



VIRTUAL/TELECONFERENCE
MANUFACTURED HOUSING CODE COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
August 12, 2026

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of February 11, 2026 (4-5)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff and Council Updates
 - 2. Council Members
 - a. Bennett, Jordan H. – Owner of Manufactured Home Community
 - b. Breitlow, Steven S. – Labor Representative
 - c. Diedrich, Angela C. – WI Manufactured Housing Industry Association Representative
 - d. Goettl, Justin – Suppliers of Materials or Services Representative
 - e. Gorleski, Robert A. – Inspector of Manufactured Homes
 - f. Hunington, Bart J. – Manufactured Home Dealers Representative Member
 - g. Mantey, Ryan W. – Installer of Manufactured Homes
 - h. Nernberger, Casey K. – Manufacturer of Manufactured Homes
 - i. Reinen, Michelle – Public Member
 - j. Ruetten, Kirk – Secretary Designee
 - k. Thiede, Mark – Manufactured Home Dealers Member
 - 3. Advisory Council Role and Overview
- F. Administrative Rule Matters – Discussion and Consideration (6-43)**
 - 1. Overview of Rules Process
 - 2. Discussion of Proposed Scope Statement on Manufactured Homes
 - 3. Pending and Possible Rulemaking Projects

G. Legislative and Policy Matters – Discussion and Consideration

H. Discussion and Consideration of Items Added After Preparation of Agenda:

1. Introductions, Announcements and Recognition
2. Administrative Matters
3. Election of Officers
4. Appointment of Liaisons and Alternates
5. Delegation of Authorities
6. Education and Examination Matters
7. Credentialing Matters
8. Legislative and Policy Matters
9. Administrative Rule Matters
10. Council Liaison Training and Appointment of Mentors
11. Informational Items
12. Division of Legal Services and Compliance (DLSC) Matters
13. Motions
14. Petitions
15. Appearances from Requests Received or Renewed

I. Public Comments

CONVENE TO CLOSED SESSION to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J. Discussion and Consideration of Items Added After Preparation of Agenda:

1. Introductions, Announcements and Recognition
2. Administrative Matters
3. Election of Officers
4. Appointment of Liaisons and Alternates
5. Delegation of Authorities
6. Education and Examination Matters

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: TBD 2027

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is

listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MANUFACTURED HOUSING CODE COUNCIL
MEETING MINUTES
FEBRUARY 11, 2026**

PRESENT: Jordan Bennett, Steven Breitlow, Angela Diedrich, Justin Goettl, Bart Huntington, Casey Nernberger, Michelle Reinen, Kirk Ruetten, Mark Thiede

ABSENT: Robert Gorleski, Ryan Mantey

STAFF: Will Johnson, Executive Director; Gretchen Mrozinski, Legal Counsel; Nilajah Hardin, Administrative Rule Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department Staff

CALL TO ORDER

Bart Huntington, Chairperson, called the meeting to order at 9:31 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

MOTION: Angela Diedrich moved, seconded by Jordan Bennett, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES FROM SEPTEMBER 24, 2025

MOTION: Mark Thiede moved, seconded by Casey Nernberger, to approve the minutes of September 24, 2025, as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Angela Diedrich nominated the 2025 slate of officers to continue in 2026. All officers accepted their nominations.

Will Johnson, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

2026 ELECTION RESULTS	
Chairperson	Bart Huntington
Vice Chairperson	Mark Thiede
Secretary	Kirk Ruetten

ADJOURNMENT

MOTION: Angela Diedrich moved, seconded by Jordan Bennett, to adjourn the meeting. Motion carried unanimously.

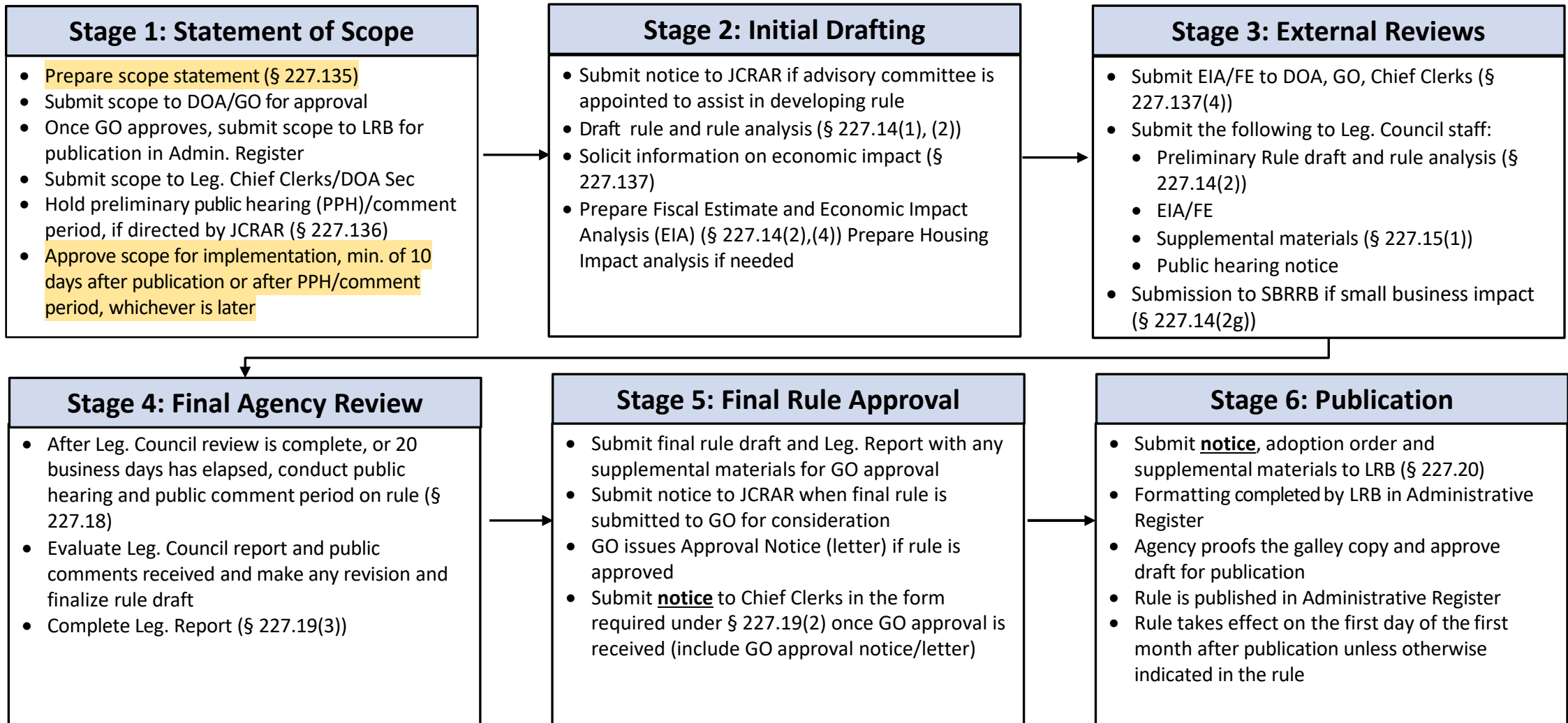
The meeting adjourned at 10:19 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 7/30/26 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting					
3) Name of Board, Committee, Council, Sections: Manufactured Housing Code Council							
4) Meeting Date: 8/12/26	5) Attachments: ☒ Yes ☐ No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Overview of Rules Process 2. Discussion of Proposed Scope Statement on Manufactured Homes 3. Pending or Possible Rulemaking Projects					
7) Place Item in: ☒ Open Session ☐ Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> ☐ Yes ☒ No		9) Name of Case Advisor(s), if required: N/A				
10) Describe the issue and action that should be addressed: Attachments: -Rules process chart -Subchapter V, chapter 101, Wis. Stats. -Draft scope statement							
<table style="width: 100%;"> <tr> <td style="width: 60%;">11)</td> <td style="width: 40%; text-align: right;">Authorization</td> </tr> <tr> <td><i>Jake Pelegrin</i></td> <td style="text-align: right;">7/30/26</td> </tr> </table>				11)	Authorization	<i>Jake Pelegrin</i>	7/30/26
11)	Authorization						
<i>Jake Pelegrin</i>	7/30/26						
Signature of person making this request		Date					
Supervisor (if required)		Date					
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date							
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.							

Overview of Permanent Administrative Rulemaking Process Post *Evers v. Marklein II*



Please note this overview describes the general process for permanent rulemaking. Please refer to the steps set forth in Wis. Stat. ch. 227 and discuss any questions, concerns, etc.. with your Agency's Chief Legal Counsel.

