

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-5653/1 MCP:emw

2021 ASSEMBLY BILL 1036

February 17, 2022 – Introduced by Representatives CONSIDINE, POPE, BROSTOFF, HEBL, HESSELBEIN, HONG, SHELTON, SINICKI, STUBBS, SUBECK and VRUWINK, cosponsored by Senators ERPENBACH, ROYS and SMITH. Referred to Committee on Housing and Real Estate.

1 AN ACT to amend 710.15 (5r) of the statutes; relating to: the notice requirement

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for terminating a lease in a mobile or manufactured home community.

Analysis by the Legislative Reference Bureau

This bill requires the landlord of a mobile or manufactured home community to provide a tenant in the community with at least 90 days' notice before terminating the tenant's lease for certain reasons.

Under current law, a lease in a mobile or manufactured home community may not be terminated except for certain enumerated reasons, which include 1) failure to pay rent, taxes, or other charges; 2) disorderly conduct that disrupts others' use of the community; 3) vandalism or commission of waste; 4) breach of a lease term; 5) violation of community rules that endangers health or safety; 6) violation of federal, state, or local laws relating to mobile or manufactured homes; 7) the community owner or operator seeks to permanently retire the community from the rental market; 8) the community owner or operator is required to stop renting as a result of action taken by local or state building or health authorities; 9) the physical condition of the tenant's home presents a threat to the health or safety of its occupant or others or, by its appearance, disrupts others' use and enjoyment of the community; 10) refusal to sign a lease; 11) material misrepresentation in the application for tenancy; or 12) other good cause.

Under current law, a landlord that wishes to terminate a tenancy may give the tenant two different types of notices. For all types of tenancies, the landlord may give the tenant a notice that requires the tenant to either remedy the tenant's violation (by paying rent or otherwise) or move out within at least five days after the notice

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is given (a five-day notice). If the tenant fails to pay the rent or otherwise remedy the breach by that date, the tenancy is terminated. For month-to-month tenancies, a landlord may choose instead to give the tenant a notice requiring the tenant to move out within at least 14 days, without providing the tenant the option to remedy their violation and continue the tenancy (a 14-day notice). For year-to-year tenancies, and tenancies that last one year or less, the landlord may choose to give the tenant a 14-day notice but only if the landlord has already given the tenant a five-day notice during the previous 12 months. For tenancies under a lease that lasts more than one year, the landlord must provide at least 30 days' notice before terminating the tenancy. These notice requirements apply to tenants in a mobile or manufactured home community.

Under the bill, a notice terminating a tenancy in a mobile or manufactured home community must provide the tenant with at least 90 days' notice if the tenancy is being terminated for any of the following reasons: 1) failure to pay rent; 2) the community owner or operator seeks to permanently retire the community from the rental market; 3) the community owner or operator is required to stop renting as a result of action taken by local or state building or health authorities; 4) the physical condition of the tenant's home presents a threat to the health or safety of its occupant or others or, by its appearance, disrupts others' use and enjoyment of the community; 5) refusal to sign a lease; 6) material misrepresentation in the application for tenancy; or 7) other good cause. For all other lease terminations, the notice requirements remain the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	SECTION 1. 710.15 (5r) of the statutes is amended to read:
2	710.15 (5r) NOTICE REQUIREMENTS APPLY. The notice requirements of s. 704.17
3	(1p) (a), (2) (a) and (3) apply to a termination of tenancy under sub. (5m) (a) and the,
4	except that a notice to pay rent or vacate or a notice to vacate shall provide at least
5	<u>90 days' notice. The</u> notice requirements of s. 704.17 (1p) (b), (2) (b) and (3) apply to
6	a termination of tenancy under sub. (5m) (b) to (k), except that, for a termination of
7	tenancy under sub. (5m) (f) to (k), a notice to remedy a default or a notice to vacate
8	<u>shall provide at least 90 days' notice</u> .
9	(END)