

## Mobile home park living

Many people have found that living in a mobile home park suits their way of life. To ensure the wellbeing of these communities in Wisconsin, mobile home park residents have rights and responsibilities.

### Buying

Without a convenient site, the value of a mobile home can be drastically diminished. The closing on a mobile home should not occur until after the buyer's application for tenancy has been approved by the park operator.

Although a park operator may also sell new and used homes, under the law, the prospective tenant is free to shop around. A park operator may neither require a prospective tenant to purchase a home from the operator nor represent that the purchaser of a home from the operator will gain an advantage over others in obtaining a rental site in the park. Entrance and exit fees are prohibited.

### Leases

Park operators must offer tenants yearly leases, although a tenant may choose a month-to-month

lease if it is also offered. A tenancy can be terminated by the park operator for refusal to sign a lease.

Month-to-month tenancies can be terminated with greater speed by either the landlord or the tenant. Also, under Wisconsin's landlord-tenant law, it may be somewhat easier for a landlord to evict a month-to-month tenant's home from a park. Because of the strict entrance requirements at some parks, the value of a mobile home on the street is often thousands less than the same home located in a mobile home park.

### Protection

Tenants generally have more protection from termination by the landlord if they have a yearly lease. They are also protected against rent increases and other changes during the entire term of that lease. Some tenants seek additional protection by requesting leases for a term of more than one year.

When issuing a notice of termination or lease non-renewal, park operators must identify a breach of the rental agreement or

other cause as identified in the law.

Retaliatory rent increases and eviction because a tenant complains about a violation or forms a tenant union are prohibited.

When facing non-renewal or notice of termination, some tenants act promptly by writing to the operator stating their desire to sell the home and leave it on site in the park. Tenants have a legal right to sell their homes and leave them in place in the park, if the home's condition meets the park's reasonable standards and if the buyer's credit application is approved. Tenants faced with termination or problems selling their homes in place may telephone Consumer Protection toll-free at 1-800-422-7128.

### Selling

Tenants wishing to sell their homes on site in a park should carefully review their leases for provisions outlining the landlord's specific procedures. Many leases require the tenant to inform the landlord in writing 45 days prior to the intended closing date. Some operators require that homes pass an inspection prior to

considering a prospective buyer's application for tenancy.

Once a home has passed reasonable inspection by the park operator, it is important that the seller accompany the buyer to the operator's office to request an application for tenancy.

No operator may require a tenant to designate him or anyone else as a sales agent. The operator may not solicit or receive payment or anything of value to transfer tenancy to a buyer. Also, the operator may not unreasonably restrict the sale of a tenant's mobile home.

The age of the home cannot be a consideration for allowing a mobile home to remain in a park whether or not ownership is changing.

A landlord may screen prospective tenants using lawful standards.

## Legal References

Landlord-tenant relations in Wisconsin are regulated by Wis. Stat. ch. 704, and Wis. Admin. Code ch. ATCP 134, Residential Rental Practices, a rule administered by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

Mobile home park operator tenant relations are further regulated by Wis. Admin. Code ch. ATCP 125, Mobile Home Parks, another rule administered by DATCP, and Wis. Stat. § 710.15.

Wisconsin Admin. Code ch. ATCP 125, (Mobile Home Parks) is of central importance to mobile

home park tenants. It prohibits unfair business practices by mobile home park operators such as charging entrance fees or requiring the purchase of a mobile home or accessories from the operator as a condition of tenancy. This rule prohibits specific unfair lease provisions (see Wis. Admin. Code § ATCP 125.04) and requires disclosure of rent and all other charges payable by the tenant under the rental agreement (see Wis. Admin. Code § ATCP 125.03). Park operators are prohibited from requiring tenants to make permanent improvements to the park or any of its facilities or assessing any separate charge for permanent improvements (see Wis. Admin. Code § ATCP 125.09(3)).

Wisconsin Admin. Code ch. ATCP 125 and Wis. Admin. Code ch. ATCP 134 were created by DATCP under Wis. Stat. § 100.20(2) and have the force of law. Violations can be prosecuted by district attorneys under Wis. Stat. §§ 100.26 (3) or (6). Anyone who suffers monetary loss because of a violation may sue for double damages, court costs and reasonable attorney fees under Wis. Stat. § 100.20(5).

## For more help:

1. For possible assistance in locating a mobile home park site or information about putting a manufactured home on your own lot contact:

**Wisconsin Housing Alliance**  
301 N Broom St  
Madison WI 53703-5216  
(608) 255-3131

They have directories by geographic area listing the names, addresses and phone numbers of mobile home parks.

2. For more information on mobile home park and manufactured home ownership regulations, required physical layout for mobile home parks, park maintenance, dealer complaints, titling, or to file a complaint contact:

**Department of Safety  
and Professional Services  
Manufactured Home Unit**  
1400 E. Washington Ave  
PO Box 1355  
Madison WI 53701-1355  
(608) 264-9596

For more information or to file a complaint, visit our website or contact the Bureau of Consumer Protection.

**Bureau of Consumer Protection**  
2811 Agriculture Drive  
PO Box 8911  
Madison WI 53708-8911

**E-MAIL:**  
[DATCPHotline@wisconsin.gov](mailto:DATCPHotline@wisconsin.gov)

**WEBSITE:**  
[datcp.wisconsin.gov](http://datcp.wisconsin.gov)

**Toll-free in WI: (800) 422-7128**

**(608) 224-4976**

**FAX: (608) 224-4939**

**TTY: (608) 224-5058**