Currently, the department and the council are at the very beginning of the rules process, which is preparing the scope statement.

An important reminder that the department and the council aren't allowed to discuss actual rule drafting language until after the scope statement is finished and implemented. In other words, for this meeting, we can discuss what topics we would like to include in the scope statement, but we can't discuss proposed amendments to the actual code language.

After the scope statement is implemented, (the Secretary's second signature) any topics in the scope statement are fair game for rule drafting.

For today's discussion on administrative rules, we should keep the discussion on topics we would like to include in the scope statement. In other words, we can discuss the problems, but not the exact solutions we would propose for amending code language. I also included subchapter V of chapter 101 of the Wisconsin Statutes. (on the next page). This outlines the department's authority for rulemaking and authority for other matters related to manufactured homes. I highlighted parts that address rulemaking authority and other topics that are relevant to the discussion.

Let us know with any topics you would like to bring up for discussion or add into the scope statement.

SUBCHAPTER V – Wisconsin Statutes

MANUFACTURED HOMES AND MOBILE HOMES

[101.91](#) Definitions.

[101.92](#) Departmental powers and duties.

[101.9202](#) Excepted liens and security interests.

[101.9203](#) When certificate of title required.

[101.9204](#) Application for certificate of title.

[101.9205](#) When department to issue certificate and to whom; maintenance of records.

[101.9206](#) Contents of certificate of title.

[101.9207](#) Lost, stolen or mutilated certificates.

[101.9208](#) Fees.

[101.9209](#) Transfer of interest in a manufactured home.

[101.921](#) Transfer to or from dealer.

[101.9211](#) Involuntary transfers.

[101.9212](#) When department to issue a new certificate.

[101.9213](#) Perfection of security interests.

[101.9214](#) Duties on creation of security interest.

[101.9215](#) Assignment of security interest.

[101.9216](#) Release of security interest.

[101.9217](#) Secured party's and owner's duties.

[101.9218](#) Applicability of manufactured home security provisions.

[101.9219](#) Withholding certificate of title; bond.

[101.922](#) Suspension or revocation of certificate.

[101.9221](#) Grounds for refusing issuance of certificate of title.

[101.9222](#) Previously certificated manufactured homes.

[101.933](#) Manufactured housing code council duties.

[101.934](#) Manufactured housing rehabilitation and recycling.

[101.935](#) Manufactured home community regulation.

[101.937](#) Water and sewer service to manufactured home communities.

[101.94](#) Manufactured home and mobile home manufacturers, distributors and dealers: design and construction of manufactured homes and mobile homes.

[101.95](#) Manufactured home manufacturers regulated.

[101.951](#) Manufactured home dealers regulated.

[101.952](#) Manufactured home salespersons regulated.

[101.953](#) Warranty and disclosure.

[101.954](#) Sale or lease of used manufactured homes.

[101.955](#) Jurisdiction and venue over out-of-state manufacturers.

[101.96](#) Manufactured home installation regulated.

[101.965](#) Penalties.

SUBCHAPTER V

MANUFACTURED HOMES AND MOBILE HOMES

101.91 Definitions. In this subchapter:

(1g) “Delivery date” means the date on which a manufactured home is physically delivered to the site chosen by the owner of the manufactured home.

(1i) “Installation standards” means specifications for the proper installation of manufactured homes at their place of occupancy to ensure proper siting, the joining of all sections of the manufactured home, connection to existing utility services and the installation of stabilization, support, or anchoring systems.

(1j) “Installer” means a person who is in the business of installing new manufactured homes.

(1m) “License period” means the period during which a license issued under s. [101.951](#) or [101.952](#) is effective, as established by the department under s. [101.951 \(2\) \(b\) 1.](#) or [101.952 \(2\) \(b\) 1.](#)

(1t) “Licensed installer” means an installer licensed under s. [101.96 \(2\) \(b\).](#)

(1v) “Licensed manufacturer” means a manufactured home manufacturer licensed under s. [101.95.](#)

(2) “Manufactured home” means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under [42 USC 5401](#) to [5425](#).

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(3) “Manufactured home dealer” means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in, manufactured homes or who is engaged wholly or partially in the business of selling manufactured homes, whether or not the manufactured homes are owned by the person, but does not include:

(a) A receiver, trustee, personal representative, guardian, or other person appointed by or acting under the judgment or order of any court.

(b) Any public officer while performing that officer’s official duty.

(c) Any employee of a person enumerated in par. [\(a\)](#) or [\(b\)](#).

(d) Any lender, as defined in s. [421.301 \(22\)](#).

(e) A person transferring a manufactured home used for that person’s personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

(4) “Manufactured home owner” means any person who purchases, or leases from another, a manufactured home primarily for use for personal, family or household purposes.

(5m) “Manufactured home community” means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. “Manufactured home community” does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

(6m) “Manufactured home community contractor” means a person, other than a public utility, as defined in s. [196.01 \(5\) \(a\)](#), who, under a contract with a manufactured home community operator, provides water or sewer service to a manufactured home community occupant or performs a service related to providing water or sewer service to a manufactured home community occupant.

(7) “Manufactured home community occupant” means a person who rents or owns a manufactured home in a manufactured home community.

(8) “Manufactured home community operator” means a person engaged in the business of owning or managing a manufactured home community.

(9) “Manufactured home salesperson” means any person who is employed by a manufactured home manufacturer or manufactured home dealer to sell or lease manufactured homes.

(10) “Mobile home” means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer’s warranty.

(11) “New manufactured home” means a manufactured home that has never been occupied, used or sold for personal or business use.

(12) “Used manufactured home” means a manufactured home that has previously been occupied, used or sold for personal or business use.

101.92 Departmental powers and duties. The department:

(3) Shall review annually the rules adopted under this subchapter.

(4) Shall provide for announced or unannounced inspection of manufacturing facilities, processes, fabrication and assembly of manufactured homes to ensure compliance with the rules adopted under this subchapter.

(6) May enter into reciprocal agreements with other states regarding the inspection, installation, and labeling of manufactured homes where the laws or rules of other states meet the intent of this subchapter and where the laws or rules are actually enforced.

(7) Shall establish a staff for the administration and enforcement of this subchapter.

(8) May revoke the license of any manufacturer who violates this subchapter or any rules promulgated thereunder.

(9) Shall promulgate rules and establish standards necessary to carry out the purposes of ss. [101.951](#) and [101.952](#).

Cross-reference: See also s. [SPS 305.32](#), Wis. adm. code.

101.9202 Excepted liens and security interests. Sections [101.9203](#) to [101.9218](#) do not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the manufactured home.

(2) A lien given by statute to the United States, this state or any political subdivision of this state.

(3) A security interest in a manufactured home created by a manufactured home dealer or manufacturer who holds the manufactured home for sale, which shall be governed by the applicable provisions of ch. [409](#).

101.9203 When certificate of title required.

(1) Except as provided in subs. (3) and (4), the owner of a manufactured home situated in this state or intended to be situated in this state shall make application for certificate of title under s. [101.9209](#) for the manufactured home if the owner has newly acquired the manufactured home.

(2) Any owner who situates in this state a manufactured home for which a certificate of title is required without the certificate of title having been issued or applied for, knowing that the certificate of title has not been issued or applied for, may be required to forfeit not more than \$200. A certificate of title is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the mail properly addressed and with postage prepaid.

(3) Unless otherwise authorized by rule of the department, a nonresident owner of a manufactured home situated in this state may not apply for a certificate of title under this subchapter unless the manufactured home is subject to a security interest or except as provided in s. [101.9209 \(1\) \(a\)](#).

(4) The owner of a manufactured home that is situated in this state or intended to be situated in this state is not required to make application for a certificate of title under s. [101.9209](#) if the owner of the manufactured home intends, upon acquiring the manufactured home, to make the manufactured home a fixture to land in which the owner of the manufactured home has an ownership or leasehold interest subject to ch. [706](#).

101.9204 Application for certificate of title.

(1) An application for a certificate of title shall be made to the department upon a form or in an automated format prescribed by it and shall be accompanied by the required fee. Each application for certificate of title shall include the following information:

(a) The name and address of the owner.

(b) A description of the manufactured home, including make, model, identification number and any other information or documentation that the department may reasonably require for proper identification of the manufactured home.

(c) The date of purchase by the applicant, the name and address of the person from whom the manufactured home was acquired and the names and addresses of any secured parties in the order of their priority.

