

SB0032



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0032

Introduced 1/10/2019, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

765 ILCS 745/6.7

Amends the Mobile Home Landlord and Tenant Rights Act. Provides that a unit of local government, as defined in the Illinois Constitution, other than a municipality having a population of 1,000,000 or more inhabitants, may enact and enforce an ordinance that restricts the ability of a mobile home park owner to increase rent, fees, or other charges if the park owner fails to correct health or life safety violations. Provides that a park owner who increases rent, fees, or other charges imposed upon a tenant in violation of an ordinance enacted under the new provisions shall be liable to that tenant for all damages and attorney's fees reasonably incurred as a result of the park owner's violation.

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A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mobile Home Landlord and Tenant Rights Act
5 is amended by changing Section 6.7 as follows:

6 (765 ILCS 745/6.7)

7 Sec. 6.7. Violations; inspection reports; postings;
8 penalty.

9 (a) Any nonconformance with a statute, rule, or ordinance
10 applicable to the mobile home park or manufactured home
11 community constitutes a violation. The authority having
12 jurisdiction shall identify violations in an inspection
13 report. The inspection report shall be served upon the park
14 owner or managing agent in person or by certified United States
15 mail, return receipt requested, postage prepaid.

16 (b) The park owner or its managing agent shall post in a
17 conspicuous place any inspection report received from the
18 authority having jurisdiction regarding health and life safety
19 violations as defined in rules promulgated by the Illinois
20 Department of Public Health. The inspection report shall be
21 posted beginning the business day after the date by which the
22 violation or violations must be corrected as set forth in the
23 inspection report issued by the authority having jurisdiction.

1 The posting may be removed only when:

2 (1) the authority having jurisdiction has issued
3 written authorization to remove the posting; or

4 (2) the park owner or its managing agent has corrected
5 the violation or violations, served notice to the authority
6 having jurisdiction that the violation or violations have
7 been corrected by submitting such documentation or
8 affidavit as may be necessary to substantiate the
9 correction by certified United States mail, return receipt
10 requested, postage prepaid, and no less than 15 days have
11 expired from the mailing date of the notice to the
12 authority having jurisdiction.

13 (c) Nothing in this Act may be construed to diminish,
14 impair, or otherwise affect the authority of the authority
15 having jurisdiction to charge violations under the Mobile Home
16 Park Act or any other statute, rule, or ordinance applicable to
17 the mobile home park or manufactured home community.

18 (d) Failure to comply with the requirements of this Section
19 subjects the park owner or managing agent to a \$250 penalty.
20 The penalty shall be payable to the authority having
21 jurisdiction which issued the inspection report citing
22 violations.

23 (e) For purposes of enforcement of this Section by the
24 Illinois Department of Public Health, the Illinois
25 Administrative Procedure Act is hereby expressly adopted. The
26 Illinois Department of Public Health has the authority to

1 promulgate rules to enforce this Section.

2 (f) For purposes of enforcement of this Section by any
3 authority having jurisdiction other than the Illinois
4 Department of Public Health, the authority having jurisdiction
5 has the authority to adopt ordinances to enforce this Section.

6 (g) A unit of local government, as defined in Article VII,
7 Section 1 of the Illinois Constitution of 1970, other than a
8 municipality having a population of 1,000,000 or more
9 inhabitants, has the authority to enact, maintain, and enforce
10 an ordinance or resolution denying park owners the ability to
11 increase rent, fees, or other charges imposed upon tenants if
12 the park owner has failed to correct a health or life safety
13 violation, as defined in rules adopted by the Department of
14 Public Health or the authority having jurisdiction, until the
15 violations are corrected as set forth in the inspection report
16 issued by the authority having jurisdiction. A park owner who
17 increases rent, fees, or other charges imposed upon a tenant in
18 violation of an ordinance enacted under this subsection shall
19 be liable to that tenant for all damages and attorney's fees
20 reasonably incurred as a result of the park owner's violation.

21 (Source: P.A. 98-1062, eff. 1-1-15.)