



JOEL KLEEFISCH

STATE REPRESENTATIVE • 38TH ASSEMBLY DISTRICT

Assembly Bill 523

Relating to: Replacement of certain nonconforming structures that are destroyed by vandalism or certain natural forces

Assembly Committee on Housing and Real Estate

Thank you Chairman Jagler and members of the Committee for holding a hearing today on Assembly Bill 523. Assembly Bill 523 will address two issues that relate to the replacement or repair of manufactured homes. This legislation is supported by the Wisconsin Housing Alliance.

Assembly Bill 523 will allow an individual to replace a legal non-conforming structure, if that structure was damaged or destroyed by vandalism or natural causes. In addition, the bill will clarify that a manufactured home community can repair its infrastructure, and its residents can replace their homes, without risking the loss of the community's non-conforming use status.

Jerry Monson is here with me today to tell his story and reiterate the need for this legislation. Jerry is a war veteran, whose manufactured home was severely damaged by water. After the damage, Jerry wanted to replace his home with a brand new manufactured home. Unfortunately, under current law, he would only be able to "restore" the original home.

The land's status as a legal non-conforming use did not allow him to replace the home with another manufactured home. Assembly Bill 523 would have allowed him to proceed. The bill makes it clear, any non-conforming structure that is destroyed or damaged by natural causes, or vandalism, can be replaced without the loss of the non-conforming status.

Assembly Bill 523 also clarifies that a tenant of a manufactured home community can replace their manufactured home without the community losing its non-conforming use status. A tenant's decision to replace an older home with a new home should not affect the zoning status of the property, or threaten the ability of other residents to live there.

Once again, thank you for your time. If you have any questions or concerns I am happy to address them at this time.



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December 9, 2015

RE: Support for AB523 – Relating to: nonconforming uses and manufactured home communities.

Dear Assembly Committee on Housing and Real Estate:

This bill does two very important things.

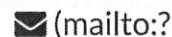
1. 2013 Act 347 made it possible to repair or replace manufactured homes and infrastructure in a manufactured home community, even though the community may currently be a non-conforming use. This bill was passed with bipartisan support. Unfortunately, the law was only changed for towns, cities and villages. Counties was inadvertently left out of the bill. AB523 corrects that omission.
2. In addition to fixing Act 347, this bill makes it possible for a homeowner on private property to replace a manufactured home. This is critical to many families who may have a home destroyed through no fault of their own.

We urge you to take positive action on AB523. Thank you!

Sincerely,

Amy Bliss
Assistant Executive Director

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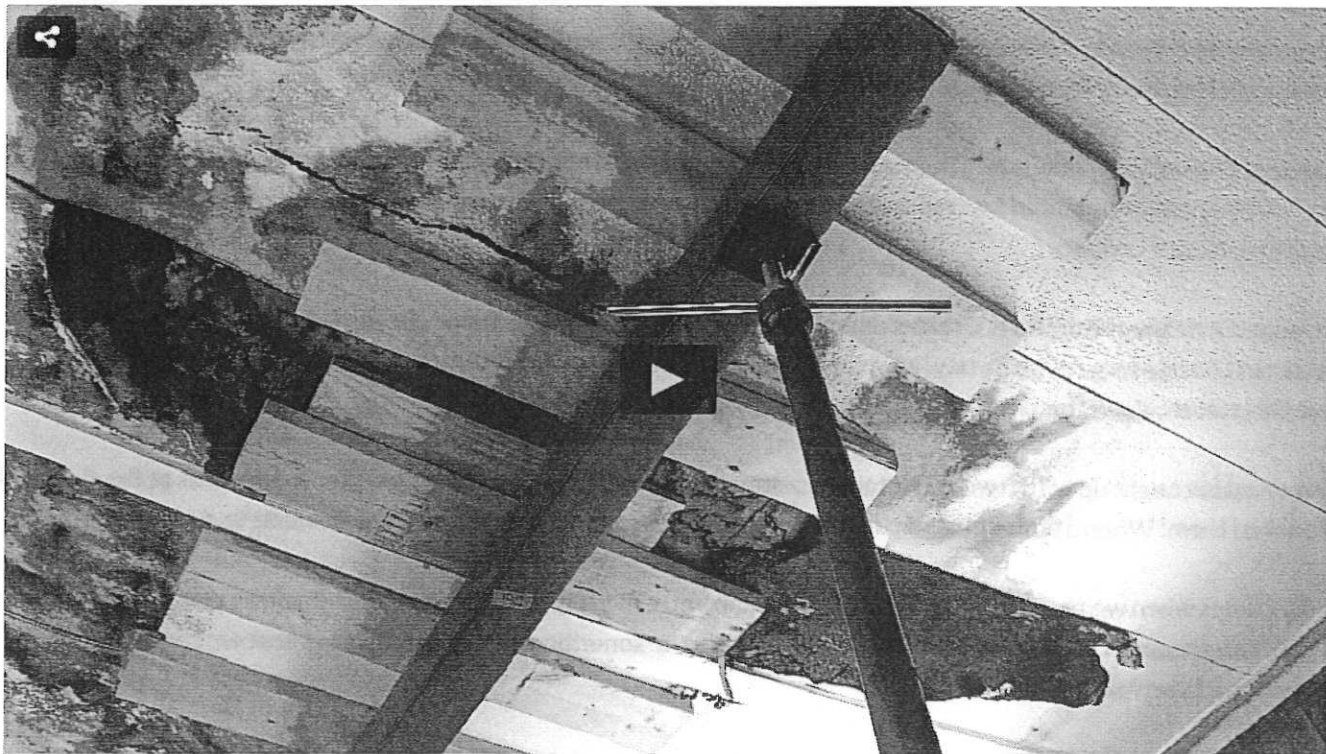
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FOX 11 Investigates follow up: Veteran still trying to replace damaged home