(d) If the manufactured home is a new manufactured home being titled for the first time, the signature of the manufactured home dealer. The document of origin shall contain the information specified by the department.

(e) Any further evidence of ownership which the department may reasonably require to enable it to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the manufactured home.

(f) If the identification number of the manufactured home has been removed, obliterated or altered, or if the original casting has been replaced, or if the manufactured home has not been numbered by the manufacturer, the application for certificate of title shall so state.

(g) If the manufactured home is a used manufactured home that was last previously titled in another jurisdiction, the applicant shall furnish any certificate of ownership issued by the other jurisdiction and a statement, in the form prescribed by the department, pertaining to the title history and ownership of the manufactured home.

(1m) On the form or in the automated format for application for a certificate of title, the department may show the fee under s. [101.9208 \(4m\)](#) separately from the fee under s. [101.9208 \(1\)](#) or [\(4\)](#).

(2) Any person who knowingly makes a false statement in an application for a certificate of title is guilty of a Class H felony.

101.9205 When department to issue certificate and to whom; maintenance of records.

(1) The department shall maintain a record of each application for certificate of title received by it and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue and deliver a certificate to the owner of the manufactured home.

(2) The department shall maintain a record of all applications, and all certificates of title issued by the department, indexed in the following manners:

(a) According to title number.

(b) Alphabetically, according to the name of the owner.

(c) In any other manner that the department determines to be desirable.

(3) The department shall establish, by rule under s. [101.19](#), a fee of not less than \$2 for conducting a file search of manufactured home title records.

101.9206 Contents of certificate of title.

(1) Each certificate of title issued by the department shall contain all of the following:

(a) The name and address of the owner.

(b) The names of any secured parties in the order of priority as shown on the application or, if the application is based on another certificate of title, as shown on that certificate.

(c) The title number assigned to the manufactured home.

(d) A description of the manufactured home, including make, model and identification number.

(e) Any other data that the department considers pertinent and desirable.

(2)

(a) The certificate of title shall contain spaces for all of the following:

1. Assignment and warranty of title by the owner.

2. Reassignment and warranty of title by a manufactured home dealer.

(b) The certificate of title may contain spaces for application for a certificate of title by a transferee and for the naming of a secured party and the assignment or release of a security interest.

(3)

(a) Unless the applicant fulfills the requirements of par. (b), the department shall issue a distinctive certificate of title for a manufactured home last previously registered in another jurisdiction if the laws of the other jurisdiction do not require that secured parties be named on a certificate of title to perfect their security interests. The certificate shall contain the legend “This manufactured home may be subject to an undisclosed security interest” and may contain any other information that the department prescribes. If the department receives no notice of a security interest in the manufactured home within 4 months from the issuance of the distinctive certificate of title, the department shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

(b) The department may issue a nondistinctive certificate of title if the applicant fulfills either of the following requirements:

1. The applicant is a manufactured home dealer and is financially responsible as substantiated by the last financial statement on file with the department, a finance company licensed under s. [138.09](#), a bank organized under the laws of this state, or a national bank located in this state.
2. The applicant has filed with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to 1.5 times the value of the manufactured home as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the manufactured home or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title for the manufactured home or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the manufactured home. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of 5 years or prior thereto if, apart from this section, a nondistinctive certificate of title could then be issued for the manufactured home.
- (4) A certificate of title issued by the department is prima facie evidence of the facts appearing on it.
- (5) The department may issue a certificate of title in an automated format.

101.9207 Lost, stolen or mutilated certificates.

- (1) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the department. The replacement certificate of title shall contain the legend "This is a replacement certificate and may be subject to the rights of a person under the original certificate".
- (2) A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the department.

101.9208 Fees. The following fees shall be determined by the department by rule under s. [101.19](#):

- (1) For filing an application for the first certificate of title, to be paid by the owner of the manufactured home.

(2m) Upon filing an application under sub. (1) or (4), a manufactured housing rehabilitation and recycling fee, to be paid by the person filing the application.

(3) For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee to be paid by the owner of the manufactured home.

(4) For a certificate of title after a transfer, to be paid by the owner of the manufactured home.

(4m) Upon filing an application under sub. (1) or (4), a supplemental title fee to be paid by the owner of the manufactured home, except that this fee shall be waived with respect to an application under sub. (4) for transfer of a decedent's interest in a manufactured home to his or her surviving spouse or domestic partner under ch. 770. The fee required under this subsection shall be paid in addition to any other fee specified in this section.

(5) For each assignment of a security interest noted upon a certificate of title, to be paid by the assignee.

(6) For a replacement certificate of title, to be paid by the owner of the manufactured home.

(7) For processing applications for certificates of title that have a special handling request for fast service, which fee shall approximate the cost to the department for providing this special handling service to persons so requesting.

(8) For the reinstatement of a certificate of title previously suspended or revoked.

101.9209 Transfer of interest in a manufactured home.

(1)

(a) If an owner transfers an interest in a manufactured home, other than by the creation of a security interest, the owner shall, at the time of the delivery of the manufactured home, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and cause the certificate to be mailed or delivered to the transferee. This paragraph does not apply if the owner has no certificate of title as a result of the exemption under s. [101.9203 \(4\)](#).

(b) Any person who holds legal title of a manufactured home with one or more other persons may transfer ownership of the manufactured home under this subsection if legal title to the manufactured home is held in the names of such persons in the alternative, including a manufactured home held in a form designating the holder by the words “(name of one person) or (name of other person)”.

(2) Except as otherwise provided in this subsection, promptly after delivery to him or her of the manufactured home, the transferee shall execute the application for a new certificate of title in the space provided therefor on the certificate or as the department prescribes, and cause the

certificate and application to be mailed or delivered to the department. This subsection does not apply to a transferee who is exempt from making application for a certificate of title under s. [101.9203 \(4\)](#).

(3) A transfer by an owner is not effective until the applicable provisions of this section have been complied with. An owner who has delivered possession of the manufactured home to the transferee and has complied with the provisions of this section requiring action by him or her is not liable as owner for any damages thereafter resulting from use of the mobile home.

(4) Any owner of a manufactured home for which a certificate of title has been issued, who upon transfer of the manufactured home fails to execute and deliver the assignment and warranty of title required by sub. [\(1\)](#), may be required to forfeit not more than \$500.

(5)

(a) Any transferee of a manufactured home who fails to make application for a new certificate of title immediately upon transfer to him or her of a manufactured home as required under sub. [\(2\)](#) may be required to forfeit not more than \$200.

(b) Any transferee of a manufactured home who, with intent to defraud, fails to make application for a new certificate of title immediately upon transfer to him or her of a manufactured home as required under sub. [\(2\)](#) may be fined not more than \$1,000 or imprisoned for not more than 30 days or both.

(c) A certificate is considered under this subsection to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the mail properly addressed with postage prepaid.

101.921 Transfer to or from dealer.

(1)

(a) Except as provided in par. [\(b\)](#), if a manufactured home dealer acquires a manufactured home and holds it for resale or accepts a manufactured home for sale on consignment, the manufactured home dealer may not submit to the department the certificate of title or application for certificate of title naming the manufactured home dealer as owner of the manufactured home. Upon transferring the manufactured home to another person, the manufactured home dealer shall immediately give the transferee, on a form prescribed by the department, a receipt for all title, security interest and sales tax moneys paid to the manufactured home dealer for transmittal to the department when required. Unless the manufactured home has no certificate of title as a result of the exemption under s. [101.9203 \(4\)](#), the manufactured home dealer shall promptly execute the assignment and warranty of title, showing the name and address of the transferee and of any secured party holding a security interest created or reserved at the time of the resale or sale on

consignment, in the spaces provided therefor on the certificate or as the department prescribes. Within 7 business days following the sale or transfer, the manufactured home dealer shall mail or deliver the certificate or application for certificate to the department with the transferee's application for a new certificate, unless the transferee is exempt from making application for a certificate of title under s. [101.9203 \(4\)](#). A nonresident who purchases a manufactured home from a manufactured home dealer in this state may not, unless otherwise authorized by rule of the department, apply for a certificate of title issued for the manufactured home in this state unless the manufactured home dealer determines that a certificate of title is necessary to protect the interests of a secured party. The manufactured home dealer is responsible for determining whether a certificate of title and perfection of security interest is required. The manufactured home dealer is liable for any damages incurred by the department or any secured party for the manufactured home dealer's failure to perfect a security interest that the manufactured home dealer had knowledge of at the time of sale.

