



Sen. Laura M. Murphy

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10200SB1097sam002

LRB102 04921 LNS 36992 a

1 AMENDMENT TO SENATE BILL 1097

2 AMENDMENT NO. _____. Amend Senate Bill 1097, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mobile Home Landlord and Tenant Rights Act
6 is amended by changing Sections 6.5 and 9 as follows:

7 (765 ILCS 745/6.5)

8 Sec. 6.5. Disclosure. A park owner must disclose in
9 writing the following with every lease or sale and upon
10 renewal of a lease of a mobile home or lot in a mobile home
11 park or manufactured home community:

12 (1) the rent charged for the mobile home or lot in the
13 past 5 years;

14 (2) the park owner's responsibilities with respect to
15 the mobile home or lot;

16 (3) information regarding any fees imposed in addition

1 to the base rent;

2 (4) information regarding late payments;

3 (5) information regarding any privilege tax that is
4 applicable;

5 (6) information regarding security deposits, including
6 the right to the return of security deposits and interest
7 as provided in Section 18 of this Act;

8 (7) information on a 3-year rent increase projection
9 which includes the 2 years of the lease and the year
10 immediately following. The basis for such rent increases
11 may be a fixed amount, a "not to exceed" amount, a formula,
12 an applicable index, or a combination of these
13 methodologies as elected by the park owner. If a formula
14 is used, the formula shall include the total fixed amount
15 determined by the formula, and, if applicable, the "not to
16 exceed" amount. These increases may be in addition to all
17 the non-controllable expenses including, but not limited
18 to, property taxes, government assessments, utilities, and
19 insurance;

20 (8) the contact information ~~name~~ of the legal entity
21 that owns the manufactured home community or mobile home
22 park or, if applicable, the contact information ~~, and~~
23 ~~either: (a) the name, address, and telephone number~~ of the
24 property manager or designated agent for the manufactured
25 home community or mobile home park; ~~or (b) the address and~~
26 ~~telephone number of the legal entity that owns the~~

1 ~~manufactured home community or mobile home park, if the~~
2 ~~manufactured home community or mobile home park does not~~
3 ~~have a property manager or designated agent; and~~

4 (9) information contained in any inspection notice
5 required to be posted under subsection (b) of Section 6.7
6 of this Act; and

7 (10) information notifying a tenant that the tenant's
8 right to trial by jury shall not be waived.

9 The park owner must update the written disclosure at least
10 once per year. The park owner must advise tenants who are
11 renewing a lease of any changes in the disclosure from any
12 prior disclosure. Within 20 days after the closing of a
13 purchase and sale of a manufactured home community or mobile
14 home park that results in a change in the owner, the purchaser
15 or the representative of the purchaser must provide written
16 notice to each homeowner of the new owner and either: (i) the
17 name, address, and telephone number of the property manager or
18 designated agent for the manufactured home community or mobile
19 home park; or (ii) the address and telephone number of the
20 legal entity that owns the manufactured home community or
21 mobile home park if the manufactured home community or mobile
22 home park does not have a property manager or designated
23 agent. The written notice may be provided by hand delivery to
24 the resident's home, by United States mail or a recognized
25 courier service, by posting in the office of the custodian of
26 the park or in the clubhouse or other area of the park where

1 park residents gather, or by posting on a community bulletin
2 board.

3 The changes to this Section by this amendatory Act of the
4 98th General Assembly apply to disclosures made and changes of
5 ownership that take place on or after January 1, 2015.

6 The changes to this Section made by this amendatory Act of
7 the 102nd General Assembly apply to disclosures made and
8 changes of ownership that take place on or after January 1,
9 2023.

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

11 (765 ILCS 745/9) (from Ch. 80, par. 209)

12 Sec. 9. The Terms of Fees and Rents. The terms for payment
13 of rent shall be clearly set forth and all charges for
14 services, ground or lot rent, unit rent, or any other charges
15 shall be specifically itemized in the lease and in all
16 billings of the tenant by the park owner.

17 The owner shall not change the rental terms nor increase
18 the cost of fees, except as provided herein.

19 The park owner shall not charge a transfer or selling fee
20 as a condition of sale of a mobile home that is going to remain
21 within the park unless a service is rendered.

22 Rents charged to a tenant by a park owner may be increased
23 upon the renewal of a lease. Notification of an increase shall
24 be delivered 90 days prior to expiration of the lease.

25 The park owner shall not charge or impose upon a tenant any

1 fee or increase in rent which reflects the cost to the park
2 owner of any fine, forfeiture, penalty, money damages, or fee
3 assessed or awarded by a court of law against the park owner,
4 including any attorney's fees and costs incurred by the park
5 owner in connection therewith unless the fine, forfeiture,
6 penalty, money damages, or fee was incurred as a result of the
7 tenant's actions.

8 The park owner shall not charge or impose a pet fee upon a
9 resident that owns the home, unless a service related to the
10 pet is offered by the park owner and accepted by the resident.
11 A tenant of a home owned by the park owner may be subject to
12 the imposition of a pet fee as agreed to in the lease.
13 (Source: P.A. 95-383, eff. 1-1-08.)".