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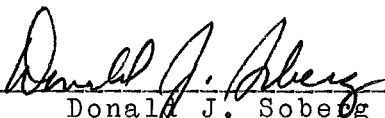
STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE,) SS.
TRADE & CONSUMER PROTECTION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald J. Soberg, Administrator of the Trade and Consumer Protection Division of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending Chapter Ag 125, Wis. Adm. Code, relating to mobile home parks, was duly approved and adopted by the Department on January 16, 1987.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 16th day of January, 1987.



Donald J. Soberg
Administrator
Trade and Consumer Protection
Division

1 ORDER OF THE
2 STATE OF WISCONSIN DEPARTMENT
3 OF AGRICULTURE, TRADE AND CONSUMER
4 PROTECTION ADOPTING, AMENDING AND
5 REPEALING RULES

6 To repeal Ag 125.01, Ag 125.04(1)(c), Ag 125.05, Ag 125.07(3)
7 and Ag 125.10(4); to renumber Ag 125.02(title), (3), (4), (6) and
8 (7), Ag 125.03, Ag 125.04(title), (1)(a), (e) and (f), and (3),
9 Ag 125.07(title), Ag 125.08, Ag 125.09(2), and Ag 125.10(title),
10 (intro.) and (1) through (3); to renumber and amend Ag 125.02(1),
11 (2), (5) and (8), Ag 125.04(1)(intro.), (b) and (d), and (2),
12 Ag 125.06, Ag 125.07(1) and (2), Ag 125.09(1) and (3), and
13 Ag 125.10(5); to amend Ag 134.02(2); and to create Ag 125
14 (Prefatory Note), Ag 125.01 (intro.), (6) and (8), Ag 125.02(6),
15 Ag 125.03(1)(f), (g), and (Note) and (4), Ag 125.04, Ag 125.05(2),
16 Ag 125.06(1) (intro.), (1)(a)(Note) and (c) through (e) and (2),
17 Ag 125.08(1) (Note) and Ag 125.10(5)(Note); relating to mobile home
18 parks.

Analysis by the Department of Agriculture,
Trade and Consumer Protection

This rule amends ch. Ag 125, Wis. Adm. Code, which regulates rental practices in mobile home parks. The rule repeals the current "Declaration Of Policy" contained in s. Ag 125.01, and replaces it with the following prefatory note:

"PREFATORY NOTE: Landlord-tenant relationships in mobile home parks are subject to ch. 704 and s. 710.15, Stats., this chapter and ch. Ag 134, Wis. Adm. Code (Residential Rental Practices). This chapter and ch. Ag 134, Wis. Adm. Code are adopted under authority of s. 100.20(2), Stats. Violations are subject to the penalties and remedies provided under ss. 100.20 and 100.26, Stats.

Trade practices related to certain sales of mobile homes are subject to ch. TRANS 141, Wis. Adm. Code (Manufactured Home Retailer Trade Practices, Facilities and Records)."

Ch. Ag 125, Wis. Adm. Code applies to mobile home parks in which mobile homes owned by tenants are placed on rental sites owned by the park operator. Ag 125 does not apply to mobile home condominiums, or other arrangements under which the mobile home occupant owns both the mobile home and the land on which the home is located. The amendments also clarify that Ag 125 does not apply to rental transactions in which the mobile home occupant rents both the mobile home and the mobile home site from the park operator.

The amendments change and clarify the current Ag 125 definition of "utility service." For purposes of Ag 125, "utility services" essentially includes those services whose delivery to tenants requires a permanent physical installation on the park operator's land, such as transmission lines, pipes, cables or other physical installations. As amended by the rules, the term includes: (a) electricity, water, sewer, telephone and natural gas; (b) liquified petroleum gas other than liquified petroleum gas in portable containers; (c) fuel oil supplied through a permanent central system in the mobile home park; and (d) television service.