(b) Except when all available spaces for a manufactured home dealer's reassignment on a certificate of title have been completed or as otherwise authorized by rules of the department, a manufactured home dealer who acquires a manufactured home and holds it for resale or accepts a manufactured home for sale on consignment may not apply for a certificate of title naming the manufactured home dealer as owner of the manufactured home.

(c) Unless exempted by rule of the department, a manufactured home dealer who acquires a manufactured home and holds it for resale shall make application for a certificate of title naming the manufactured home dealer as owner of the manufactured home when all of the available spaces for a manufactured home dealer's reassignment on the certificate of title for such manufactured home have been completed.

(2) Every manufactured home dealer shall maintain for 5 years a record of every manufactured home bought, sold or exchanged, or received for sale or exchange. The record shall be open to inspection by a representative of the department or by a peace officer during reasonable business hours. The dealer shall maintain the record in the form prescribed by the department.

(3) Any manufactured home dealer who fails to comply with this section may be required to forfeit not more than \$200.

101.9211 Involuntary transfers.

(1) If the interest of an owner in a manufactured home passes to another other than by voluntary transfer, the transferee shall, except as provided in sub. (2), promptly mail or deliver to the department the last certificate of title, if available, and any documents required by the department to legally effect such transfer. The transferee shall also promptly mail or deliver to the department an application for a new certificate in the form that the department prescribes, unless the transferee is exempt from making application for a certificate of title under s. [101.9203 \(4\)](#).

(2) If the interest of the owner is terminated or the manufactured home is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, unless there is no certificate of title as a result of the exemption under s. [101.9203 \(4\)](#), an application for a new certificate in the form that the department prescribes, unless the transferee is exempt from making application for a certificate of title under s. [101.9203 \(4\)](#), and a statement made by or on behalf of the secured party that the manufactured home was repossessed and that the interest of the owner was lawfully terminated or sold under the terms of the security agreement.

(3) A person holding a certificate of title whose interest in the manufactured home has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate, and the action of the department in issuing a new certificate of title is not conclusive upon the rights of an owner or secured party named in the old certificate.

(4)

(a) In all cases of the transfer of a manufactured home owned by a decedent, except under par. (b), ward, trustee or bankrupt, the department shall accept as sufficient evidence of the transfer of ownership all of the following:

1. Evidence satisfactory to the department of the appointment of a trustee in bankruptcy, of a certification of trust under s. [701.1013](#) or the appointment of a trustee, or of the issuance of domiciliary letters or other letters authorizing the administration of a decedent's estate, guardianship, conservatorship, special administration, or trust.

2. The title executed by the personal representative, guardian, or trustee, except that this subdivision does not apply if there is no certificate of title as a result of the exemption under s. [101.9203 \(4\)](#).

(b)

1. Except as provided under subd. [1m.](#), the department shall transfer the decedent's interest in any manufactured home to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that states all of the following:

a. The date of death of the decedent.

b. The approximate value and description of the manufactured home.

c. That the spouse is personally liable for the decedent's debts and charges to the extent of the value of the manufactured home, subject to s. [859.25](#).

1m. The department may not require a surviving spouse to provide an executed title to a manufactured home under subd. [1](#), if the manufactured home has no certificate of title as a result of the exemption under s. [101.9203 \(4\)](#).

2. The transfer of a manufactured home under this paragraph shall not affect any liens upon the manufactured home.

3. Except as provided in subd. [4](#)., this paragraph is limited to no more than 5 manufactured homes titled in this state that are less than 20 years old at the time of the transfer under this paragraph. There is no limit on transfer under this paragraph of manufactured homes titled in this state that are 20 or more years old at the time of transfer under this paragraph.

4. The limit in subd. [3](#) does not apply if the surviving spouse is proceeding under s. [867.03 \(1g\)](#) and the total value of the decedent's property subject to administration in the state, including the manufactured homes transferred under this paragraph, does not exceed \$50,000.

(c) Upon compliance with this subsection, the department shall bear neither liability nor responsibility for the transfer of such manufactured homes in accordance with this section.

(d) This subsection does not apply to transfer of interest in a manufactured home under s. [101.9209 \(1\) \(b\)](#).

101.9212 When department to issue a new certificate.

(1) Except as otherwise provided in this subsection, the department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other transfer documents required by law, to support the transfer, shall issue a new certificate of title in the name of the transferee as owner. The department may not require a person to provide a properly assigned certificate of title if the manufactured home for which the new certificate of title is requested has no certificate of title as a result of the exemption under s. [101.9203 \(4\)](#).

(2) The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the transfer constituted a termination of the owner's interest or a sale under a security agreement by a secured party named in the certificate, under s. [101.9211 \(2\)](#), the new certificate shall be issued free of the names and addresses of the secured party who terminated the owner's interest and of all secured parties subordinate under s. [101.9213](#) to such secured party. If the outstanding certificate of title is not delivered to it, the department shall make demand therefor from the holder of such certificate.

(3) The department shall retain for 5 years a record of every surrendered certificate of title, the record to be maintained so as to permit the tracing of title for the manufactured home designated therein.

101.9213 Perfection of security interests.

(1) Unless excepted by s. [101.9202](#), a security interest in a manufactured home of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or secured parties of the manufactured home unless perfected as provided in ss. [101.9202](#) to [101.9218](#).

(2) Except as provided in sub. (3), a security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party, and the required fee. The security interest is perfected as of the later of the time of its delivery or the time of the attachment of the security interest.

(3) If a secured party whose name and address is contained on the certificate of title for a manufactured home acquires a new or additional security interest in the manufactured home, such security interest is perfected at the time of its attachment under s. [409.203](#).

(4) An unperfected security interest is subordinate to the rights of persons described in s. [409.317](#).

(5) The rules of priority stated in s. [409.322](#), the other sections therein referred to, and subch. [III of ch. 409](#) shall, to the extent appropriate, apply to conflicting security interests in a manufactured home of a type for which a certificate of title is required, or in a previously certificated manufactured home, as defined in s. [101.9222 \(1\)](#). A security interest perfected under this section or under s. [101.9222 \(4\)](#) or [\(5\)](#) is a security interest perfected otherwise than by filing for purposes of s. [409.322](#).

(6) The rules stated in subch. [VI of ch. 409](#) governing the rights and duties of secured parties and debtors and the requirements for, and effect of, disposition of a manufactured home by a secured party, upon default shall, to the extent appropriate, govern the rights of secured parties and owners with respect to security interests in manufactured homes perfected under ss. [101.9202](#) to [101.9218](#).

(7) If a manufactured home is subject to a security interest when brought into this state, s. [409.316](#) states the rules that apply to determine the validity and perfection of the security interest in this state.

(8) Upon request of a person who has perfected a security interest under this section, as shown by the records of the department, in a manufactured home titled in this state, whenever the

department receives information from another state that the manufactured home is being titled in the other state and the information does not show that the security interest has been satisfied, the department shall notify the person. The department shall establish, by rule under s. [101.19](#), a fee of not less than \$2 for each notification.

101.9214 Duties on creation of security interest. If an owner creates a security interest in a manufactured home, unless the name and address of the secured party already is contained on the certificate of title for the manufactured home:

- (1) The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form or in an automated format prescribed by the department, an application to name the secured party on the certificate, showing the name and address of the secured party, and cause the certificate, application and the required fee to be delivered to the secured party.
- (2) The secured party shall immediately cause the certificate, the application and the required fee to be mailed or delivered to the department.
- (3) Upon receipt of the certificate of title, the application and the required fee, the department shall issue to the owner a new certificate containing the name and address of the new secured party. The department shall deliver to the new secured party and to the register of deeds of the county of the owner's residence memoranda, in such form as the department prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.
- (4) The register of deeds may record, and maintain a file of, all memoranda received from the department under sub. (3). Such recording, however, is not required for perfection, release or assignment of security interests, which shall be effective upon compliance with ss. [101.9213](#) (2), [101.9215](#) and [101.9216](#) (1) and (2).

101.9215 Assignment of security interest.

- (1) Except as otherwise provided in s. [409.308](#) (5), a secured party may assign, absolutely or otherwise, the party's security interest in the manufactured home to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the secured party as the holder of the security interest and the secured party remains liable for any obligations as a secured party until the assignee is named as secured party on the certificate.
- (2) Subject to s. [409.308](#) (5), the assignee may but need not, to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as secured party, upon delivering

to the department the certificate and an assignment by the secured party named in the certificate in the form that the department prescribes.

