for the requirements in 24 CFR 3285.304(b)(2): A combination of up to two 4-inch-thick solid-concrete blocks and no more than one 2-inch-thick piece of hardwood lumber shall be permitted as cap material. Lumber used as cap and gap filler material may be of 2-inch nominal lumber at least equal to No. 2 spruce/pine/fir having a minimum fiber bending stress rating of 1200 psi. All lumber used as cap and gap filler shall be the same species of wood. Lumber used to fill a gap in the pier may only be placed at the top of the pier.

(m) *Gaps*. This is a department informational note to be used under 24 CFR 3285.304(c)(1):

**Note:** See lumber specifications under par. (L).

(n) *Additional blocking*. Substitute the following wording for the requirements in 24 CFR 3285.304(c)(3): If a pier is provided with a cap block of 4-inch concrete or 2-inch lumber, another 4-inch concrete block may be placed anywhere in the pier but may not be placed directly upon the footing.

(o) *Illustration*. This is a department figure to be used under 24 CFR 3285.304:

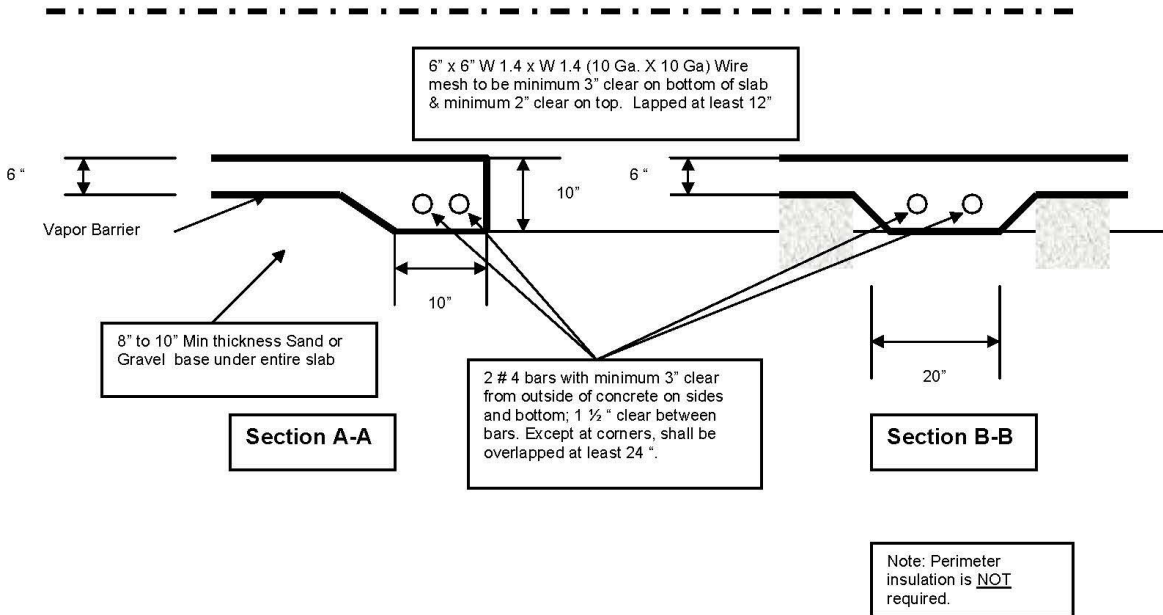
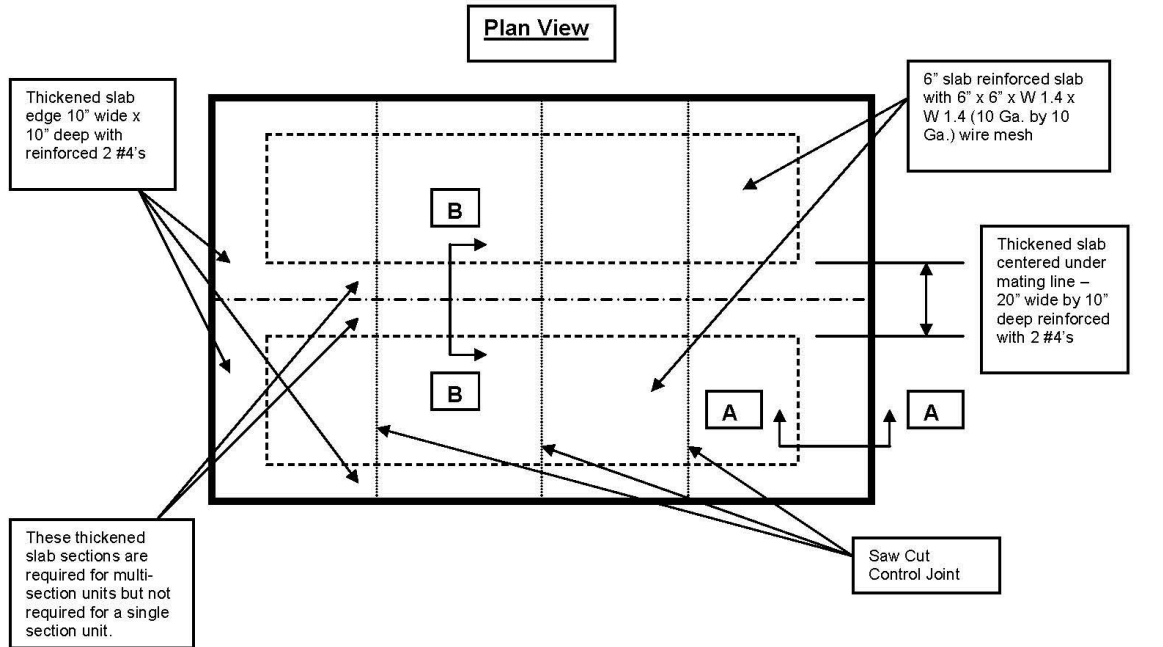


