



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes - Final MOBILE HOME STUDY TASK FORCE

ALD. TERRY WITKOWSKI, CHAIR

Dan Daniels, Ross Kinzler, and Tom Wessel

*Staff Assistant, Tobie Black, 286-2231
Fax: (414) 286-3456, E-mail: tblack@milwaukee.gov*

Thursday, April 30, 2009

10:00 AM

Room 301-G, City Hall

Meeting commenced at 10:02 a.m.

Present 4 - Witkowski, Daniels, Kinzler and Wessel

1. Introduction of Members.

Members introduced themselves.

Ted Medhin of the Legislative Reference Bureau present filling in for analyst Mary Turk.

2. Presentation given by Jim Owczarski, Deputy City Clerk, relative to meeting rules, procedures and the open records laws.

Deputy City Clerk Jim Owczarski at the table. He gave a presentation on the open meetings and open records laws.

Putting an item called "general discussion of mobile home issues" lets the members have discussions with public attendees of the meetings.

Ald. Witkowski said that the intent of the task force was to examine state regulations versus city regulations. He asked Mr. Owczarski if the licensing of the mobile home parks could be discussed at the task force meetings as well. Mr. Owczarski said that a broad intent of the resolution was to look at the licensing of mobile home parks as well.

3. General discussion of the need for and the purpose, responsibilities and goals of the Task Force.

Diane Kluge, owner of Evergreen Mobile Home Court, and Ryan Guthrie of Pioneer Mobile Homes, Inc. present at the meeting.

Ald. Witkowski said that the task force came about to analyze how the city enforces building codes regarding mobile home courts. Ald. Witkowski also said that he was informed that the code has not been changed in about fifty years.

Mr. Kinzler brought along the Department of Commerce Code regarding Manufactured Home Communities and asked whether or not the city acts as an agent to enforce Chapter 26 of the Commerce Code. Mr. Wessel answered yes.

Mr. Kinzler said that the task force could look at the differences between city codes and state codes. He also proposed putting together a paper explaining the state licensing structure, which has implications for tax policy for the city. Mr. Kinzler said that the city has two options for taxing homes and communities, which are taxed as personal property and taxing under the mobile home licensing statutes. He said that the latter is a better choice.

Mr. Wessel said that Chapter 246 of the municipal code is what Neighborhood Services uses when inspecting Mobile Home Parks. He also said that State Administrative Code, Comm 26 could be adopted into Chapter 246. Mr. Wessel asked Mr. Medhin to make Chapter 246 available to members.

Mr. Kinzler said that state law has clearly defined the differences between a mobile home, a manufactured home and a recreational vehicle.

Mr. Daniels gave examples of mobile homes and trailers that are for temporary use versus continuing use. He said he does not know if there are any areas that are used for continuing use parking of recreational vehicles and trailers full time. Mr. Wessel said that part of the zoning code would affect the parking of recreational vehicles.

Ald. Witkowski said that he has seen campers located in one mobile home park. He also said that the task force needs to look at the ordinances related to campgrounds.

Mr. Daniels said that the power of the management of the mobile home park is limited by law when there are code violations in the park. He said that currently the timeline of city notices to the mobile home park owner and notices to residents from the park owners are not in sync. He said that this would make things less troublesome on both sides and would work more smoothly.

Mr. Kinzler said that if a mobile home is owned by a homeowner and there is a code violation, DNS will issue an order to the owner of the mobile home park to fix the problem, even though the park owner does not own the mobile home. Mr. Kinzler said that the only recourse against the home owner is under the lease that the owner has with the park; in other words, evicting the mobile home owner for non-compliance. He said that a simple building code violation issued to the homeowner, with a copy to the mobile home park owner, would be more direct. This violation would hold both the homeowner and mobile home park operator accountable for ensuring that the problem is resolved.

Mr. Daniels also said that a mobile home park will get cited if a violation is taken care of by the mobile home owner in a way that is not up to code. He said that if a resident were given a notice directly from the city it would have more of an impact.

