



# TENANT RESOURCE CENTER

## Mobile (Manufactured) Homes

### Applicable Laws

Mobile homes (also called manufactured homes) and their lots can be set up for rental and ownership in different ways. The applicable laws and regulations depend on the set-up.

Rental set-up	Applicable laws and regulations
Rent mobile home and lot	<a href="#">Wis. Stat. ch. 704</a> , <a href="#">Wis. Stat. 710.15</a> , <a href="#">ATCP ch. 125</a> , <a href="#">ATCP ch. 134</a>
Own mobile home and rent lot (the most common)	<a href="#">Wis. Stat. ch. 704</a> , <a href="#">Wis. Stat. 710.15</a> , <a href="#">ATCP ch. 125</a> , <a href="#">ATCP ch. 134</a>
Rent to own	Depends on the contract!

If the mobile home is in Madison, [Madison General Ordinances \(MGO\) 9.23](#) also applies. Madison's ordinance largely mirrors state law but there are a few differences that are noted here.

### Definitions

Under Wisconsin law (ATCP 125.01):

- “Manufactured home” =
  - structure designed to be used as a dwelling with or without a permanent foundation and is HUD certified as a manufactured home, OR

- a unit designed to be towed or transported and used as a residential dwelling, but does not include a unit used primarily for camping, touring, or recreational purposes
- “Manufactured home community” = any tract of land containing **2 or more sites** for a mobile home
- “Site” = any plot of land rented for accommodation of a manufactured home used for residential purposes
  - Does not include lots rented on a strictly seasonal basis or lots owned by the operator and occupied as their residence

Under Madison ordinances (MGO 9.23(1)):

- “Mobile home” = any vehicle or structure intended for or capable of human habitation, or, designed primarily for sleeping purposes, mounted on wheels or jacks, and/or capable of being moved from place to place
- “Mobile home park” = any park, court, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying a location or accommodations for **1 or more sites** for a mobile home
- “Site” = same as Wisconsin law

Mobile home tenants and operators (landlords) have many of the same rights and responsibilities that apply to a rented apartment or house. But there are additional protections for mobile home tenants because of the money generally required to purchase the mobile and to attach it to the lot.

## Lease Requirements

Wisconsin law (ATCP 125.03) includes many requirements for mobile home and mobile home lot rental agreements.

- Lease must be in writing
- If the tenant is also purchasing a mobile home from the operator, the lease must be given to the tenant before signing the home purchase contract
- Lease must be for at least a year, unless tenant requests a shorter period
- Lease must include:
  - Amount of rent
  - What tenant receives for the rent
  - Security deposit and any other charges not included in the rent, including utilities
    - The exact method for calculating utility charges must be included
    - ATCP 125.04(3) includes detailed information about charges for utility services, e.g. that charges for utilities that are not included in

the rent must be based on the amount of the utility service used by the tenant

- Community rules
- Lot size and location
- Municipal permit fees (assessed by the city, town, or other local unit of government that are paid by the tenant)
- Fees and approximate due dates of government-assessed fees, including those for waste and recycling
- Notice that operator reserves right to screen purchasers of the home
- Information about emergency shelter
  - It is not required that the operator provides or has access to an emergency shelter

**NOTE:** Under ATCP 125.08(1), if the lease does not comply with the above requirements (under ATCP 125.03(1) and (2)), the operator must comply with the notice requirements under Wis. Stat. 704.17(2) when terminating a lease unless the operator or tenant proves that other notice requirements under Wis. Stat. 704.17(1p) or (3) apply.

In addition, the operator must provide to tenants contact information for maintenance and services (ATCP 125.03).

Under MGO 9.23(4)(c), mobile home parks must have an office and the office must post MGO 9.23 and keep a register of park occupants at all times.

## Renewals and Changes to the Lease

Under ATCP 125.05, operators are required to follow certain rules for renewals and are limited in the changes that can be made to a lease.

*Renewals.* Operators must notify a tenant at least 28 days in advance of a renewal of any change in rent, fees, or other “substantial change” in the terms or conditions of the lease. Any substantial changes must be specifically noted in a separate document.

*Substantial Changes During a Lease.* During a lease, operators cannot change rules that “substantially affect the rights or duties of tenants or the operator.” This includes rules on:

- sheds
- occupancy limits
- parking
- pets
- overnight guests

- repairs and maintenance requirements
- tenant and operator rights and responsibilities
- outdoor antenna and satellite dishes

*Other Changes During a Lease.* Operators can make other, non-substantial changes to community rules during the term of a lease if they provide at least 28 days notice and an opportunity to meet with the operator before the new rule takes effect. Notice must be given in person or by mail.