(p) *Footings and foundations*. This is a department requirement in addition to the requirements in 24 CFR 3285.301: Footings and foundations may be designed in accordance with any of the following:

1. Subchs. IV and V.
2. The department-approved slab design that is shown in the figure and limitations at the end of this paragraph.
3. Other proprietary designs approved by the department.



Acceptable slab on grade for pier supported manufactured home produced on or after April 1, 2007  
[per SPS 321.40 (1)]



**Limitations:**

1. Minimum 3,000 psi Concrete. [HUD 3285.312(a)(1)(ii)]

2. Rebar and mesh at least grade 40.
3. Soil bearing capacity at least 2,000 psf [SPS 321.40 (2) (b) 2. and HUD 3285.312(b)(ii)]
4. Placed on undisturbed soil. May not be placed on unprepared fill material, organic soil, alluvial soil, mud, or frozen soil. [SPS 321.40 (2) (b) 1. and HUD 3285.312(a)]
5. 8 to 10" of clean graded sand, gravel or crushed stone base in clay soils [SPS 321.20 (2) with added thickness to resist frost.] Compaction of sand, etc, should be 95% of modified Proctor.
6. 6 mil vaporretarder overlapped 12 inches and sealed. [HUD 3285.204]
7. Maximum pier spacing of 7 feet with max. load per pier of 5,300 lbs. when placed on 6" thick slab. [SPS 321.40 (2) (b) 10. and HUD 3285(e), Table.]
8. Maximum load per pier of 11,900 lbs. at mating line when centered on the 20" W. X 10" D. thickened slab, Section B-B, reinforced with 2 - #4 bars. Individual pier footings at mating line meeting sizing requirements s.3285(e), Table may be used in lieu of continuous thickened slab. [HUD 3285(e), Table.]
9. Site shall drain away from the home per SPS 321.12. Ensure drainage of sand fill zone so that any clay does not cause water to pool under the slab.
10. The water table may not be above the frost penetration depth, i.e. at least 4 feet below grade. [SPS 321.15 (2) (a)]
11. Saw cut joints in slab so that sections are approximately square. (Example: 16' by 76' slab = 4 segments.)

