

Ag 125

STATE OF WISCONSIN)
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DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed rules relating to mobile home parks, Wis. Adm. Code chapter Ag 125, were duly adopted by this department on February 2, 1972.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 2nd day of February, 1972.


Secretary of Agriculture

ORDER OF THE DEPARTMENT OF AGRICULTURE
ADOPTING RULES

Pursuant to authority vested in the Department of Agriculture by section 100.20(2), Wis. Stats., the Department of Agriculture hereby adopts rules as follows:

Chapter Ag 125 of the Wisconsin administrative code is adopted to read:

CHAPTER AG 125

MOBILE HOME PARKS

Ag 125.01 Declaration of Policy. Zoning restrictions imposed by local units of government on the development and use of land for the parking of mobile homes have resulted in a severe shortage of rental sites available to the public, seriously restricting competition in the sale of mobile homes and rental of residential sites for the location of such homes. This has placed a substantial number of operators and dealers in a dominant market or monopoly position and has occasioned unconscionable dealings in the sale of mobile homes and the rental of space or lots to mobile home owners and tenants. The use by mobile home park operators of unfair or deceptive acts or practices and imposition of unconscionable terms and conditions in the rental of space or lots to tenants, is an unfair trade practice and method of competition and prohibited under section 100.20, Wis. Stats.

Ag 125.02 Definitions. (1) "Mobile home" means a unit designed to be towed or transported and used as a residential dwelling, but does not include such units used primarily for camping, touring, or recreational purposes.

(2) "Operator" means any person engaged in the business of renting space or lots to two or more tenants on which to park mobile homes.

(3) "Tenant" means any person renting a space or lot from an operator on which to park a mobile home, and includes prospective tenants.

(4) "Utility service" means electricity, gas and petroleum fuels, including liquified petroleum gas, water and sewer.

Ag 125.03 Rental Agreement; Disclosure Requirements.

(1) Every agreement for the rental of a space or lot for the parking of a mobile home shall be in writing and include every term and condition on which the rental agreement is based. A copy of such agreement shall, upon execution, be furnished to the tenant and include, but not be limited to:

(a) The approximate size of the space or lot and its location in the park.

(b) The amount of rent per pay period and all property, services and facilities provided by the operator and included in the rent.

(c) The amount of security deposits, installation charges and the cost for any services, property or facilities furnished by the operator and not included in the rent, and any other cost or fees chargeable to the tenant as part of the rental agreement.

(d) The amount of the monthly parking fee assessed by local units of government and payable by the tenant. If the monthly parking fee is not known, an approximation shall be given.

(e) Terms and conditions of sale or transfer of mobile homes by tenants.

(f) Any other terms or conditions of the tenancy which, if breached by the tenant, may subject him to eviction, or the assessment of penalties or other charges.

(2) No operator shall charge or receive from a tenant or any other person on tenant's behalf, any fee or payment for the rental of a parking space or lot or the furnishing of any property, services or facilities except as specified in the rental agreement.

(3) The rental agreement shall be subject to limitations imposed in section Ag 125.04.

Ag 125.04 Rental Agreement; Limitations. (1) No charges may be made for the sale of mobile home equipment or accessories, or the furnishing of any services or facilities to the tenant as a condition to the rental of a mobile home space or lot unless the tenant is afforded an opportunity to contract for or obtain such goods, services or facilities from other sources. This subsection shall not apply to:

(a) Lot rent, or parking permit fees imposed by local units of government.

(b) Normal or customary charges or fees imposed, as set forth in the rental agreement, for snow removal, debris removal, mowing grass, or the performance of similar services by the operator upon failure of the tenant to fulfill obligations required under the rental agreement.

(c) Normal or customary charges for moving a tenant's mobile home on or off the park premises, and connecting or disconnecting such home with park facilities.

(d) Utility services, subject to subsection (4).

(2) No separate or special fee or payment, such as an entrance or exit fee or other side payment, may be assessed over and above normal or customary charges for rent, or property, services or facilities sold or furnished by the operator. This does

not apply to a security deposit not exceeding an amount equal to the rent for one rental pay period as specified in the rental agreement.

(3) No operator shall require any tenant to make any permanent improvements to land or to make any payment for improvements to land except for normal or customary charges for the rental or use of the land.

(4) No tenant shall be required to purchase utility services from the operator when such services are directly available from public utility. This does not apply to underground utility services installed by the operator prior to the time such services were available from a public utility.

(5) Charges made for utility services provided by the operator shall be reasonably competitive with prices for such services from a public utility or other sources and shall be computed on the quantities used by the tenant. Charges for water furnished by an operator may be assessed on a flat charge or other uniform basis, without regard to quantities used, when metering devices are not installed.

Ag 125.05 Transfer or Sale of Mobile Home. No operator shall charge any fee for the sale or transfer of a mobile home except normal or customary charges for services actually rendered in connection with the sale or transfer of ownership or possession.

Ag 125.06 Termination of Tenancy. (1) Notices of termination of tenancy shall comply with provisions of chapter 704, Wis. Stats., and in addition thereto shall specify the reason for such termination.

(2) No tenancy may be terminated on the ground that the tenant has reported violations of this chapter or any other statute, regulation or ordinance to any governmental authority.

(3) No tenancy may be terminated to make a space or lot available to a person purchasing a mobile home from the operator or his agent.

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: February 2, 1972.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By /s/ Donald E. Wilkinson
Secretary of Agriculture