Ag 125 currently prohibits a park operator from restricting the choice of vendors from whom a tenant may purchase goods and services. The amendments clarify that this prohibition does not apply to utility services. This exception recognizes that utility services are exclusive by nature, that retail delivery systems involve a permanent physical intrusion onto the park operator's land, and that it is not feasible to have multiple delivery systems for the same utility service in a mobile home park. Upon a showing of need, a public utility can obtain access to the mobile home park premises with or without the park operator's consent, by the exercise of eminent domain authority. However, in most other cases, utility access is subject to approval by the park operator. The amended rule does not force park operators to allow outside utility access onto the park premises, where access cannot otherwise be obtained by the exercise of eminent domain authority.

The amended rule makes special provision for television service. If a park operator provides cable or master antenna service, but charges separately for the service rather than including it in the rent, the operator may not limit a tenant's access to service from an outside source. (Unlike public utilities, cable companies have no eminent domain authority.)

The amendments clarify current provisions related to utility charges. Charges for utility service provided through the park operator's facilities, if not included in the rent, must be based on the amount of the utility service used by tenants. Charges for television service provided through the operator's facilities may be assessed in the form of a uniform charge to subscribing tenants. Charges, or the method of computing charges for utility services provided through the operator's facilities must be set forth in the

rental agreement. Charges for utility services provided through the operator's facilities, if based on amounts used, must be periodically invoiced in writing to tenants. Invoices must specify both the charge and the amount of the utility service used. Charges for utility services provided through the operator's facilities, if not included in the rent, must be competitive with retail prices charged for the same or equivalent services by public utilities or other local sources. If a utility service is provided directly to tenants by a public utility or other outside source, no additional charge may be assessed for the service by the operator.

The current rule prohibits a park operator from increasing utility charges during the term of the rental agreement for utility services delivered and billed to the tenant by the operator. The amended rules will permit a park operator to increase these utility charges, if not included in the rent, if the increase is solely to cover an increase in charges to the operator by the supplier of the utility service.

The current rule requires a park operator to provide every tenant with a written rental agreement prior to tenancy. The rental agreement must currently include a disclosure of the tenant's duty to remove the mobile home from the park upon termination of tenancy, except as otherwise provided in the rental agreement. The amended rules provide that if a tenant elects a rental agreement for less than a year, the operator must secure that election in writing.

The current rule limits the amount of security deposit an operator may receive to 1 month's rent. The amendments raise this limitation to 3 month's rent but incorporate the definition of "security deposit" from Ag 134 to clarify that the limitation on security deposits applies to all prepayments obtained from the tenant by the operator.

The rules limit the ability of an operator to exclude from the park prospective tenants who own their own homes or are buying them from another source by prohibiting the operator from using all available spaces for display lots or renting them to another mobile home dealer.

The rules reflect the creation of s. 710.15, Stats., by 1985 Wisconsin Act 235, by:

- Requiring the disclosure of the existence of a park emergency shelter in the rental agreement.
- Requiring that rules which substantially affect the rights and duties of tenants or of operators can only be changed or created when the rental agreement itself is changed.
- Creating notes which cite statutory provisions limiting the termination of tenancies and limiting the reasons for which an operator may prohibit the resale of a mobile home in place.

Under the amendments, a park operator may not:

- Resell a mobile home in place, if the operator purchased the mobile home from a tenant who was prohibited from selling the mobile home in place.

--Limit a tenant's right to post a "For Sale" sign on the tenant's mobile home unless those limitations are applied uniformly in the park.

The amendments do not create or extend any interest in real estate, or prohibit the lawful screening of new tenants by the park operator.

1 Pursuant to authority vested in the state of Wisconsin depart-
2 ment of agriculture, trade and consumer protection by s. 100.20(2),
3 Stats., the department hereby proposes to repeal, amend and create
4 rules interpreting s. 100.20, Stats., as follows:

5 SECTION 1. Ag 125.01 is repealed.

6 SECTION 2. Ag 125 (Prefatory Note) is created to read:

7 PREFATORY NOTE: Landlord-tenant relationships in mobile
8 home parks are subject to ch. 704 and s. 710.15, Stats.,
9 this chapter and ch. Ag 134, Wis. Adm. Code (Residential
10 Rental Practices). This chapter and ch. Ag 134, Wis. Adm.
Code are adopted under authority of s. 100.20(2), Stats.
Violations are subject to the penalties and remedies pro-
vided under ss. 100.20 and 100.26, Stats.