BY MARK LELAND, FOX 11 NEWS | TUESDAY, AUGUST 11TH 2015



WLUK



APPLETON — Wisconsin's weatherization program is blamed for destroying his home. Now Vietnam veteran Jerry Monson of Appleton is struggling with the state to make it right.

Monson fought for his country. And now he's fighting for his home.

"I'm trying to get my own place back. For 38 years I was fine," said Monson.

He's no longer fine. He says he's moved on to anger and frustration.

"Frustrated, yes. I'm past angry already," said Monson.

Monson gave FOX 11 Investigates a tour of his mold-infested mobile home last fall. He was still living in it at the time, even with the ceiling caving in from rain-soaked insulation.

- **Click here to see the original FOX 11 Investigates report on the state weatherization program**
(<http://fox11online.com/news/fox-11-investigates/fox11-investigates-weatherization-problems>)

The problems arose earlier in 2014 when the Outagamie County Weatherization Program made free repairs to the home and damaged the roof, causing multiple leaks.

When the local program failed to make amends, our FOX 11 Investigates report prompted state officials to examine the problem.

Outagamie County ultimately got its insurance company to cover the cost of a replacement mobile home. The problem now is the zoning laws don't allow for a replacement on single-family lots.

The law does allow for repairs or rebuilding, but that would cost tens of thousands more, according to John Gillespie, who's been working with his friend Monson to sort this all out.

"It's a quandary of laws," said Gillespie. "The state law says that if Jerry's mobile home was in a mobile home park, even within the city of Appleton, he could just replace it with a duplicate home, but if it's on private property then he can only repair, rebuild it, he can't replace it."

Appleton Inspections Supervisor Kurt Craanen has also toured Monson's mobile home. He declined an on-camera interview, but in a letter to Gillespie regarding the law he wrote: "I spoke to the city of Appleton's Legal Department and the City does not believe this statute allows for a new trailer to be brought to the property."

FOX 11 Investigates caught up with two Appleton-area state legislators invited to take a look for themselves at the damaged home. We asked them: "When a state program leaves a home in ruins, should the homeowner be made to pay?"

"I think many times when we're passing legislation in Madison you can't think of every problem that may crop up. But when something like this happens you look at it and say there needs to be something in the law that says that we can't damage things," State Rep. Dave Murphy, R-Greenville.

"He certainly has a valid concern and I've got to go down and meet with our legislative counsel attorney, look over the statutes and see if there's a way we can change those statutes to help him out," said State Sen. Roger Roth, R-Appleton.

Time is of the essence for Monson. Last fall after our FOX 11 Investigates report aired, the Outagamie County Housing Authority stepped up and provided a rent-free apartment for Monson. But that offer has now run out.

Insurance money and donations top \$60,000. That is just about enough to replace the mobile home on his property. But without a change in the law, Monson is out of luck.

"It seems no matter what we do or try to do they got another regulation or law and they just keep on going," said Monson.

"If we have to follow the city code we have to raise another \$35,000 and I don't think we can do it. Certainly not this year," said Gillespie.