Mr. Wessel said that the Department of Neighborhood Services' goal is to insure compliance. He also said that as far as city and county records go, the only entity the city has on record to cite is the mobile home park itself, not the individual homeowner. He said that the city most likely would not be able to enforce citations against homeowners in court because of this. Mr. Daniels said that it is a unique situation.

Ald. Witkowski asked the Legislative Reference Bureau to obtain an opinion from the city attorney's office on how to go about issuing citations to mobile home owners.

Mr. Wessel said there is a state requirement to be licensed to sell mobile homes. He

asked if the practice of gifting mobile homes is regulated under this license as well. Mr. Kinzler said that he did not believe so, but he would check and see if transferring the ownership of the homes, not selling them, is allowed under the state statutes. Mr. Daniels said that there is a problem at one mobile home park in which the owner transfers the titles of mobile homes to people and then collects rent from the new occupants, which absolves the park owner from having to repair the mobile homes since he no longer technically owns them.

Mr. Kinzler said that if the purpose of a transfer is to create a new owner, no matter what amount of money is exchanged, it counts as a sale. Mr. Wessel said that a condition report is required to be given to the new owners of a mobile home prior to any sale. Ald. Witkowski asked Mr. Kinzler to do a follow-up on the state regulations regarding the transfer or gifting of mobile homes.

Mr. Kinzler asked if there are any issues with swimming pools and fences in Milwaukee mobile home parks. He said that public health agencies don't generally want swimming pools because of the health hazards and fire and police departments don't want fences because of the risk of running into them in the middle of the night. He said that restrictions on fences and pools are usually handled by local jurisdictions.

Ald. Witkowski asked the Legislative Reference Bureau to look into adding language regarding pools and fences to the ordinance.

Diane Kluge at the table. She said that there are small fences at her mobile home court because of animals, but no one is allowed to be completely blocked in by a fence. Mr. Daniels also said there no fences or pools are allowed at his properties because they create problems among neighbors.

Ms. Kluge said that she would like to see the task force talk about the process of addressing the code citations issued for code violations on mobile homes and how the mobile home park owners are notified of citations issued by the city.

Mr. Wessel said that inspections of the parks has changed due to the code enforcement section of Neighborhood Services taking over the inspections from the environmental health and nuisance section of the department. Environmental health was working from regulations in chapter 64 of the municipal code, when code enforcement works from chapter 246.

Mr. Wessel also said that code enforcement has done the research to be able to inspect the mobile home parks properly and has tried to get the intent of what was written in the past and to enforce the code to those standards. He said that if there had been more oversight, the problems at one of the mobile home parks would not have occurred.

Ald. Witkowski said that there were about 600 police calls and about 350 building code violations issued to the College Mobile Home Park over a three year period, which led to Ald. Witkowski asking that the license for the park not be renewed. He pointed out the ways in which the city can issue sanctions to other licenses that it cannot apply to mobile home parks. The only recourse of the city is the taking away of a license, which means the evictions of families that are living in the park.

Ald. Witkowski said that ten conditions were issued to the management of the park to avoid the loss of a license, and he said that he is still in the deciding stage as to what he would like to do about the problem park. Ald. Witkowski discussed finding a different way to license mobile home parks that gives the city more options than just

taking away the license.

Ald. Witkowski requested info from the Legislative Reference Bureau on how the State of Wisconsin and other states license mobile home parks.

4. Set next meeting's agenda

A discussion of the paper from Mr. Kinzler.

A discussion on Chapter 64 versus the state administrative code.

A report on the gifting of mobile homes.

A discussion about the code provisions relating to campgrounds and the parking of RVs and pop up trailers

Discussion of how the handling of violations can be coordinated between the park owners and the city, including the procedure of the Department of Neighborhood Services, and what is done codewise to the owner of the trailer vs the owner of the park.

A discussion of alternatives with regard to licensing.

5. Set next meeting date(s).

Next meeting scheduled for May 28th at 10:00 a.m.

Meeting adjourned at 11:30 a.m.
Staff Assistant Tobie Black