Trade practices related to certain sales of mobile
homes are subject to ch. TRANS 141, Wis. Adm. Code (Manu-
factured Home Retailer Trade Practices, Facilities and
Records).

13 SECTION 3. Ag 125.02(title) and (1) through (8) are
14 renumbered Ag 125.01(title), (1), (7), (2), (4), (3), (9), (5) and
15 (10), respectively; and Ag 125.01(1), (3), (7) and (10), as
16 renumbered, are amended to read:

17 Ag 125.01(1) "Mobile home" means a unit designed to be towed
18 or transported and used as a residential dwelling, but does not
19 include ~~such units~~ a unit used primarily for camping, touring or
20 recreational purposes.

21 (3) "Operator" means any person engaged in the business of
22 renting sites in a mobile home park to tenants. "Operator"
23 includes officers, representatives, agents and employees.

1 (7) "Site" means any plot of land which is rented ~~;~~
2 ~~intended-to-be-rented~~ or offered for rental for the accommodation
3 of a mobile home ~~occupied~~ used for residential purposes ~~;~~ but. It
4 does not include a plot of land ~~accommodating~~ rented for the
5 accommodation of a mobile home which is:

6 (a) ~~occupied~~ Occupied on a strictly seasonal basis; or

7 (b) Owned by the operator and occupied as a residence.

8 (10) "Utility service" means:

9 (a) ~~electricity~~ Electricity, water, sewer, telephone, and
10 natural gas; and-petroleum-fuels-including-liquified

11 (b) Liquified petroleum gas other than liquified petroleum
12 gas in portable containers;

13 (c) Fuel oil supplied through a permanent central system in
14 the mobile home park; and

15 (d) Television service.

16 SECTION 4. Ag 125.01(intro.), (6) and (8) are created to
17 read:

18 Ag 125.01(intro.) As used in this chapter:

19 (6) "Security deposit" means the total of all payments and
20 deposits given by a tenant to the operator as security for the
21 performance of the tenant's obligations, and includes all rent
22 payments in excess of one month's prepaid rent.

23 (8) "Television service" means the transmission of television
24 signals through a system in which television broadcast signals are
25 received by an antenna, satellite dish or other device and trans-
26 mitted to mobile homes in the mobile home park through coaxial
27 cable or other means. "Television service" does not include the

1 reception of television signals through an antenna or satellite
2 dish owned by a tenant.

3 SECTION 5. Ag 125.03 is renumbered Ag 125.02.

4 SECTION 6. Ag 125.02(6) is created to read:

5 Ag 125.02(6) Use a mobile home site to display a mobile home
6 offered for sale, or rent a site to a mobile home dealer for
7 purposes other than accommodation of a mobile home occupied as a
8 residence, if the use or rental of the site results in there being
9 no site in the mobile home park available to a prospective tenant
10 who does not purchase a mobile home from the operator or renting
11 dealer.

12 SECTION 7. Ag 125.04(1)(c) is repealed.

13 SECTION 8. Ag 125.04 (title), (1)(intro.), (a), (b), (d), (e)
14 and (f), (2) and (3) are renumbered Ag 125.03(title), (1)(intro.),
15 (a), (b), (c), (d) and (e), (2) and (3), respectively, and
16 Ag 125.03(1)(intro.), (b) and (c), and (2), as renumbered, are
17 amended to read:

18 Ag 125.03 (1)(intro.) Every rental agreement shall be in
19 writing, ~~and a copy thereof shall, at the time the agreement is~~
20 ~~entered into, be furnished to the tenant.~~ A copy of the rental
21 agreement shall be furnished to the tenant at the time the rental
22 agreement is executed. If a mobile home is purchased from or
23 through the operator, a copy of the rental agreement shall be
24 furnished to the tenant before the tenant signs the mobile home
25 purchase contract. The rental agreement shall conspicuously set
26 forth all terms and conditions affecting the rental of the site,
27 and shall include ~~, but not be limited to:~~

1 (1)(b) The amount of any security deposit, installation
2 charge, or other charge payable by the tenant under the rental
3 agreement but not included in the rent, including charges for
4 utility services provided through the operator's facilities. All
5 ~~charges shall be stated in the main body of the rental agreement,~~
6 ~~and not in a separate or supplementary document.~~ If utility
7 service charges are based on the amount of utility service used,
8 the rental agreement shall set forth either the specific rate or
9 the method by which the charges are to be computed.

