



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB5798

Introduced 11/16/2022, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

35 ILCS 515/3	from Ch. 120, par. 1203
35 ILCS 515/6.1	from Ch. 120, par. 1206.1
765 ILCS 745/8.6 new	
765 ILCS 745/15.1 new	

Amends the Mobile Home Local Services Tax Act. Provides that the tax imposed under the Act on a mobile home or manufactured home that (i) is located in a mobile home park that experiences a change in ownership on or after the effective date of the amendatory Act and (ii) is occupied as a primary residence by an eligible senior citizen may not exceed the tax imposed under the Act on that mobile home or manufactured home for the taxable year in which the change in ownership takes place. Amends the Mobile Home Landlord and Tenant Rights Act. Provides for a right of first refusal for tenants in the case of a sale or lease of a mobile home park. Adds provisions concerning tenants who are 65 years of age or older when there is a change in ownership of the mobile home park.

LRB102 28467 HLH 40782 b

1 AN ACT concerning mobile homes.

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

4 Section 5. The Mobile Home Local Services Tax Act is  
5 amended by changing Sections 3 and 6.1 as follows:

6 (35 ILCS 515/3) (from Ch. 120, par. 1203)

7 Sec. 3. Rate of tax; eligible senior citizens.

8 (a) Mobile homes in addition to such taxes as provided in  
9 the "Use Tax Act" shall be subject to the following privilege  
10 tax only, and to no ad valorem tax. Except as provided in  
11 Section 7 and in those cases where the owner notifies the local  
12 assessing authority, by sworn affidavit, that the mobile home  
13 is uninhabited and will no longer be used for human  
14 habitation, the owner of each mobile home shall pay to the  
15 county treasurer of the county in which such mobile home is  
16 located an annual tax to be computed at the rate shown in the  
17 table below:

TAX YEAR FOLLOWING MODEL YEAR	TAX PER SQUARE FOOT
OF MOBILE HOME	
model year and 1st and 2nd	
year following:	15¢
3rd, 4th and 5th years following	
model year:	13.5¢

1 6th, 7th and 8th years following  
2 model year: 12¢  
3 9th, 10th and 11th years following  
4 model year: 10.5¢  
5 12th, 13th and 14th years following  
6 model year: 9¢  
7 15th year following model year  
8 and subsequent years: 7.5¢

9 For purposes of this Act, the square-footage shall be  
10 based upon the outside dimensions of the mobile home excluding  
11 the length of the tongue and hitch. The owner of a mobile home  
12 on January 1 of any year shall be liable for the tax of that  
13 year, except that the owner of a mobile home on July 1, 1976,  
14 shall be liable for the tax for the period of July 1, 1976, to  
15 December 31, 1976. This is not a limitation on any home rule  
16 county.

17 (b) With respect to any mobile home or manufactured home  
18 that (i) is located in a mobile home park that experiences a  
19 change in ownership on or after the effective date of this  
20 amendatory Act of the 102nd General Assembly and (ii) is  
21 occupied as a principal place of residence by an eligible  
22 senior citizen, for tax years beginning on or after the date  
23 when the mobile home park experiences a change in ownership  
24 and until the first taxable year to occur on or after the date  
25 when the mobile home or manufactured home is no longer  
26 occupied as a principal place of residence by an eligible

1 senior citizen, the tax imposed under this Act on that mobile  
2 home or manufactured home may not exceed the tax imposed under  
3 this Act on that mobile home or manufactured home for the  
4 taxable year in which the change in ownership takes place.

5 As used in this Section, "eligible senior citizen" means a  
6 person who (i) is 65 years of age or older during the taxable  
7 year in which the change in ownership of the mobile home park  
8 takes place and (ii) is liable for the payment of the tax under  
9 this Act on the subject mobile home or manufactured home.

10 (Source: P.A. 94-606, eff. 8-16-05.)

11 (35 ILCS 515/6.1) (from Ch. 120, par. 1206.1)

12 Sec. 6.1. If a tax bill is in error as to the square  
13 footage of the mobile home, ~~or as to~~ the rate of tax, or the  
14 amount of the tax liability, the owner may file within 6 months  
15 following receipt of the bill an affidavit with the county  
16 board of assessors, supervisor of assessments or county  
17 assessor setting forth such error. If the tax bill does not  
18 show the name of the correct owner, the person whose name  
19 appears as owner on the bill may file an affidavit with the  
20 county board of assessors, supervisor of assessments or county  
21 assessor so stating and identifying the correct owner, if  
22 known. Upon the filing of an affidavit as provided in this  
23 Section, the county clerk or, in counties in which a county  
24 assessor is elected pursuant to Section 3-45 of the Property  
25 Tax Code, the county assessor shall issue a corrected bill and

1 shall so indicate on his records.