101.9216 Release of security interest.

(1) Within one month, or within 10 days following written demand by the debtor, after there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a manufactured home under any security agreement between the owner and the secured party, the secured party shall execute and deliver to the owner, as the department prescribes, a release of the security interest in the form and manner prescribed by the department and a notice to the owner stating in no less than 10-point boldface type the owner's obligation under sub. (2). If the secured party fails to execute and deliver the release and notice of the owner's obligation as required by this subsection, the secured party is liable to the owner for \$25 and for any loss caused to the owner by the failure.

(2) The owner, other than a manufactured home dealer holding the manufactured home for resale, upon receipt of the release and notice of obligation shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the secured party's rights on the certificate and issue a new certificate.

(3) The department may remove information pertaining to a security interest perfected under s. [101.9213](#) from its records when 20 years after the original perfection has elapsed unless the security interest is renewed in the same manner as provided in s. [101.9213 \(2\)](#) for perfection of a security interest.

(4) Removal of information pertaining to a security interest from the records of the department under sub. (3) does not affect any security agreement between the owner of a manufactured home and the holder of security interest in the manufactured home.

101.9217 Secured party's and owner's duties.

(1) A secured party named in a certificate of title shall, upon written request of the owner or of another secured party named on the certificate, disclose any pertinent information as to the party's security agreement and the indebtedness secured by it.

(2)

(a) An owner shall promptly deliver the owner's certificate of title to any secured party who is named on it or who has a security interest in the manufactured home described in it under any other applicable prior law of this state, upon receipt of a notice from such secured party that the security interest is to be assigned, extended or perfected. Any owner who fails to deliver the certificate of title to a secured party requesting it under this paragraph shall be liable to such

secured party for any loss caused to the secured party thereby and may be required to forfeit not more than \$200.

(b) No secured party may take possession of any certificate of title except as provided in par. (a). Any person who violates this paragraph may be required to forfeit not more than \$1,000.

(3) Any secured party who fails to disclose information under sub. (1) shall be liable for any loss caused to the owner by the failure to disclose information.

101.9218 Applicability of manufactured home security provisions.

(1) Method of perfecting exclusive. Subject to s. 409.311 (4) and except as provided in sub. (2), the method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security interests subject to ss. 101.921 to 101.9217 is exclusive. Security interests subject to ss. 101.921 to 101.9217 are exempt from the provisions of law that otherwise require or relate to the filing of instruments creating or evidencing security interests.

(2) Fixtures excluded. Notwithstanding ss. 101.921 to 101.9217, the method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security interests does not apply to a manufactured home that is a fixture to real estate or to a manufactured home that the owner intends, upon acquiring, to permanently affix to land that the owner of the manufactured home owns.

101.9219 Withholding certificate of title; bond.

(1) The department may not issue a certificate of title until the outstanding evidence of ownership is surrendered to the department.

(2) If the department is not satisfied as to the ownership of the manufactured home or that there are no undisclosed security interests in it, the department, subject to sub. (3), shall either:

(a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the manufactured home and that there are no undisclosed security interests in it; or

(b) Issue a distinctive certificate of title pursuant to s. 101.9206 (3) or 101.9222 (3).

(3) Notwithstanding sub. (2), the department may issue a nondistinctive certificate of title if the applicant fulfills either of the following requirements:

(a) The applicant is a manufactured home dealer licensed under s. 101.951 and is financially responsible as substantiated by the last financial statement on file with the department, a finance

company licensed under ss. [138.09](#) or [218.0101](#) to [218.0163](#), a bank organized under the laws of this state, or a national bank located in this state.

(b) The applicant has filed with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to 1.5 times the value of the manufactured home as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the manufactured home or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title for the manufactured home or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the manufactured home. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of 5 years or prior thereto if, apart from this section, a nondistinctive certificate of title could then be issued for the manufactured home, or if the currently valid certificate of title for the manufactured home is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

101.922 Suspension or revocation of certificate.

(1) The department shall suspend or revoke a certificate of title if it finds any of the following:

(a) That the certificate of title was fraudulently procured, erroneously issued or prohibited by law.

(b) That the manufactured home has been scrapped, dismantled or destroyed.

(c) That a transfer of title is set aside by a court of record by order or judgment.

(2) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(3) When the department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.

(4) The department may seize and impound any certificate of title that has been suspended or revoked.

101.9221 Grounds for refusing issuance of certificate of title. The department shall refuse issuance of a certificate of title if any required fee has not been paid or for any of the following reasons:

- (1) The department has reasonable grounds to believe that:
 - (a) The person alleged to be the owner of the manufactured home is not the owner.
 - (b) The application contains a false or fraudulent statement.
- (2) The applicant has failed to furnish any of the following:
 - (a) If applicable, the power of attorney required under [15 USC 1988](#) or rules of the department.
 - (b) Any other information or documents required by law or by the department pursuant to authority of law.
- (3) The applicant is a manufactured home dealer and is prohibited from applying for a certificate of title under s. [101.921 \(1\) \(a\)](#) or [\(b\)](#).
- (4) Except as provided in ss. [101.9203 \(3\)](#) and [101.921 \(1\) \(a\)](#) for a certificate of title and registration for a manufactured home owned by a nonresident, the applicant is a nonresident and the issuance of a certificate of title has not otherwise been authorized by rule of the department.

101.9222 Previously certificated manufactured homes.

- (1) In this section, “previously certificated manufactured home” means a manufactured home for which a certificate of title has been issued by the department of transportation prior to July 1, 2000.
- (2) Sections [101.9213](#) to [101.9218](#) do not apply to a previously certificated manufactured home until one of the following occurs:
 - (a) There is a transfer of ownership of the manufactured home.
 - (b) The department issues a certificate of title for the manufactured home under this chapter.
 - (3) If the department is not satisfied that there are no undisclosed security interests, created before July 1, 2000, in a previously certificated manufactured home, the department shall, unless the applicant fulfills the requirements of s. [101.9219 \(3\)](#), issue a distinctive certificate of title for the manufactured home containing the legend “This manufactured home may be subject to an undisclosed security interest” and any other information that the department prescribes.
- (4) After July 1, 2000, a security interest in a previously certificated vehicle may be created and perfected only by compliance with ss. [101.9213](#) and [101.9218](#).
- (5)

(a) If a security interest in a previously certificated manufactured home is perfected under any other applicable law of this state on July 1, 2000, the security interest continues perfected:

1. Until its perfection lapses under the law under which it was perfected, or until its perfection would lapse in the absence of a further filing or renewal of filing, whichever occurs sooner.

2. If, before the security interest lapses as described in subd. 1., there is delivered to the department the existing certificate of title together with the application and fee required by s. 101.9214 (1). In such case the department shall issue a new certificate pursuant to s. 101.9214 (3).

(b) If a security interest in a previously certificated manufactured home was created, but was unperfected, under any other applicable law of this state on July 1, 2000, it may be perfected under par. (a).

101.933 Manufactured housing code council duties. The manufactured housing code council shall review this subchapter and rules promulgated under this subchapter and recommend a statewide manufactured housing code for promulgation by the department. The council shall consider and make recommendations to the department pertaining to rules and any other matter related to this subchapter, including recommendations with regard to licensure and professional discipline of manufacturers of manufactured homes, manufactured home dealers, manufactured home salespersons, and installers, and with regard to consumer protection applicable to consumers of manufactured homes. In making recommendations, the council shall consider the likely costs of any proposed rules to consumers in relation to the benefits that are likely to result therefrom.

101.934 Manufactured housing rehabilitation and recycling.

(2) Grant program.

(a) The department may make grants under this section to provide financial assistance to persons engaged in the disposal of abandoned manufactured homes and to municipalities, for the purpose of supporting environmentally sound disposal practices.

(b) The department may make grants under this section to provide financial assistance to individuals who reside in manufactured homes that are in need of critical repairs. An individual is eligible for a grant under this paragraph only if the individual is otherwise unable to finance the critical repairs.

(3) Administration. The department shall contract with one or more entities that are exempt from taxation under section 501 (a) of the Internal Revenue Code and that employ individuals with technical expertise concerning manufactured housing for the administration of the grant program

under this section. The department shall promulgate rules to establish the grant program under this section. To the extent feasible, the department shall coordinate the program under this section with the state housing strategy plan under s. [16.302](#).

Cross-reference: See also ch. [SPS 368](#), Wis. adm. code.

101.935 Manufactured home community regulation.

(1) The department shall license and regulate manufactured home communities. The department may investigate manufactured home communities and, with notice, may enter and inspect private property.

(2)

(a) The department or a village, city or county granted agent status under par. (e) shall issue permits to and regulate manufactured home communities. No person, state or local government who has not been issued a permit under this subsection may conduct, maintain, manage or operate a manufactured home community.