10 (1)(c) All park rules and regulations. ~~IF the rules and~~
11 ~~regulations are contained in a separate document, that document~~
12 ~~shall be furnished to the tenant together with the principal agree-~~
13 ~~ment~~ Rules and regulations shall be included in or attached to the
14 main body of the rental agreement.

15 (2) The initial, and each succeeding rental agreement shall
16 be for a term of no less than one year, unless a shorter term is
17 requested in writing by the tenant and agreed to by the operator.
18 ~~Except for mobile home parking fees assessed by local units of~~
19 ~~government, rent and other charges under the rental agreement~~
20 ~~shall not be increased during the term of the agreement.~~ Under
21 any agreement for a rental term of 2 months or more months, rental
22 payments shall, at the option of the tenant, be payable in equal
23 monthly installments.

24 SECTION 9. Ag 125.03(1)(f), (g) and (Note) and (4) are
25 created to read:

26 Ag 125.03(1)(f) A notice that the operator reserves the right
27 to screen the purchaser of a tenant's mobile home before renting a

1 mobile home site to the purchaser, subject to s. 710.15, Stats.

2 (g) A disclosure as to whether the mobile home park contains
3 an emergency shelter, and, if the park has an emergency shelter,
4 the location of the emergency shelter and procedures for its use.

5 NOTE: Under s. 710.15(5m), Stats., an operator may
6 terminate a tenancy if the tenant refuses to sign a
rental agreement.

7 (4) Rent and other charges under the rental agreement may not
8 be increased during the term of the rental agreement. This
9 subsection does not apply to:

10 (a) Mobile home parking fees assessed by local units of
11 government.

12 (b) Charges for utility services delivered and billed
13 directly to the tenant by a public utility or other outside source.

14 (c) Charges for utility services purchased by the operator
15 and delivered and billed to the tenant by the operator but not
16 included in the rent, if the increase is solely to cover an
17 increase in charges to the operator by the supplier of the utility
18 service.

19 SECTION 10. Ag 125.04 is created to read:

20 Ag 125.04 RENTAL AGREEMENT; LIMITATIONS

21 (1) ENTRANCE AND EXIT FEES. No operator may charge an
22 entrance fee or exit fee in return for allowing the movement of a
23 mobile home into or out of a mobile home park. This subsection
24 does not apply to:

25 (a) Periodic payments for the rental of a site, pursuant to
26 the rental agreement.

27 (b) A security deposit not exceeding the amount of 3 months'

1 rent or \$350, whichever is less.

2 (c) Material and labor costs incurred by the operator to
3 move a tenant's mobile home into or out of the mobile home park,
4 to install the mobile home on a site or remove it from a site, or
5 to connect or disconnect utility services. The amount of any
6 charges, or the basis upon which charges are to be calculated,
7 shall be clearly set forth in the rental agreement.

8 (2) RESTRICTIONS ON CHOICE OF VENDORS. No operator may
9 restrict the choice of vendors from whom a tenant may purchase
10 goods or services. This subsection does not apply to:

11 (a) Utility services, subject to sub. (3).

12 (b) Services provided by the operator in the installation of
13 a mobile home on a site, or in the removal of a mobile home from a
14 site, pursuant to sub. (1)(c).

15 (c) Snow removal, lawn care, or similar site maintenance
16 services performed by the operator upon the failure of a tenant to
17 fulfill the tenant's site maintenance obligations under the rental
18 agreement. No charges may be imposed for site maintenance services
19 performed by the operator under this paragraph unless the tenant,
20 if available, is given prior notice and a reasonable opportunity
21 to perform the tenant's obligations under the rental agreement.
22 Charges for site maintenance services shall be set forth in the
23 rental agreement.

24 (d) Services involving the transportation of a mobile home to
25 or from a site within the mobile home park, if the operator can
26 show that the person providing the service has damaged the park
27 during a previous move and failed to compensate the operator for

1 the damages.

2 (e) A nondiscriminatory prohibition against sales solicita-
3 tions within the mobile home park.