(q) *Anchors and tie-down straps.* This is a department requirement in addition to the requirements in 24 CFR 3285.402(b)(1) and (2): Ground anchors and tie-down straps may be of painted steel to provide the weather-deterioration protection required by this section.

(r) *Severe climate.* Substitute the following wording for the requirements in 24 CFR 3285.404: In frost-susceptible soil locations, ground-anchor augers shall be installed to the design depth of the anchor but not less than 30 inches, unless the foundation system is frost-protected to prevent the effects of frost heave, in accordance with acceptable engineering practice and ss. 3280.306 and 3285.312.

(s) *Ventilation openings.* Substitute the following wording for the requirements in 24 CFR 3285.505(d): Ventilation openings shall be covered for their full height and width with a perforated corrosion- and weather-resistant covering that is designed to prevent entry of rodents.

(t) *Plumbing.* This is a department informational note to be used under 24 CFR 3285.601:

**Note:** The Department's rules relating to registration and licensing of plumbers are specified in chapter SPS 305. The Department's rules relating to pipe supports; pitch of sanitary drainage piping, storm water or clear water piping, and water supply piping; and plumbing specific to manufactured homes and manufactured home communities are specified in chapter SPS 382.

(u) *Access for a transporter.* Substitute the following wording for the recommended requirements in 24 CFR 3285.902(a): Before attempting to move a home, ensure that the transportation equipment and home can be routed to the installation site and that all special transportation permits required by the department of transportation have been obtained.

(v) *Drainage structures.* Substitute the following wording for the recommended requirements in 24 CFR 3285.902(b): The use of ditches and culverts to drain surface runoff is subject to local and state regulations and shall be included and considered in the overall site preparation.

(w) *Local permits.* Substitute the following wording and informational note for the recommended requirements in 24 CFR 3285.903(a): All locally required permits shall be obtained and all corresponding fees shall be paid.

**Note:** See section SPS 320.08 for the Department's requirements for obtaining a Wisconsin uniform building permit prior to each installation.

(x) *Local plan approval.* Substitute the following wording for the recommended requirements in 24 CFR 3285.903(b): Prior to alteration of a home's pier blocking, the local municipality shall be contacted to determine if plan approval and permits are required.

(y) *Accessory buildings and structures.* Substitute the following wording for the recommended requirements in 24 CFR 3285.903(c): Each accessory building and structure is designed to support all of its own live and dead loads, unless the structure, including any attached garage, carport, deck or porch, is attached to the manufactured home and is otherwise included in the installation instructions.

(z) *Contacting the utility providers.* Substitute the following wording for the recommended requirements in 24 CFR 3285.904(a): The utility providers shall be consulted before connecting the manufactured home to any utilities.

(aa) *Conversion of gas appliances.* Substitute the following wording for the recommended requirements in 24 CFR 3285.904(d)(1): A service person acceptable to the utility provider shall convert the appliance from one type of gas to another, following instructions by the manufacturer of each appliance.

(bb) *Gas appliance startup procedures.* Substitute the following wording for the recommended requirements in 24 CFR 3285.904(d)(4)(intro.): When required by the utility provider, the installer shall perform the following procedures:

(cc) *Heating oil systems.* This is a department informational note to be used under 24 CFR 3285.905:

**Note:** See chapter ATCP 93 for additional requirements relating to installation of heating oil systems.

SECTION 3. SPS 321.40 (2) (title) is created to read:

**SPS 321.40 (2) (title)** PRODUCED BEFORE APRIL 1, 2007.

SECTION 4. SPS 321.40 (2) (b) 8. is amended to read:

**SPS 321.40 (2) (b) 8.** All concrete blocks shall be 2-core design, construction grade blocks having nominal dimensions of at least 8 inches by 8 inches by 16 inches. All concrete

blocks shall be placed with the cores open vertically. The concrete block nearest the main frame of the manufactured home shall be perpendicular to the linear direction of the frame. ~~Ne~~ None of these concrete block blocks may contact the main frame of the home.

