



TENANT

RESOURCE CENTER

Manufactured and Mobile Homes

Applicable Laws

Manufactured and mobile homes and their lots can be set up for rental and ownership in different ways. Most often, the tenant rents the plot of land and owns the manufactured home that is on the rented plot.

Because most of the homes are not actually mobile, they are referred to here as manufactured homes.

The applicable laws and regulations are:

[Wis. Stat. ch. 704](#)

[Wis. Stat. 710.15](#)

[ATCP ch. 125](#)

[ATCP ch. 134](#)

If the manufactured 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 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

Manufactured 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 manufactured home tenants because of the money generally required to purchase the manufactured home and to move it (if it can be moved at all).

Lease Requirements

In addition to the requirements that apply to landlords and tenants under Wisconsin Statutes ch. 704 and ATCP ch. 134, Wisconsin law includes many requirements for manufactured home and manufactured home lot rental agreements. ATCP 125.03; Wis. Stat. 710.15. These requirements are:

- Lease must be in writing
- If the tenant is also purchasing a manufactured 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

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.

The Madison City Clerk and Director of Planning, Community, and Economic Development must designate an employee in their agencies who is responsible for mobile home park issues. MGO 9.23(19).

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 and skirting
- 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

Manufactured 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 and performs that service
- Restrict who the tenant may hire for work at or on the manufactured 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), or requiring the tenant to hire the operator to move in or install the home at the site (ATCP 125.04(2)(b))
- 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 a currently installed home to a new renter or buyer of the home, renew a lease, remove a home, or other similar decisions (Wis. Stat. 710.15(3), ATCP 125.06)
 - In Madison, unlawful consideration of a manufactured 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 manufactured 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)
- Place unreasonable restrictions on the sale of a tenant’s home (ATCP 125.06(1)(a))
- 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 manufactured 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

Sale of Manufactured Home Park

In 2023, Madison enacted new protections for manufactured home tenants specifically aimed at sales of the park.

Under MGO 9.23(15), mobile home park owners must give at least 180 days’ notice of a sale or closure of the park. If the tenant’s lease has 180 or more days remaining, the tenant’s lease remains in place until the park closes. If the tenant’s lease has less than

180 days remaining after the notice, the tenant's current lease remain in place until expired and is replaced with a month-to-month tenancy at the same rent through 180 days.

In addition, if a park owner converts a mobile home park to a subdivision, tenants must be given the opportunity to buy a space and keep their home in the subdivision. MGO 9.23(17).

Finally, under MGO 9.23(16), mobile home park tenants have a right to organize, create an association, and use the park to meet and conduct business of the association. If the tenant association notifies the park owner of their interest in purchasing the park, the owner must follow certain steps with deadlines to offer the park to the association to purchase.

Lease Termination and Non-Renewal

Unlike apartment leases or leases of a single-family home, 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 manufactured 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(2). Wis. Stat. 710.15(5r).

NOTE: Under ATCP 125.08(1), if the lease does not comply with the requirements that it is in writing and/or for a term of at least a year, generally the operator must comply with the lease termination requirements under Wis. Stat. 704.17(2). These are the notice requirements that apply to leases of one year or less or year to year leases. The law allows the operator to rely on other notice requirements if they can prove the notice period should apply.

Removal of Property

Manufactured home operators must follow the requirements in Wis. Stat. 704.05 regarding removing a tenant's property after a tenant vacates or is evicted. See the guidance on Tenant's Property Left Behind. If a tenant in a manufactured home park leaves the manufactured home they own after an eviction, non-renewal, or voluntarily vacating, that home is also the tenant's property under Wis. Stat. 704.05. After proper notice to the tenant, the ownership of the home can be transferred to the operator so that it can be rented or sold or it can be destroyed. Wis. Stat. 704.05(5)(b).

However, if the manufactured home is in the City of Madison, the owner of the mobile home park must give the tenant at least 180 days to move their home out of the park if the tenant pay a monthly storage fee equal to the monthly rent. MGO 9.23(18).

Retaliation

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.