4 (3) CHARGES FOR UTILITY SERVICES.

5 (a) Charges for a utility service provided through the
6 operator's facilities, if not included in the rent, shall be based
7 on the amount of the utility service used by tenants. Charges for
8 television service provided through the operator's facilities may
9 be assessed in the form of a uniform charge to subscribing tenants,
10 subject to par. (b). Charges, or the method of computing charges
11 for utility services provided through the operator's facilities
12 shall be set forth in the rental agreement under
13 s. Ag 125.03(1)(b).

14 (b) If television service is provided by the operator but not
15 included in the rent, the operator may not limit a tenant's access
16 to television service provided by an outside source.

17 NOTE: This paragraph is not intended to deny to an oper-
18 ator any right which the operator may have to compensa-
19 tion from a cable television company for easements or
other use of the operator's property.

20 (c) Charges for utility services provided through the opera-
21 tor's facilities, if based on amounts used, shall be periodically
22 invoiced in writing to tenants. Invoices shall specify both the
23 charge and the amount of the utility service used.

24 (d) Charges for utility services provided through the opera-
25 tor's facilities, if not included in the rent, shall be competitive
26 with retail prices charged for the same or equivalent services by
27 public utilities or other local sources. If a utility service is

1 provided directly to tenants by a public utility or other outside
2 source, no additional charge may be assessed for the service by the
3 operator.

4 SECTION 11. Ag 125.05 is repealed.

5 SECTION 12. Ag 125.06 (1), (2) and (3) are renumbered
6 Ag 125.05(1), (3) and (4), respectively, and as renumbered, are
7 amended to read:

8 Ag 125.05(1) If any change or increase in rent or fees, or
9 any other substantial change in the terms or conditions of tenancy
10 is to be made in connection with the renewal of any rental agree-
11 ment, a copy of the proposed new agreement, or amendments to the
12 existing agreement, shall be furnished to the tenant, in writing,
13 at least 28 days prior to the date on which the proposed new agree-
14 ment is to take effect. All changes shall be specifically brought
15 to the tenant's attention by a separate statement on the proposed
16 rental agreement or in a separate written document attached ~~thereto~~
17 to the rental agreement. The operator or a representative of the
18 operator shall meet with tenants, or any group of tenants, on the
19 proposed changes, at their request. Nothing in this section shall
20 be construed as interfering with the operator's right to terminate
21 any tenancy in accordance with s. 710.15 and ch. 704, Stats., and
22 s. Ag 125.09, if the tenant declines to accept the proposed new
23 agreement.

24 (3) ~~Nothing-in-this-chapter-prohibits~~ Except as otherwise
25 provided in this chapter, a park operator ~~from-changing~~ may change
26 or create general park rules and regulations during the term of any
27 rental agreement or tenancy, provided all tenants are given at

1 least 28 days prior written notice of any proposed change, and an
2 opportunity to meet with the operator or a representative of the
3 operator on the proposed change before it takes effect.

4 (4) Notice of proposed changes in rental terms and conditions
5 or park rules and regulations under ~~subsections-(1)-or-(2)~~ this
6 section may be furnished to the tenant in person or by mail.
7 Notice by mail shall be considered actual notice.

8 SECTION 13. Ag 125.05(2) is created to read:

9 Ag 125.05(2) Rules and regulations which substantially affect
10 the rights or duties of tenants or the operator under s. 710.15,
11 Stats., or this chapter may not be created or changed during the
12 term of the rental agreement. This includes but is not limited to:

13 (a) Rules setting standards and requirements for skirting,
14 weatherproofing or frostproofing, and auxiliary buildings or sheds.
15 (b) Rules limiting occupancy of mobile homes with respect to
16 the number or age of occupants.

17 (c) Vehicle parking rules imposed by the park operator.

18 (d) Rules restricting or regulating overnight guests.

19 (e) Rules restricting or regulating pets.

20 (f) Rules requiring tenants to repair or maintain their
21 mobile homes.

22 (g) Rules defining the tenant's and operator's rights and
23 responsibilities with regard to maintenance of the site.

24 (h) Rules restricting or regulating tenants' outdoor antennas
25 or satellite dishes.