## General Prohibitions

Mobile home operators may not:

- Charge entrance or exit fees to move in or out of the community (ATCP 125.04(1))
  - operators may charge for moving the home if the operator offers that service
- Restrict who the tenant may hire for work at or on the mobile home (ATCP 125.04(2))
  - this prohibition generally does not apply to utilities, installing or removing the home, snow removal, lawn care, or similar types of maintenance
- Tie rental of a lot to specific requirements, including purchasing a home from the operator (ATCP 125.02)
- Require the tenant to relocate their home during the term of a lease or to pay for the cost of a required relocation under a new or renewed lease, except in an emergency or if a tenant violated lease or if tenant has vacated the home (ATCP 125.07)
  - Except in the case of an emergency, operators must provide written notice of a required relocation, including the reason for the relocation, in compliance with termination of lease requirements in Wis. Stat. ch. 704
  - This prohibition on relocation does not apply to vacated homes
- Lie or mislead to convince a renter to purchase, sign a lease, etc. or make representations inconsistent with the written lease (ATCP 125.09)
- Impose conditions or rules the operator knows (or reasonably should know) is against the law (ATCP 125.09)
- Require tenant to pay for or make permanent improvements to the community (ATCP 125.09)
- Enter tenant's home without tenant's permission and reasonable advance notice, unless it is an emergency and the tenant cannot be reached (ATCP 125.09)
- Consider the age of a home when deciding whether to lease, renew a lease, remove a home, or other similar decisions (Wis. Stat. 710.15(3), ATCP 125.06)

- In Madison, unlawful consideration of a mobile home's age includes requiring a tenant to alter in any way the home if the home is otherwise in good condition, or requiring a tenant to alter in any way a home that is older than 5 years if the home is otherwise in good condition
- Require removal of a home solely or in part because ownership or occupancy has or will change (Wis. Stat. 710.15(4), ATCP 125.06)
- Require tenant to designate a particular person (including the operator) as agent for the sale, or otherwise impose unreasonable restrictions on the sale of the mobile home (ATCP 125.06)
- Ask for or receive payment or anything of value as a condition of a transfer of ownership or sublease (ATCP 125.06)
- Prohibit tenant from selling a home for placement in the community then turn around and buy the home to sell it for placement in the community (ATCP 125.06)
- Refuse to rent a site to a home purchaser except for a valid reason under 710.15(5m) (ATCP 125.06)
- Restrict advertising for the sale of a home unless the same restrictions are imposed on all sales including the operator's (ATCP 125.06)

In addition, under MGO 9.23(6), operators may not:

- Restrict the type of material used for mobile home steps or AC, unless required by law or included in all leases and a part of the original lease
- Require removal of a permanently attached towing tongue
- Require removal of any types of vehicle (including) that were previously permitted under a lease, unless other parking is provided at no charge

## Lease Termination and Non-Renewal

Under ATCP 125.08 and Wis. Stat. 710.15(5m), leases can be terminated or renewal denied *only* if the reason is provided in writing and for "good cause." Good cause includes:

- Nonpayment of rent or other breach of the lease
- Disorderly conduct or conduct endangering health or safety of others in the community
- Vandalism or waste
- Violation of community rules that endangers health or safety of others or disrupts the right to the peaceful enjoyment of the premises, but only after written notice has been provided to the tenant of the violation
- Violation of a law relating to mobile homes, but only after written notice has been provided to the tenant of the violation
- The community will be permanently taken off the rental market

- Condition of home endangers health or safety of occupants or others in the community
- Tenant provided false information in their rental application about something important to the application (a “material misrepresentation”)
- “Other good cause”

A lease can also be terminated due to imminent threat of serious physical harm as defined in Wis. Stat. 704.16 (Wis. Stat. 710.15(5t)).

Operators must follow the 5-day and 14-day notice requirements in Wis. Stat. 704.17 (Wis. Stat. 710.15(5r)).

Operators may not retaliate against a tenant for any of the reasons in Wis. Stat. 704.45. In addition, under ATCP 125.08, operators may not terminate a lease, refuse to renew a lease, or refuse to enter into a lease with a tenant because:

- tenant reported a legal violation to authorities,
- tenant is a member of a tenant union or association, or
- operator wants to rent the site to someone who will buy a home from the operator.

## Mobile Home Parks Locations in Dane County

[Here](#) is a list of mobile home parks in Dane County. It includes the applicable Dane County Supervisor and, if applicable, the City Alder.