

Occupancy Permit Requirements  
For Manufactured Homes in Manufactured Home Communities  
Position Paper

An area of concern that has been discussed by the Manufactured Home Task Force is that Manufactured Home Community Licensees are being cited for code violations by the Department of Neighborhood Services on units that belong to individuals who lease space in the Community. These units are the owner/occupant's private property and while the Community Licensee has the responsibility to maintain the Community, they have no right to make repairs to units that they do not own. Their sole remedy is to evoke the powers of their lease agreement and evict the unit from the Community for non-compliance. In order to enforce the eviction, the licensee must prosecute the owner of the unit in Circuit Court. This can be a lengthy process and the court may not rule in the licensee's favor. Furthermore, while the eviction is in progress, the compliance time of the pending orders may expire and the Department of Neighborhood Services may recommend prosecution of the licensee for non-compliance.

The Task Force recognizes that there is a need for existing Manufactured Homes to be inspected for compliance with accepted installation standards and maintenance requirements. It also recognizes that the Milwaukee Code of Ordinances requires newly installed Manufactured Homes be inspected for proper installation and compliance with building, plumbing and electrical codes. Understanding that it is not in the best interests of the citizens of the City of Milwaukee to limit the Department of Neighborhood Services's enforcement abilities to gain compliance with the building and maintenance codes, the Task Force proposed that owners/occupants of individual Manufactured Homes and the Manufactured Home Community Licensee be jointly held responsible for code compliance.

Although the Department of Neighborhood Services is aware of and understands the limited options available to Manufactured Home Community Licensees regarding code compliance on units not owned by the Community, the department is required by Municipal and Circuit Courts to issue orders upon owners/occupants established by official legal documents.

As an attempt to hold manufactured home occupants responsible for code compliance, the department proposes that an Occupancy Permit be required for each individual Manufactured Home located in Manufactured Home Communities. This would allow the department to issue official orders to the owner/occupants of specific units in the same manner as business owners are issued orders to bring their spaces into code compliance. This would give the department the flexibility to issue orders to the community, the unit owner/occupant or both. It would also strengthen the Manufactured Home Community Licensee's eviction action if the department has issued orders to the lessee and they have not complied.

Milwaukee's four Manufactured Home Communities are currently licensed for up to 482 units. Under this proposal, the owners/occupants of all units installed after the effective date of this code will be required to obtain a "Full Inspection" Occupancy Permit prior to occupying the unit at a cost of \$200.00. The construction, electrical, plumbing and code enforcement sections of DNS will be required to inspect and approve the unit for proper installation and code compliance. Units installed prior to the effective date of this code would be required to obtain a "Single Inspection" Occupancy Permit at a cost of \$125.00. DNS will have a Code Enforcement Inspector conduct a visual Fire Prevention/Maintenance Inspection of the existing unit to ensure that it was properly installed and that it meets minimum maintenance standards.

Occupancy permits are not transferable and would remain with the owner and the unit. The permit will be in effect for the owner/occupant for as long as they live in or rent out the same unit at the same location. If the unit is moved to a new location or the unit is sold to a new owner, a new occupancy permit would be required. If the owner of a rental unit rents to a new tenant a new permit would not be required.

If a subsequent inspection of a specific unit reveals code violations, the department will issue orders to correct the conditions to the Manufactured Home Community Licensee and to the owner/occupant on the occupancy permit. If there is no compliance with the orders, the department will use its discretion as to whether prosecution is recommended upon the licensee, the unit owner/occupant or both, depending on the specific circumstances.

Respectfully submitted,

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