26 SECTION 14. Ag 125.06(1) (intro.) is created to read:

27 Ag 125.06(1)(intro.) No operator may:

1 SECTION 15. Ag 125.07(title), (1) and (2) are renumbered
2 Ag 125.06(title), (1)(a) and (b), and as renumbered Ag 125.06(1)(a)
3 and (b) are amended to read:

4 Ag 125.06(1)(a) ~~No-tenant-shall-be-required~~ Require any tenant
5 to designate the operator, or any person named by the operator, as
6 agent for the sale of a tenant's mobile home ~~;-nor-shall-any-other~~
7 ~~unreasonable-restriction-be-imposed-by-the-operator-on~~ , or unrea-
8 sonably restrict the sale of a tenant's mobile home by the tenant
9 or an agent of the tenant's own choosing.

10 (b) ~~No~~ Solicit or receive any payment or other thing of value
11 ~~shall-be-solicited-or-received-by-the-operator~~ as a condition to
12 the assignment or sublease of a rental agreement by a tenant, or as
13 a condition to the transfer of tenancy to a buyer of the tenant's
14 mobile home.

15 SECTION 16. Ag 125.06(1)(a)(Note) is created to read:

16 NOTE: Sections 710.15(3) an (4), Stats., provide that:

17 "(3) PROHIBITED CONSIDERATION OF AGE OF MOBILE
18 HOME. (a) An operator may not deny a resident the
19 opportunity to enter into or renew, and may not include,
20 exclude or alter any terms of, a lease to continue to
locate a mobile home in the park solely or in any part
on the basis of the age of the mobile home.

21 (b) An operator may not require the removal of a
22 mobile home from a park solely or in any part on the
23 basis of the age of the mobile home, regardless of
whether the ownership or occupancy of the mobile home
has changed or will change."

24 "(4) PROHIBITED CONSIDERATION OF CHANGE IN OWNER-
25 SHIP OR OCCUPANCY OF MOBILE HOME. An operator may not
26 require the removal of a mobile home from a park solely
27 or in any part because the ownership or occupancy of the
mobile home has changed or will change. An operator may
refuse to enter into an initial lease with a prospective
resident or mobile home occupant for any other lawful
reason."

1 SECTION 17. Ag 125.06(1)(c) through (e) are created to read:

2 Ag 125.06(1)(c) Sell, for placement in a mobile home park
3 owned or operated by the operator, any mobile home purchased from a
4 tenant who was prohibited from selling the home directly for
5 placement in the mobile home park.

6 (d) Refuse to rent a mobile home site to the purchaser of a
7 tenant's mobile home except for a reason specified under
8 s. 710.15(5m), Stats. This does not prohibit the screening of
9 prospective tenants by an operator.

10 (e) Limit a tenant's ability to post, on the tenant's mobile
11 home or on the site on which the mobile home is located, a "For
12 Sale" sign or other advertisement announcing the tenant's offer to
13 sell the tenant's mobile home if the limitation is not applied
14 uniformly to every person, including the operator and any mobile
15 home dealer, who sells or offers to sell a mobile home on site in
16 the mobile home park.

17 SECTION 18. Ag 125.07(3) is repealed.

18 SECTION 19. Ag 125.06(2) is created to read:

19 Ag 125.06(2) This section does not create or extend any
20 interest in real estate, or prohibit the lawful screening of new
21 tenants by the operator.

22 SECTION 20. Ag 125.08 and Ag 125.09 are renumbered Ag 125.07
23 and Ag 125.08 and Ag 125.08(1) and (3), as renumbered, are amended
24 to read:

25 Ag 125.08 (1) Whenever an operator terminates any rental
26 agreement or refuses, upon the expiration of a lease, to renew the
27 lease or to enter into a new rental agreement, the operator shall

1 provide the tenant with written notice setting forth the reason for
2 such termination or refusal. Notices of termination shall comply
3 with the requirements of s. 710.15 and ch. 704, Stats., as
4 applicable. If the rental agreement does not comply with the
5 requirements of ss. Ag 125.03(1)(intro.) and (2), the operator
6 shall comply with the notice requirements of s. 704.17(2), Stats.,
7 when terminating a tenancy, unless the park operator or tenant
8 proves that other notice requirements under ss. 704.17(1) or (3),
9 Stats., are applicable.