2 (Source: P.A. 88-670, eff. 12-2-94.)

3 Section 10. The Mobile Home Landlord and Tenant Rights Act  
4 is amended by adding Sections 8.6 and 15.1 and 15.2 as follows:

5 (765 ILCS 745/8.6 new)

6 Sec. 8.6. Sale of a mobile home park; right of first  
7 refusal.

8 (a) A mobile home park owner shall give notice to each  
9 tenant of the mobile home park if the park owner intends to  
10 sell or lease all or part of the land on which the mobile home  
11 park is located for any purpose. The notice under this  
12 subsection shall be mailed by certified mail, and a  
13 simultaneous copy shall be sent by certified mail to the  
14 authority having jurisdiction, within 14 days after the date  
15 on which any advertisement, listing, or public notice is first  
16 made that the land is for sale or lease and, in any event, at  
17 least 45 days before the sale or lease occurs. The notice shall  
18 also include notice of tenants' rights under this Act. This  
19 subsection does not apply to the lease of a single lot in a  
20 mobile home park to an individual tenant or tenants.

21 (b) Before a mobile home park may be sold or leased for any  
22 purpose that would result in a change in use of the mobile home  
23 park or result in the property no longer being used as a mobile  
24 home park, the park owner shall give notice to each tenant of

1 the mobile home park, by certified mail, of any bona fide offer  
2 for sale or lease that the owner intends to accept. The mobile  
3 home park owner shall also send a simultaneous copy of the  
4 notice by certified mail to the authority having jurisdiction.  
5 Before any other sale or lease of mobile home park property,  
6 the owner shall give each tenant and the authority having  
7 jurisdiction notice of the offer only if more than 50% of the  
8 tenants residing in the mobile home park notify the mobile  
9 home park owner in writing that they would like to receive  
10 information about the proposed sale or lease. Any notice of  
11 the offer required to be given under this subsection shall  
12 include the price and the terms and conditions of the offer.  
13 The price shall be calculated as a single lump sum amount that  
14 reflects (i) the total purchase price, (ii) the present value  
15 of any installment payments offered in lieu of cash payment or  
16 any promissory notes offered in lieu of cash payment, or (iii)  
17 in the case of an offer to rent, the capitalized value of the  
18 annual rent. This subsection does not apply to the lease of a  
19 single lot in a mobile home park to an individual tenant or  
20 tenants.

21 (c) In the case of a third party bona fide offer to  
22 purchase that the park owner intends to accept, a group or  
23 association of tenants representing at least 51% of the  
24 tenants residing in the mobile home park who are entitled to  
25 notice under paragraph (b) shall have the right to purchase  
26 the subject property for the purpose of continuing the use of

1 the property as a mobile home park. In the case of a third  
2 party bona fide offer to lease that the owner intends to  
3 accept, a group or association of tenants representing at  
4 least 51% of the tenants residing in the mobile home park who  
5 are entitled to notice under paragraph (b) shall have the  
6 right to lease the subject property for the purpose of  
7 continuing the use of the property as a mobile home park. In  
8 either case, the group or association shall: (1) submit to the  
9 owner reasonable evidence that the residents of at least 51%  
10 of the occupied homes in the park have approved the purchase of  
11 the mobile home park by the group or association; (2) submit to  
12 the owner a proposed purchase and sale agreement or lease  
13 agreement on substantially equivalent terms and conditions  
14 within 45 days after receipt of notice of the offer made under  
15 subsection (b) of this Section; (3) obtain a binding  
16 commitment for any necessary financing or guarantees within an  
17 additional 90 days after execution of the purchase and sale  
18 agreement or lease; and (4) close on the purchase or lease  
19 within an additional 90 days after the end of the 90-day period  
20 under item (3).

21 No owner shall unreasonably refuse to enter into, or  
22 unreasonably delay the execution or closing on, a purchase and  
23 sale or lease agreement with tenants who have made a bona fide  
24 offer to meet the price and substantially equivalent terms and  
25 conditions of an offer for which notice is required to be given  
26 pursuant to subsection (b). Failure of the tenants to submit