(b) The department may, after a hearing under ch. [227](#), refuse to issue a permit or suspend or revoke a permit for violation of this section or any regulation or order that the department issues to implement this section.

(c)

1. Permits issued under this subsection are valid for a 2-year period that begins on July 1 of each even-numbered year and that expires on June 30 of the next even-numbered year. If a person applies for a permit after the beginning of a permit period, the permit is valid until the end of the permit period.

2. The department shall establish, by rule under s. [101.19](#), the permit fee and renewal fee for a permit issued under this subsection. The department may establish a fee that defrays the cost of administering s. [101.937](#). An additional penalty fee, as established by the department by rule under s. [101.19](#), is required for each permit if the biennial renewal fee is not paid before the permit expires.

(d) A permit may not be issued under this subsection until all applicable fees have been paid. If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall, within 15 days after receipt of notice from the department of the insufficiency, pay by cashier's check or other certified draft, money order or cash the fees to the department, late fees and processing charges that are specified by rules promulgated by the department. If the permit applicant fails to pay all applicable fees, late fees and the processing charges within 15 days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this paragraph, the burden is on the permit

applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the manufactured home community in question is considered to be operation without a permit.

(e) Section [97.615 \(2\)](#), as it applies to an agent for the department of agriculture, trade and consumer protection in the administration of s. [97.67](#), applies to an agent for the department of safety and professional services in the administration of this section.

(2m)

(a) The department shall inspect a manufactured home community in the following situations:

1. Upon completion of the construction of a manufactured home community.
2. Whenever a manufactured home community is modified, as defined by the department by rule.
3. Whenever the department receives a complaint about a manufactured home community.

(b) The department may, with notice, inspect a manufactured home community whenever the department determines an inspection is appropriate.

(3) The department may promulgate rules and issue orders to administer and enforce this section.

Cross-reference: See also ch. [SPS 326](#), Wis. adm. code.

101.937 Water and sewer service to manufactured home communities.

(1) Rules. The department shall promulgate rules that establish standards for providing water or sewer service by a manufactured home community operator or manufactured home community contractor to a manufactured home community occupant, including requirements for metering, billing, depositing, arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes with respect to service. Rules promulgated under this subsection shall ensure that any charge for water or sewer service is reasonable and not unjustly discriminatory, that the water or sewer service is reasonably adequate, and that any practice relating to providing the service is just and reasonable.

(2) Permanent improvements. A manufactured home community operator may make a reasonable recovery of capital costs for permanent improvements related to the provision of water or sewer service to manufactured home community occupants through ongoing rates for water or sewer service.

(3) Enforcement.

(a) On its own motion or upon a complaint filed by a manufactured home community occupant, the department may issue an order or commence a civil action against a manufactured home

community operator or manufactured home community contractor to enforce this section, any rule promulgated under sub. [\(1\)](#), or any order issued under this paragraph.

(b) The department of justice, after consulting with the department, or any district attorney may commence an action in circuit court to enforce this section.

(4) Private cause of action. Any person suffering pecuniary loss because of a violation of any rule promulgated under sub. [\(1\)](#) or order issued under sub. [\(3\) \(a\)](#) may sue for damages and shall recover twice the amount of any pecuniary loss, together with costs, and, notwithstanding s. [814.04 \(1\)](#), reasonable attorney fees.

(5) Penalties.

(a) Any person who violates any rule promulgated under sub. [\(1\)](#) or any order issued under sub. [\(3\) \(a\)](#) shall forfeit not less than \$25 nor more than \$5,000. Each violation and each day of violation constitutes a separate offense.

(b) Any person who intentionally violates any rule promulgated under sub. [\(1\)](#) or order issued under sub. [\(3\) \(a\)](#) shall be fined not less than \$25 nor more than \$5,000 or imprisoned not more than one year in the county jail or both. Each violation and each day of violation constitutes a separate offense.

101.94 Manufactured home and mobile home manufacturers, distributors and dealers: design and construction of manufactured homes and mobile homes.

(1) Mobile homes manufactured, distributed, sold or offered for sale in this state shall conform to the code promulgated by the American national standards institute and identified as ANSI 119.1, including all revisions thereof in effect on August 28, 1973, and further revisions adopted by the department and the department of health services. The department may establish standards in addition to those required under ANSI 119.1. This subsection applies to units manufactured or assembled after January 1, 1974, and prior to June 15, 1976.

(2) No person may manufacture, assemble, distribute or sell a manufactured home unless the manufactured home complies with [42 USC 5401](#) to [5425](#) and applicable regulations.

(7) The department shall hear and decide petitions brought under this subchapter in the manner provided under s. [101.02 \(6\) \(e\)](#) to [\(i\)](#) and [\(8\)](#) for petitions concerning property.

(8)

(a) Except as provided in par. [\(c\)](#), a person who violates this subchapter, a rule promulgated under this subchapter or an order issued under this subchapter shall forfeit not more than \$1,000 for each violation. Each violation of this subchapter constitutes a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act

required by this subchapter, except the maximum forfeiture under this subsection may not exceed \$1,000,000 for a related series of violations occurring within one year of the first violation.

(b) Any individual or a director, officer or agent of a corporation who knowingly and willfully violates this subchapter in a manner which threatens the health or safety of a purchaser may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(c) A person who violates s. [101.935](#), a rule promulgated under s. [101.935](#) or an order issued under s. [101.935](#) may be required to forfeit not less than \$10 nor more than \$250 for each violation. Each day of continued violation constitutes a separate violation.

101.95 Manufactured home manufacturers regulated. The department shall by rule prescribe the manner by which a manufacturer shall be licensed for the manufacture, distribution or selling of manufactured homes in this state, including fees for the licensing of manufacturers.

101.951 Manufactured home dealers regulated.

(1) No person may engage in the business of selling manufactured homes to a consumer or to the retail market in this state unless first licensed to do so by the department as provided in this section.

(2)

(a) Application for a license or a renewal license shall be made to the department on forms prescribed and furnished by the department, accompanied by the license fee required under par. [\(bm\)](#).

(b)

1. The department shall, by rule, establish the license period under this section.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(bm) Fees for licensing of persons under this section shall be established by the department by rule under s. [101.19](#).

(3) The department shall issue a license only to a person whose character, fitness and financial ability, in the opinion of the department, are such as to justify the belief that the person can and will deal with and serve the buying public fairly and honestly, will maintain a permanent office and place of business in this state during the license year and will abide by all of the provisions of law and lawful orders of the department.

(5) A licensee shall conduct the licensed business continuously during the license year.

(6) The department may deny, suspend or revoke a license on any of the following grounds:

(a) Proof of unfitness.

(b) A material misstatement in the application for the license.

(c) Filing a materially false or fraudulent income or franchise tax return as certified by the department of revenue.

(d) Willful failure to comply with any provision of this section or any rule promulgated by the department under this section.

(e) Willfully defrauding any retail buyer to the buyer's damage.

(f) Willful failure to perform any written agreement with any retail buyer.

(g) Failure or refusal to furnish and keep in force any bond required.

(h) Having made a fraudulent sale, transaction or repossession.

(i) Fraudulent misrepresentation, circumvention or concealment, through any subterfuge or device, of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the retail buyer.

(j) Use of fraudulent devices, methods or practices in connection with compliance with the statutes with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods.

(k) Having indulged in any unconscionable practice relating to the business of selling manufactured homes to a consumer or to the retail market.

(m) Having sold a retail installment contract to a sales finance company, as defined in s. [218.0101 \(34\) \(a\)](#), that is not licensed under ss. [218.0101](#) to [218.0163](#).

(n) Having violated any law relating to the sale, distribution or financing of manufactured homes.

(7)

(a) The department of safety and professional services may, without notice, deny the application for a license within 60 days after receipt of the application by written notice to the applicant stating the grounds for the denial. Within 30 days after the date on which the written notice of denial is mailed to the applicant, the applicant may petition the department of administration to conduct a hearing to review the denial, and the department of administration shall schedule a hearing with reasonable promptness. The division of hearings and appeals shall conduct the hearing. This paragraph does not apply to denials of applications for licenses under s. [440.13](#).

(b) No license may be suspended or revoked except after a hearing. The department of safety and professional services shall give the licensee at least 5 days' notice of the time and place of the hearing. The order suspending or revoking a license is not effective until after 10 days' written notice to the licensee, after the hearing has been had; except that the department of safety and professional services, when in its opinion the best interest of the public or the trade demands it, may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license. The department of administration shall hear and decide upon matters involving suspensions and revocations brought before the department of safety and professional services. The division of hearings and appeals shall conduct the hearing. This paragraph does not apply to licenses that are suspended or revoked under s. [440.13](#).