10 (3) No operator may solicit or receive any payment or other
11 thing of value, except for normal rental payments, shall-be
12 solicited-or-received-by-any-park-operator in return for permitting
13 a tenant to leave the tenant's mobile home in the park upon termi-
14 nation of tenancy.

15 SECTION 21. Ag 125.08(1)(Note) is created to read:

16 Note: Section 710.15(5m), Stats., provides that:
17 "Notwithstanding ss. 704.17 and 704.19, the tenancy of a
18 resident or mobile home occupant in a park may not be
19 terminated, nor may the renewal of the lease be denied by
20 the park operator, except upon any of the following
21 grounds:

22 (a) Failure to pay rent due, or failure to pay
23 taxes or any other charges due for which the park owner
24 or operator may be liable.

25 (b) Disorderly conduct that results in a disruption
26 to the rights of others to the peaceful enjoyment and use
27 of the premises.

(c) Vandalism or commission of waste of the
property.

(d) A breach of any term of the lease.

(e) Violation of park rules that endangers the
health or safety of others or disrupts the right to the
peaceful enjoyment and use of the premises by others,
after written notice to cease the violation has been
delivered to the resident or mobile home occupant.

(em) Violation of federal, state or local laws,
rules or ordinances relating to mobile homes after

1 written notice to cease the violation has been delivered
2 to the resident or mobile home occupant.

3 (f) The park owner or operator seeks to retire the
4 park permanently from the rental housing market.

5 (g) The park owner or operator is required to
6 discontinue use of the park for the purpose rented as a
7 result of action taken against the park owner or operator
8 by local or state building or health authorities and it
9 is necessary for the premises to be vacated to satisfy
10 the relief sought by the action.

11 (h) The physical condition of the mobile home
12 presents a threat to the health or safety of its
13 occupants or others in the park or, by its physical
14 appearance, disrupts the right to the enjoyment and use
15 of the park by others.

16 (i) Refusal to sign a lease.

17 (j) Material misrepresentation in the application
18 for tenancy.

19 (k) Other good cause."

20 SECTION 22. Ag 125.10(title), (intro.) and (1) through (3)
21 are renumbered Ag 125.09(title), (intro.) and (1) through (3).

22 SECTION 23. Ag 125.10(4) is repealed.

23 SECTION 24. Ag 125.10(5) is renumbered Ag 125.09(4), and as
24 renumbered is amended to read:

25 Ag 125.10(5) Enter a tenant's mobile home without the tenant's
26 permission and reasonable prior notice to the tenant, ~~except that.~~
27 This does not prohibit the operator from entering a tenant's mobile
28 home if the tenant cannot be contacted and the operator reasonably
29 believes that entry is necessary because of emergency, or to
30 preserve and protect the mobile home or the park, ~~the operator may~~
31 ~~enter without notice or permission.~~

32 SECTION 25. Ag 125.10(5)(Note) is created to read:

33 NOTE: Entry by an operator into a tenant's mobile home
34 may be prohibited by other applicable law.

35 SECTION 26. Ag 134.02(2) is amended to read:

36 Ag 134.02(2) "Dwelling unit" means a structure or that part

1 of a structure that is primarily used as a home, residence or place
2 of abode. The term includes a mobile home or mobile site as
3 defined in Ag 125.01(1) and ~~(2)~~ (7), Wis. Adm. Code.

4 SECTION 27. The rules contained in this order shall take
5 effect on the first day of the month following publication, as
6 provided in s. 227.22(2), Stats. The treatment of Ag 125.03, as
7 renumbered, by this order shall first apply to rental agreements
8 entered into or renewed after the effective date of these rules.
9 Renewal of a rental agreement includes the continuation of a month-
10 to-month or other periodic tenancy after the rental period during
11 which the rules become effective.

12 Dated: Jan. 16th, 1987.

13 STATE OF WISCONSIN
14 DEPARTMENT OF AGRICULTURE,
15 TRADE AND CONSUMER PROTECTION

16 By Donald J. Soberg
17 Donald J. Soberg, Administrator
18 Trade and Consumer Protection Division

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