1 such a purchase and sale agreement or lease within the first  
2 45-day period, to obtain a binding commitment for financing  
3 within the additional 90-day period, or to close on the  
4 purchase or lease within the second 90-day period shall serve  
5 to terminate the rights of such residents to purchase or lease  
6 the mobile home park. The time periods provided in this  
7 Section may be extended by agreement. Nothing in this Section  
8 shall be construed to require an owner to provide financing to  
9 tenants except to the extent such financing would be provided  
10 to the third party offeror in the case of a sale or lease for a  
11 use which would result in a change of use or discontinuance or  
12 to prohibit an owner from requiring tenants who are offering  
13 to lease a mobile home park to provide a security deposit, not  
14 to exceed the lesser of one-year's rent or the amount which  
15 would have been required to be provided by the third party  
16 offeror, to be kept in escrow for such purposes during the term  
17 of the lease. A group or association that has the right to  
18 purchase under this Section may, at its election, assign its  
19 purchase right under this Section to the municipality in which  
20 the mobile home park is located or to the agency having  
21 jurisdiction for the purpose of continuing the property's use  
22 as a mobile home park.

23 (d) The right of first refusal created in this Section  
24 shall inure to the tenants for the time periods set forth in  
25 this Section, beginning on the date of notice to the residents  
26 under paragraph (b). The effective period for such right of



1 first refusal shall obtain separately for each substantially  
2 different bona fide offer to purchase or lease the mobile home  
3 park, and for each offer substantially equivalent to an offer  
4 made more than 3 months prior to the later offer; provided  
5 however, that in the case of a substantially equivalent offer  
6 made by a prospective buyer who has previously made an offer  
7 for which notice to residents was required by subsection (b),  
8 the right of first refusal shall obtain only if the subsequent  
9 offer is made more than 6 months after the earlier offer. The  
10 right of first refusal shall not apply with respect to any  
11 offer received by the park owner for which a notice is not  
12 required pursuant to subsection (b). No right of first refusal  
13 shall apply to a government taking by eminent domain or  
14 negotiated purchase, a forced sale pursuant to a foreclosure  
15 by an unrelated third party, transfer by gift, devise or  
16 operation of law, or a sale to a person who would be an heir at  
17 law if there were to be a death intestate of a mobile home park  
18 owner.

19 (e) If the tenants of the mobile home park are not the  
20 successful purchasers or lessees of the park, the seller or  
21 lessor of the park shall provide evidence of compliance with  
22 this Section by filing an affidavit of compliance with the  
23 authority having jurisdiction within 7 days after the sale or  
24 lease of the park. Any lease of 5 years or less shall  
25 specifically require that the lessee shall not discontinue or  
26 change the use of the mobile home park during the term of the

1 lease.

2 (f) If there is a sale or lease for which a notice from the  
3 mobile home park owner is not required to be, and is not, given  
4 under paragraph (b), and, within one year of that sale or  
5 lease, the new owner or lessee delivers a notice of change of  
6 use or discontinuance as a mobile home park, that notice shall  
7 provide each tenant in the mobile home park with at least 4  
8 years prior notice of the effective date of the proposed  
9 change of use or discontinuance.

10 (765 ILCS 745/15.1 new)

11 Sec. 15.1. Tenant 65 years of age or older; protected  
12 lots.

13 (a) Whenever there is a change in ownership of a mobile  
14 home park on or after the effective date of this amendatory Act  
15 of the 102nd General Assembly, the new owner of that mobile  
16 home park may not increase the rent charged for the use of any  
17 protected lot in that mobile home park, nor may the new owner  
18 make any changes to the terms and conditions of a lease  
19 covering a protected lot, until the mobile home or  
20 manufactured home situated on that protected lot is no longer  
21 the principal place of residence of a qualifying tenant. Upon  
22 the expiration of a lease covering a protected lot, the owner  
23 of the mobile home park shall allow the qualifying tenant to  
24 renew the lease at the same rent and subject to the same terms  
25 and conditions as the lease that was in effect for that lot on

1 the date of the change in ownership. Nothing in this Section  
2 prohibits a mobile home park owner from:

3 (1) changing the terms and conditions of a lease at  
4 the request of the tenant;

5 (2) changing the terms and conditions of a lease for  
6 the purpose of complying with any other provision of law;

7 (3) increasing rent or changing the terms and  
8 conditions of a lease in a manner that is permitted under a  
9 lease that is in effect on the date of the change in  
10 ownership; or

11 (4) evicting a tenant for any one or more of the  
12 reasons specified in Section 15 of this Act.

13 (b) As used in this Section:

14 "Protected lot" means a lot in a mobile home park that, as  
15 of the date on which a change in ownership of the mobile home  
16 park occurs, is subject to a written lease covering a mobile  
17 home or manufactured home that is the principal place of  
18 residence of a qualifying tenant.

19 "Qualifying tenant" means a tenant who is 65 years of age  
20 or older on the date when the change in ownership of the mobile  
21 home park occurs.