

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED February 28, 2023
REFERRED Landlord Tenant Issues Committee
(3/16/23); Common Council (3/21/23)

Amending portions of Section 9.23 of the Madison General Ordinances relating to regulation of mobile home parks.

76331

Drafted by: Steven Brist

Date: April 17, 2023

SPONSOR: Alder Bennett

DRAFTER'S ANALYSIS: This proposed Ordinance creates additional requirements for Mobile Home Parks licensed under Sec. 9.23 Madison General Ordinances, as a condition of the City license issued under Sec. 9.23(4)(d) Madison General Ordinances. If a park owner elects to cease operations or sell the mobile home park. Mobile home owners shall be entitled to at least 180 days' notice of such sale or ceasing of operations. Mobile home owners shall have the right to form a resident or home owner association and to peaceably assemble and associate. The resident or homeowner association may notify the park owner of its desire to purchase the mobile home park. The association may request in writing that it be notified by the park owner if the owner enters into a listing agreement with a licensed real estate broker to affect the sale of all or part of the community. If a park owner converts a mobile home park to a subdivision, a mobile home owner shall be given an option to buy a space in the new subdivision. The park owner must give mobile home owners at least 120 days notice of a proposed rent increase when the mobile home owner has a one year lease, as required by the current ordinances. The park owner must give a mobile home owner at least 180 days to move a mobile home out of the mobile home park, so long as the mobile home owner pays a storage fee equal to the monthly rent. In addition, the Madison City Clerk and the Department of Planning, Community & Economic Development shall each designate an employee in their respective agency to be responsible for mobile home park issues.

The substitute eliminates a provision that research indicated was preempted by state law. The proposed Sec. 9.23(18) in the original version would have required 120 days notice of a rent increase. State law provides for 30 days notice.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 9.23 entitled "Regulations of Mobile Homes and Mobile Home Parks" of the Madison General Ordinances is amended as follows:

- (15) ~~Penalties. Any person who violates any provision of this Ordinance for which no specific penalty is provided shall be subject upon conviction to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense. As a condition of the City license issued under 9.23 Madison General Ordinances, if a park owner elects to cease the operation of either all or a portion of the mobile home park, the tenants shall be entitled~~

Approved as to form:

to at least 180 days' notice of such sale or ceasing of operations or 15 days' notice of listing the park for sale with a broker, as provided in Section (16). If 180 days or more remain on the existing lease at the time of notice, the tenant is entitled to the balance of the term of their lease up to the date of the ceasing of operations. If less than 180 days remain in the term of their lease, the tenant is entitled to the balance of their lease plus a written month-to-month tenancy and rent must remain at the expiring lease rate to provide them with a full 180 days' notice.

(16) Enforcement by Tenant. Any person suffering pecuniary loss because of a violation by any other person of this Section 9.23 may sue for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee. As a condition of the City license issued under 9.23 Madison General Ordinances, the residents in a mobile home park have the right to organize a resident or homeowner's association to further their mutual interest and to conduct any other business and programs which the association shall determine. Park residents have the right to peacefully assemble and freely associate. Subject to reasonable notice and Park facility rules, an association shall have the right to use the facilities of the Park to conduct its business and programs including forums for or speeches by public officials or candidates for public office. When an association is organized it shall notify the park owner.

(a) A Park resident association formed for the purpose of purchasing a Park may give written notification to the park owner of the association's interest in purchasing the community.

(b) For the purpose of notification, the Park resident association shall provide the names and addresses of up to three (3) designated members or officers of their Park association to the park owner annually.

(c) A Park resident association that has notified the park owner of its interest to purchase the Park may request in writing that it be notified by the park owner of the park owner's intent to sell the park, or if the owner or agent of the owner enters into a listing agreement with a licensed real estate broker to affect the sale of all or part of the community. The park owner shall provide such notification to all members designated under subsection (b) of this section 180 days prior entering into a sale agreement to sell the park or within fifteen (15) days of the park owner entering into a listing agreement with a real estate broker. The notice shall state the price, terms and conditions of the proposed sale and that the Park resident association shall have the opportunity to make a competing offer within 90 days. If the Park resident association acting on their behalf makes an offer during the 90-day period, the park owner shall consider it and negotiate with them in good faith.

(d) This section shall not apply to any of the following:

1. A governmental entity taking by eminent domain;

2. A forced sale pursuant to foreclosure or a deed given in lieu of foreclosure;

3. Transfer by gift, devise or operation of law;

4. A transfer by a corporation or limited liability company to an affiliate;

5. A transfer by a partnership to one (1) or more of its partners;

6. A sale or transfer to a person who would be an heir, or to a trust the beneficiaries of which would be heirs, of the Park owner if the Park owner were to die intestate

(17) Applicability of Chapter 32. The provisions of Chapter 32, MGO, are applicable to mobile home park operators and tenants, to the extent that they are not in conflict with this Chapter, ATCP 125 or Wis. Stat. § 710.15. As a condition of the City license issued under 9.23 Madison General Ordinances, if a park owner converts a mobile home park

to a subdivision, the mobile home park tenant shall be given the opportunity to buy a space and keep their home in the new subdivision by the park owner offering the mobile home park tenant a 180 day option to buy the space.

~~(18) As a condition of the City license issued under 9.23 Madison General Ordinances, the owner of a mobile home park licensed under this Section 9.23, shall give notice of a rent increase at least 120 days prior to the expiration of the lease of a mobile home park tenant, when said lease is for a term of no less than one year, as required by 9.23(5)(b) Madison General Ordinances. If the tenant has requested in writing, as required by 9.23(5)(b) Madison General Ordinances a shorter term than one year, and the owner has agreed to the shorter term, then notice of a rent increase shall be given 30 days prior to the expiration of the lease.~~

~~(19) As a condition of the City license issued under 9.23 Madison General Ordinance, the owner of a mobile home park licensed under 9.23 of MGO shall give a mobile home tenant at least 180 days to move a mobile home out of the park, so long as the mobile home park tenant pays the owner a monthly storage fee equal to the monthly rent in force at the time the mobile home tenant gives notice of moving the mobile home out of the park.~~

~~(20) The Madison City Clerk and the Director of the Department of Planning, Community & Economic Development shall each designate an employee in their respective agency to be responsible for mobile home park issues related to licensing and enforcement of Section 9.23 Madison General Ordinances.~~

~~(21) Penalties. Any person who violates any provision of this Ordinance for which no specific penalty is provided shall be subject upon conviction to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense.~~

~~(22) Enforcement by Tenant. Any person suffering pecuniary loss because of a violation by any other person of this Section 9.23 may sue for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee.~~

~~(23) Applicability of Chapter 32. The provisions of Chapter 32, MGO, are applicable to mobile home park owners and tenants, to the extent that they are not in conflict with this Chapter, ATCP 125 or Wis. Stat. § 710.15.~~