

## Manufactured home communities

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

### Buying

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

Although a community operator may also sell new and used homes, under the law, the prospective tenant is free to shop around. A community 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

Community operators must offer tenants a written lease for no less than one year. A tenant may make a written request to have a shorter term if they would like.

Tenants should be given a copy of their written lease.

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

A tenant may also choose to have a lease that is for three or more years. A landlord has to give the tenant the option of entering into a shorter lease. If the tenant chooses a lease of greater than three years, the lease can outline rent as a formula of the base amount of rent due each month and a future adjustment factor tied to the annual average consumer price index (or CPI).

The lease must also outline the specific amount of rent due each month and inform the tenant that the operator must give the tenant at least 60 days' written notice of the new rent amount if the

amount due changes based on the formula in the lease.

### 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 lease termination or non-renewal, community operators must provide the tenant with a written notice explaining the reason for the termination or refusal.

Retaliatory rent increases and evictions because a tenant complains about a violation or forms a tenant's 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 community. Tenants have a legal right to sell their homes and leave them in place in the community as long as the home's condition meets the community's

reasonable standards and the buyer's credit application is approved.

## **Selling**

Tenants wishing to sell their homes on site in a community 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 community 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 manufactured home.

The age of the home cannot be a consideration for allowing a manufactured 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).

Manufactured home community operator-tenant relations are further regulated by Wis. Admin. Code ch. ATCP 125, Manufactured Home Communities, another rule administered by DATCP, and Wis. Stat. s. 710.15.

Wis. Admin. Code ch. ATCP 125, is of central importance to manufactured home community tenants. It prohibits unfair business practices by manufactured home community operators such as charging entrance fees or requiring the purchase of a manufactured 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).

Community operators are prohibited from requiring tenants to make permanent improvements to the community or any of its facilities or assessing any separate charge for permanent improvements (see Wis. Admin. Code § ATCP 125.09(3)).

## **For more help**

For possible assistance in locating a manufactured home community site or information

about putting a manufactured home on your own lot contact:

**Wisconsin Housing Alliance**  
**258 Corporate Drive**  
**Suite 200C**

**Madison WI 53714**

**(608) 255-3131**

**[www.housingalliance.us](http://www.housingalliance.us)**

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

For more information or to file a complaint about manufactured home ownership regulations, the required physical layout for manufactured home community, community maintenance, dealer complaints, or titling, contact:

**Department of Safety and Professional Services**  
**Manufactured Home Unit**  
**1400 E Washington Avenue**  
**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@wi.gov](mailto:DATCPHotline@wi.gov)**

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

**(800) 422-7128**

**(608) 224-4976**

**FAX: (608) 224-4677**

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