SECTION 5. SPS 326.10 (4) is repealed.

SECTION 6. SPS 326.10 (5) to (20) are renumbered SPS 326.10 (4) to (19).

SECTION 7. SPS 326.12 (1) (c) (intro.), 1., and 2. are amended to read:

**SPS 326.12 (1) (c)** No basic unit may be located closer than 10 feet to any of the following:

1. Any building such as a pump house, the office building for the community, a laundry building or a recreational building, except a garage or accessory structure belonging to the site or manufactured home community occupant;

2. Any property line of the community; ~~or.~~

SECTION 8. SPS 326.16 is renumbered SPS 326.16 (1).

SECTION 9. SPS 326.16 (2) and (3) are created to read:

**SPS 326.16 (2)** A manufactured home community operator may request an electric utility provider to disconnect the electrical service to a site where an electrical overload or other dangerous condition exists in nonconformance with ch. SPS 316.

**(3)** An authorized employee or agent of the department may order a manufactured home community operator to make the request specified in sub. (1).

SECTION 10. SPS 326.16 (Note) is amended to read:

**SPS 326.16 Note:** Chapter SPS 316 adopts the National Electrical Code (NEC). See Article 550 Part III of the NEC for information relating to electrical connections for manufactured homes. See Article 240 for overcurrent protection.

SECTION 11. SPS 326.19 (intro.) and (1) are amended to read:

**SPS 326.19** All owners and other occupants of manufactured homes in a manufactured home community shall do all of the following:

- (1) Register with the manufactured home community operator; ~~and,~~

SECTION 12. SPS 326.20 is created to read:

**SPS 326.20 Other municipal fees.** A manufactured home community contractor or a manufactured home community operator may pass along to a homeowner a municipal charge imposed on the community or its occupants on a schedule to meet the obligations imposed by the municipality or municipal utility notwithstanding the terms of the lease.

SECTION 13. SPS 326.28 is amended to read:

**SPS 326.28** Each manufactured home community operator or manufactured home community contractor shall have available and provide, to all new manufactured home community occupants and to any manufactured home community occupant making a request, a written notice that includes a summary of the rules set forth in this chapter pertaining to deposits, payment options ~~including deferred payment agreements~~, disconnection, and dispute procedures. The notice shall contain a reply procedure to allow manufactured home community occupants an opportunity to advise the manufactured home community operator or manufactured home community contractor of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the manufactured home community operator or manufactured home community contractor to contact a specific third-party agency or individual prior to any disconnection action being taken. Each manufactured home community operator or manufactured home community contractor shall also provide annually, and any time rates are increased, written information regarding the rates charged to manufactured home community occupants for the provision of water and sewer service. The information provided shall include a description of how rates are determined, the rate charged the manufactured home community operator or manufactured home community contractor by its water or sewer service provider, and the department's telephone number.

SECTION 14. SPS 326.30 (1) (a), (b), and (2) (Note) are amended to read:

**SPS 326.30 (1) (a)** If a manufactured home community operator or manufactured home community contractor purchases water and sewer service and resells the service to the manufactured home community occupants where the service is not metered, the maximum allowable water and sewer bill to each manufactured home community occupant may not exceed the lesser of the manufactured home community's water and sewer bill, plus 30%, divided by the number of occupied lots within the community, or the retail rates of the local municipality's water and sewer operation applied to the average user. The bill to each manufactured home community occupant shall be based on the previous billing cycle of the service provider. The average user is one whose consumption is equal to the volume of water billed to the manufactured home

community operator or manufactured home community contractor, divided by the number of occupied lots or occupants within the manufactured home community. The allowable bill also includes combination of all other charges to a typical residential customer, including such items as meter and storm water charges.

(b) If a manufactured home community operator or manufactured home community contractor purchases water and sewer service and resells the service to the manufactured home community occupants where the service is metered, the maximum allowable water and sewer billing rate to each manufactured home community occupant may not exceed the local residential meter rate based on volume plus the combination of all other charges to a typical residential customer, including such items as meter and storm water charges.