(c) The department of safety and professional services may inspect the pertinent books, records, letters and contracts of a licensee. The actual cost of each such examination shall be paid by such licensee so examined within 30 days after demand therefor by the department, and the department may maintain an action for the recovery of such costs in any court of competent jurisdiction.

(8) Any person who violates any provision of this section shall be fined not less than \$25 nor more than \$100 for each offense.

101.952 Manufactured home salespersons regulated.

(1) No person may engage in the business of selling manufactured homes to a consumer or to the retail market in this state without a license therefor from the department. If a manufactured home dealer acts as a manufactured home salesperson the dealer shall secure a manufactured home salesperson's license in addition to the license for engaging as a manufactured home dealer.

(2)

(a) Applications for a manufactured home salesperson's license and renewals thereof shall be made to the department on such forms as the department prescribes and furnishes and shall be accompanied by the license fee required under par. (bm). The application shall include the applicant's social security number. In addition, the application shall require such pertinent information as the department requires.

(b)

1. The department shall, by rule, establish the license period under this section.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(bm) Fees for licensing of manufactured home salespersons shall be established by the department by rule under s. [101.19](#).

(3) Every licensee shall carry his or her license when engaged in his or her business and display the same upon request.

(5) The provision of s. [218.0116](#) relating to the denial, suspension, and revocation of a motor vehicle salesperson's license shall apply to the denial, suspension, and revocation of a manufactured home salesperson's license so far as applicable, except that such provision does not apply to the denial, suspension, or revocation of a license under s. [440.13](#).

(6) The provisions of ss. [218.0116 \(9\)](#) and [218.0152](#) shall apply to this section, manufactured home sales practices and the regulation of manufactured home salespersons, as far as applicable.

101.953 Warranty and disclosure.

(1) A one-year written warranty is required for every new manufactured home sold, or leased to another, by a manufactured home manufacturer, manufactured home dealer or manufactured home salesperson in this state, and for every new manufactured home sold by any person who induces a resident of the state to enter into the transaction by personal solicitation in this state or by mail or telephone solicitation directed to the particular consumer in this state. The warranty shall contain all of the following:

(a) A statement that the manufactured home meets those standards prescribed by law or administrative rule of the department of administration or of the department of safety and professional services that are in effect at the time of the manufacture of the manufactured home.

(b) A statement that the manufactured home is free from defects in material and workmanship and is reasonably fit for human habitation if it receives reasonable care and maintenance as defined by rule of the department.

(c)

1. A statement that the manufactured home manufacturer and manufactured home dealer shall take corrective action for defects that become evident within one year from the delivery date and as to which the manufactured home owner has given notice to the manufacturer or dealer not later than one year and 10 days after the delivery date and at the address set forth in the warranty; and that the manufactured home manufacturer and manufactured home dealer shall make the appropriate adjustments and repairs, within 30 days after notification of the defect, at the site of the manufactured home without charge to the manufactured home owner. If the manufactured home dealer makes the adjustment, the manufactured home manufacturer shall fully reimburse the dealer.

2. If a repair, replacement, substitution or alteration is made under the warranty and it is discovered, before or after expiration of the warranty period, a statement that the repair, replacement, substitution or alteration has not restored the manufactured home to the condition in which it was warranted except for reasonable wear and tear, such failure shall be considered a violation of the warranty and the manufactured home shall be restored to the condition in which it was warranted to be at the time of the sale except for reasonable wear and tear, at no cost to the purchaser or the purchaser's assignee notwithstanding that the additional repair may occur after the expiration of the warranty period.

(d) A statement that if during any period of time after notification of a defect the manufactured home is uninhabitable, as defined by rule of the department, that period of time shall not be considered part of the one-year warranty period.

(e) A list of all parts and equipment not covered by the warranty.

(2) Action by a lessee to enforce the lessee's rights under this subchapter shall not be grounds for termination of the rental agreement.

(3) The warranty required under this section shall apply to the manufacturer of the manufactured home as well as to the manufactured home dealer who sells or leases the manufactured home to the consumer, and shall be in addition to any other rights and privileges that the consumer may have under any instrument or law. The waiver of any remedies under any law and the waiver, exclusion, modification or limitation of any warranty, express or implied, including the implied warranty of merchantability and fitness for a particular purpose, is expressly prohibited. Any such waiver is void.

(4) The transfer of a manufactured home from one manufactured home owner to another during the effective period of the warranty does not terminate the warranty, and subsequent manufactured home owners shall be entitled to the full protection of the warranty for the duration of the warranty period as if the original manufactured home owner had not transferred the manufactured home.

101.954 Sale or lease of used manufactured homes. In the sale or lease of any used manufactured home, the sales invoice or lease agreement shall contain the point of manufacture of the used manufactured home, the name of the manufacturer and the name and address of the previous owner of the manufactured home.

101.955 Jurisdiction and venue over out-of-state manufacturers.

(1) The importation of a manufactured home for sale in this state by an out-of-state manufacturer is considered an irrevocable appointment by that manufacturer of the department of

financial institutions to be that manufacturer's true and lawful attorney upon whom may be served all legal processes in any action or proceeding against such manufacturer arising out of the importation of such manufactured home into this state.

(2) The department of financial institutions upon whom processes and notices may be served under this section shall, upon being served with such process or notice, mail a copy by registered mail to the out-of-state manufacturer at the nonresident address given in the papers so served. The original shall be returned with proper certificate of service attached for filing in court as proof of service. The service fee shall be \$4 for each defendant so served. The department of financial institutions shall keep a record of all such processes and notices, which record shall show the day and hour of service.

101.96 Manufactured home installation regulated.

(1) Installation standards.

(a) *Promulgation of standards.* The department shall, by rule, establish installation standards for the safe installation of manufactured homes in this state. In promulgating rules under this paragraph, the department shall consider the recommendations of the manufactured housing code council under s. 101.933.

(b) *Enforcement of standards.* The department shall, by rule, establish a method for ensuring compliance with the rules promulgated under par. (a). The department shall require inspections of manufactured home installations by 3rd-party inspectors licensed by the department. The department shall, by rule, establish criteria for the licensure of 3rd-party inspectors that include a requirement that an individual may not serve as a 3rd-party inspector if the individual is, is employed by, or is an independent contractor of any of the following:

1. A manufactured home manufacturer who was directly involved in the sale of the particular manufactured home.
2. A manufactured home salesperson who was directly involved in the sale of the particular manufactured home.
3. An installer who was directly involved in the sale of the particular manufactured home.

(2) Manufactured home installers.

(a) *License required; exceptions; liability.* Except as otherwise provided in this paragraph, beginning on January 1, 2007, no person may act as an installer in this state unless the person is a licensed installer or employs one or more licensed installers to generally supervise each of the person's installations of manufactured homes in this state. This requirement does not apply to an individual who installs a manufactured home on his or her own property for his or her personal use or to an individual who installs a manufactured home under the general supervision of a

licensed installer. A licensed installer is liable for all acts and omissions related to the installation of each individual who performs an installation under the licensed installer's general supervision.

(b) License eligibility. The department may issue an installer's license only to an individual to whom all of the following apply:

1. The individual is at least 18 years old.
2. The individual files with the department a license application on a form prescribed by the department.
3. The individual completes, to the satisfaction of the department, an examination approved by the department that tests the skills necessary to properly install manufactured homes and knowledge of the laws applicable to manufactured home installation.
4. The individual has not been found responsible in any judicial or administrative forum for any violation of this section during the 2 years before the date on which the individual's license application is submitted.
5. The individual has not been found responsible in any judicial or administrative forum during the 2 years before the date on which the individual's license application is submitted for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.
6. The individual meets the standards of financial responsibility established by rule of the department.

(br) Examination waiver. The department shall, by rule, establish a procedure under which it may waive the examination requirement under par. (b) 3. for individuals that demonstrate sufficient experience installing manufactured homes including active participation in the installation of at least 10 manufactured homes. This paragraph does not apply after June 1, 2007.

(c) License term and fee. The department, by rule shall establish the term of installers' licenses and the conditions under which the department may revoke or suspend installers' licenses. The department shall establish an initial installer's license fee and license renewal fee by rule under s. [101.19](#).

Cross-reference: See also s. [SPS 305.327](#) and ch. [SPS 320](#), Wis. adm. code.