Murphy and Roth are currently exploring the legal options, and hope to offer a solution soon. A solution Murphy says will not only make the situation right for Monson, but take a closer look at the bigger picture at the cost to taxpayers involving the state's weatherization program.

"I saw a stat, we're spending \$10,000 a home to weatherize, and we're actually in some cases damaging the homes more than helping them," explained Murphy.

FOX 11 Investigates last year uncovered a legislative audit on the state's Weatherization Assistance Program run by the Department of Administration.


The audit reviewed 251 home inspection reports from 2011 to 2013. Of those it found 80 percent had at least one instance of incomplete or unsatisfactory weatherization work as identified by DOA or its contractors.

"I think we need to look at this from top to bottom and make sure that we are getting some value for our taxpayers when we do a program like this," said Murphy.

The program wasted thousands of taxpayer dollars on Monson's home in an effort to make it more energy-efficient, when, in reality, damage to the home just made it unlivable.

FOX 11 Investigates will keep you updated on the progress to get the state statute changed and get Monson back into his home.

- [Click here to support a fundraiser for Monson \(http://www.gofundme.com/helpingjerry\)](http://www.gofundme.com/helpingjerry)

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MORE TO EXPLORE

<http://fox11online.com/news/fox-11-investigates/fox-11-investigates-follow-up-veteran-still-trying-to-replace-damaged-home>

Steven Gillespie
510 Reaume Rd, Kaukauna WI 54130

Speaking in favor of AB 523

My father John Gillespie wanted to be here today but is recovering from surgery. 54 Years ago He and my Mother had their 1st foster child placed in our home. That experience encouraged them to care for other young men and in 1965 they founded the Rawhide Boys Ranch. They went on to have 351 teenage boys live in their home. That number includes me and my brother. Their very 1st foster sons name is Jerry Monson. Jerry is with me today and it my pleasure to introduce him. He has been a mobile home owner and his story is good example of why this bill is needed. My father has walked through the struggle with him, and I want to give you a few of the details before Jerry shares his thoughts.

Jerry lived with our family as a 13-year old boy for a year. He went on to serve in our country in the military in Vietnam. He is an exceptional mechanic and for many years, when his health was strong, operated his own successful automotive repair business.

Jerry's health challenges have included fighting cancer, serious bowl surgery, and 40 years of skin ailments from exposure to Agent Orange, he has COPD and has to rest after climbing a flight of stairs. A few years ago the Outagamie Cty Weatherization.Svc reached out to offer help making his home energy efficient.

The program sent contracted help that put 3 men on his mobile home roof to begin a process to further insulate and seal his roof. They walked around, split seams, created multiple leaks and then left, never to return to apply the finished roof. Then it rained. Jerry's pleas for them to finish the work went unheeded. Ceiling panels swelled and came loose. Mold grew and inch thick in several places. He hung plastic under the ceiling in his bedroom to redirect leaks away from his bed. While he continued multiple attempts for help, his home was destroyed. Jerry had lived there for over 30 years.

In addition to Jerry's health challenges he has limited resources. As a disabled veteran he receives. \$407 a month. His only other income is \$755 from social security. My father worked with him 1st of all on an effort to replace his mobile home. The insurance company for the Weatherization Service agreed to pay the full cost for a brand new 25K dollar mobile home of the same size. But the City of Appleton refused to approve the replacement. They would only let him repair it and it was not repairable. A new home would have to be permanent and on a basement.

Jerry considered moving to Veterans housing, but even though he has no savings, he does own the small parcel where he lived. Before he could move into a veterans home he would have to give up his property. He and my father then reached out to Habitat for Humanity and they were ready to approve a home build. But they found Jerry's income was too low. To qualify for their formula and the ability to pay back the materials cost of the construction, he needed about another \$1000 a month of income.

Having exhausted all those options, my father reached out and several donors graciously gave 60K which brought them to half the amount needed to build the minimum size home the City of Appleton would allow. Builders and builder supply companies provided the other \$60,000 needed in the donation of time and materials.

Jerry will move into his new home next month. He is grateful. But the trial inflicted on Jerry and the effort required by donors is an unjust taxation. Donors had to provide 5 times the resources to meet Jerry's need. He would have been very grateful and content with the \$25,000 replacement of a mobile home v. \$125,000 spent for the new construction. Jerry's need is now met, but this bill is needed to save others from the same injustice. Jerry is going to share with you personally what this has been like for him.