**(2) Note:** Information relative to the rates of Wisconsin Class D water public utilities is available from the Wisconsin Public Service Commission Web site at [www.psc.wi.gov/](http://www.psc.wi.gov/). See Bulletin 25.

SECTION 15. SPS 326.32 (3) (b) is repealed.

SECTION 16. SPS 326.32 (3) (c) to (e) are renumbered SPS 326.32 (3) (b) to (d).

SECTION 17. SPS 326.32 (7) and (8) are repealed.

SECTION 18. SPS 326.33 (1) (a) is renumbered SPS 326.33 (1) and amended to read:

**SPS 326.33 (1)** A manufactured home community operator or manufactured home community contractor may require a deposit as a condition of new or continued water and sewer service. The amount of the required deposit may not exceed \$~~60~~ \$75.

SECTION 19. SPS 326.34 (1) (a) is amended to read:

**SPS 326.34 (1)** Failure to pay a delinquent account ~~or failure to comply with the terms of a deferred payment agreement.~~

SECTION 20. SPS 326.34 (1) (a) (Note) is repealed.

SECTION 21. SPS 326.34 (2) is amended to read:

**SPS 326.34 (2)** A manufactured home community operator or manufactured home community contractor may disconnect water and sewer service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the

manufactured home community operator or manufactured home community contractor shall provide the manufactured home community occupant with a written explanation of the dangerous condition.

SECTION 22. SPS 326.34 (6) is repealed.

SECTION 23. SPS 326.34 (7) and (8) are renumbered SPS 326.34 (6) and (7).

SECTION 24. SPS 326.36 (1) (intro.) is amended to read:

**SPS 326.36 (1)** A disconnection notice shall contain all of the following information:

SECTION 25. SPS 326.36 (1) (b) 2. is repealed.

SECTION 26. SPS 326.36 (1) (b) 3. and 4. are renumbered SPS 326.36 (1) (b) 2. and 3.

SECTION 27. SPS 326.36 (1) (c) and (i) and (2) are amended to read:

**SPS 326.36 (1) (c)** A statement that the manufactured home community occupant shall immediately contact the manufactured home community operator or manufactured home community contractor at the number listed if the manufactured home community occupant disputes the account considered delinquent, ~~if the manufactured home community occupant wishes to negotiate a deferred payment agreement as an alternative to disconnection,~~ if any resident is seriously ill, or if there are other extenuating circumstances.

(i) A statement that the manufactured home community occupant may apply to accept responsibility for future bills and avoid disconnection of service as allowed under s. SPS 326.34 ~~(8)~~ (7).

(2) If disconnection of service is to be made for default on a ~~deferred payment agreement,~~ the notice shall include an explanation of the acts of the manufactured home community occupant which are considered to constitute default.

SECTION 28. SPS 326.37 is repealed.

SECTION 29. SPS 326.38 (1) (intro.) is amended to read:

**SPS 326.38 (1)** If a manufactured home community occupant disputes a manufactured home community operator or manufactured home community contractor's request for a deposit, or advises the manufactured home community's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the manufactured home community operator or manufactured home community contractor shall do all of the following:

SECTION 30. SPS 326.38 (1) (c) is repealed.

SECTION 31. SPS 326.44 (intro.) is amended to read:

**SPS 326.44** Meters shall be tested by the manufactured home community operator or manufactured home community contractor at each of the following times:

SECTION 32. SPS 326.49 (1) (intro.) is amended to read:

**SPS 326.49 (1)** Thawing of a manufactured home community occupant's frozen water service or building sewer shall be at the manufactured home community occupant's expense unless either of the following apply:

SECTION 33. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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COPIES OF RULE

Copies of this proposed rule are available upon request to Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366; or by email at [sam.rockweiler@wi.gov](mailto:sam.rockweiler@wi.gov); or on the following website: <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.

*File reference: SPS 321 Mfgr. Homes/Hearing Notice and Rules*