101.965 Penalties.

(1) Any person who violates ss. [101.953](#) to [101.955](#), or any rule promulgated under ss. [101.953](#) to [101.955](#), may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(1p) Any person who violates s. [101.96](#) or any rule promulgated under that section may be required to forfeit not less than \$25 nor more than \$500 for each violation. Each day of continued violation constitutes a separate violation.

(1t) Upon request of the department, the attorney general may commence an action in a court of competent jurisdiction to enjoin any installer from installing a manufactured home in violation of s. [101.96 \(2\)](#).

(2) In any court action brought by the department for violations of this subchapter, the department may recover all costs of testing and investigation, in addition to costs otherwise recoverable, if it prevails in the action.

(3) Nothing in this subchapter prohibits the bringing of a civil action against a manufactured home manufacturer, manufactured home dealer or manufactured home salesperson by an aggrieved consumer. If judgment is rendered for the consumer based on an act or omission by the manufactured home manufacturer, manufactured home dealer or manufactured home salesperson, that constituted a violation of this subchapter, the plaintiff shall recover actual and proper attorney fees in addition to costs otherwise recoverable.

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 301, 302, 305, 321, 326 and 368

Relating to: Manufactured Homes

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):N/A

2. Detailed description of the objective of the proposed rule:

The department will conduct a comprehensive review and update of Wis. Admin. Code chapters SPS 301, 302, 305, 321, 326 and 368, specifically relating to manufactured homes. The objective of this project will be to align the rules with recently updated federal and state regulations. The proposed rule will also update and modernize the rules on manufactured homes and manufactured home communities to ensure clarity, efficiency, and use of industry best practices.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wis. Admin. Code chapters SPS 301, 302, 305, 321, 326 and 368 include requirements for manufactured homes, construction and operation of manufactured home communities, and the credentials and fees required for construction, sales, and inspection. These topics are also regulated by chapter 101, subchapter V of the Wisconsin Statutes and section 710.15 of the Wisconsin Statutes. 2025 Wisconsin Act 67 updated section 710.15 of the Wisconsin Statutes on the topic of manufactured home communities. These topics are also regulated at the federal level by 42 USC chapter 70 and 24 CFR Parts 3280, 3282, 3285, and 3286. Effective in March 2025, a federal rule made updates to construction and safety standards, procedural and enforcement regulations, and installation standards for manufactured homes. The proposed rule should align the department's code chapters with these updated regulations. The proposed rule will also update and modernize the rules on manufactured homes and manufactured home communities to ensure clarity, efficiency, and use of industry best practices.

If this rule project is not pursued, department rules could remain outdated which is a concern for public health, safety, and welfare. The rule is also needed to ensure alignment with federal and state regulations to prevent unnecessary confusion.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.19 (1g), Stats: "[t]he department, by rule promulgated under ch. 227, shall fix and collect fees which shall, as closely as possible, equal the cost of providing the following services: (f) Administration of the manufactured dwelling program, the one-family and two-family dwelling programs, and the manufactured home and mobile home program."

Section 101.92 (9), Stats. provides that the department "[s]hall promulgate rules and establish standards necessary to carry out the purposes of ss. 101.951 and 101.952."

Section 101.9208, Stats.: "[t]he following fees shall be determined by the department by rule under s. 101.19:

(1) For filing an application for the first certificate of title, to be paid by the owner of the manufactured home.

(2m) Upon filing an application under sub. (1) or (4), a manufactured housing rehabilitation and recycling fee, to be paid by the person filing the application.

(3) For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee to be paid by the owner of the manufactured home.

(4) For a certificate of title after a transfer, to be paid by the owner of the manufactured home.

(4m) Upon filing an application under sub. (1) or (4), a supplemental title fee to be paid by the owner of the manufactured home, except that this fee shall be waived with respect to an application under sub. (4) for transfer of a decedent's interest in a manufactured home to his or her surviving spouse or domestic partner under ch. 770. The fee required under this subsection shall be paid in addition to any other fee specified in this section.

(5) For each assignment of a security interest noted upon a certificate of title, to be paid by the assignee.

(6) For a replacement certificate of title, to be paid by the owner of the manufactured home.

(7) For processing applications for certificates of title that have a special handling request for fast service, which fee shall approximate the cost to the department for providing this special handling service to persons so requesting.

(8) For the reinstatement of a certificate of title previously suspended or revoked.”

Section 101.935 (3), Stats.: “[m]anufactured home community regulation. (1) The department shall license and regulate manufactured home communities. [...]

(2) (c) 2. The department shall establish, by rule under s. 101.19, the permit fee and renewal fee for a permit issued under this subsection. The department may establish a fee that defrays the cost of administering s. 101.937. An additional penalty fee, as established by the department by rule under s. 101.19, is required for each permit if the biennial renewal fee is not paid before the permit expires.

(3) The department may promulgate rules and issue orders to administer and enforce this section.”

Section 101.937 (1), Stats. provides that “[t]he department shall promulgate rules that establish standards for providing water or sewer service by a manufactured home community operator or manufactured home community contractor to a manufactured home community occupant, including requirements for metering, billing, depositing, arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes with respect to service. Rules promulgated under this subsection shall ensure that any charge for water or sewer service is reasonable and not unjustly discriminatory, that the water or sewer service is reasonably adequate, and that any practice relating to providing the service is just and reasonable.”

Section 101.95 Stats. provides that “[t]he department shall by rule prescribe the manner by which a manufacturer shall be licensed for the manufacture, distribution or selling of manufactured homes in this state, including fees for the licensing of manufacturers.”

Section 101.951, Stats.: “[m]anufactured home dealers regulated. (1) No person may engage in the business of selling manufactured homes to a consumer or to the retail market in this state unless first licensed to do so by the department as provided in this section.

(2) (b) 1. The department shall, by rule, establish the license period under this section.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(bm) Fees for licensing of persons under this section shall be established by the department by rule under s. 101.19.”

Section 101.952, Stats.: “[m]anufactured home salespersons regulated. (1) No person may engage in the business of selling manufactured homes to a consumer or to the retail market in this state without a license therefor from the department. If a manufactured home dealer acts as a manufactured home salesperson the dealer shall secure a manufactured home salesperson’s license in addition to the license for engaging as a manufactured home dealer.

(2) (b) 1. The department shall, by rule, establish the license period under this section.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(bm) Fees for licensing of manufactured home salespersons shall be established by the department by rule under s. 101.19.”

Section 101.96 (1) (a), Stats. provides that “[t]he department shall, by rule, establish installation standards for the safe installation of manufactured homes in this state. In promulgating rules under this paragraph, the department shall consider the recommendations of the manufactured housing code council under s. 101.933”

Section 101.96, Stats.: “[m]anufactured home installation regulated. (1) Installation standards.

(a) *Promulgation of standards.* The department shall, by rule, establish installation standards for the safe installation of manufactured homes in this state. In promulgating rules under this paragraph, the department shall consider the recommendations of the manufactured housing code council under s. 101.933.

(b) *Enforcement of standards.* The department shall, by rule, establish a method for ensuring compliance with the rules promulgated under par. (a). The department shall require inspections of manufactured home installations by 3rd-party inspectors licensed by the department. The department shall, by rule, establish criteria for the licensure of 3rd-party inspectors that include a requirement that an individual may not serve as a 3rd-party inspector if the individual is, is employed by, or is an independent contractor of any of the following: [...]

(2) (b) *License eligibility.* The department may issue an installer’s license only to an individual to whom all of the following apply: 6. The individual meets the standards of financial responsibility established by rule of the department.

(br) *Examination waiver.* The department shall, by rule, establish a procedure under which it may waive the examination requirement under par. (b) 3. for individuals that demonstrate sufficient experience installing manufactured homes including active participation in the installation of at least 10 manufactured homes. This paragraph does not apply after June 1, 2007.

(c) *License term and fee.* The department, by rule shall establish the term of installers’ licenses and the conditions under which the department may revoke or suspend installers’ licenses. The department shall establish an initial installer’s license fee and license renewal fee by rule under s. 101.19.”

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

180 hours

6. List with description of all entities that may be affected by the proposed rule:

Manufactured home dealers, manufacturers, salespersons, installers, inspectors, occupants, and owners or operators of manufactured home communities.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Federal requirements for construction of manufactured homes are located under 42 USC chapter 70 and 24 CFR part 3280, enforcement regulations are under 24 CFR part 3282, and requirements for installation of manufactured homes are under 24 CFR parts 3285 and 3286. The rules in this project will align with these requirements.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Rule revisions will likely have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Jake Pelegrin, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted