



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2338

Introduced 2/14/2023, by Rep. David Friess

SYNOPSIS AS INTRODUCED:

765 ILCS 745/24

from Ch. 80, par. 224

Amends the Mobile Home Landlord and Tenant Rights Act. Requires a purchaser of a mobile home to obtain a written and signed lease from the park owner unless the purchaser elects to remove the mobile home from the mobile home park. Provides that if the purchaser elects to remove the mobile home, the person or entity that removes the mobile home shall be licensed in accordance with the Manufactured Home Installers Act and shall provide proof of insurance to the park owner as a named additional insured. Requires the purchaser and the park owner to establish a mutually agreed upon date and time for the removal of the mobile home. Requires the purchaser to remove the mobile home within 30 days of the date of purchase, satisfy any liens the owner of the mobile home park may have against the mobile home, indemnify the owner of the mobile home park against any injury to persons or damage to the mobile home park incurred as a result of the removal of the mobile home, and remove all debris from the lot on which the mobile home was located. Provides that if the purchaser fails to remove the mobile home within 30 days of the purchase, the purchaser must complete the mobile home park's application and execute the mobile home park's standard lease agreement. Provides that if the purchaser fails to meet qualifications for residency, the purchaser must sign a storage agreement and comply with the rules and regulations of the mobile home park. Effective immediately.

LRB103 28614 LNS 54995 b

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 24 as follows:

6 (765 ILCS 745/24) (from Ch. 80, par. 224)

7 Sec. 24. Sale of Mobile Home. The park owner shall be
8 enjoined and restrained from prohibiting, limiting,
9 restricting, obstructing, or in any manner interfering with
10 the freedom of any mobile home owner to:

11 (a) Sell the ~~his~~ mobile home to a purchaser of the mobile
12 home owner's ~~his~~ choice, provided that the park owner shall be
13 allowed to promulgate any general qualifications or lawful
14 restrictions on park residents which limit or define the
15 admission of entrants to the park. The purchaser, prior to
16 closing, must obtain a written and signed lease unless the
17 purchaser elects to remove the mobile home from the mobile
18 home park. If the purchaser elects to remove the mobile home,
19 the person or entity that removes the mobile home shall be
20 licensed in accordance with the Manufactured Home Installers
21 Act and shall provide proof of insurance to the park owner as a
22 named additional insured. The purchaser and the park owner
23 shall establish a mutually agreed upon date and time for the

1 removal of the mobile home. The purchaser shall remove the
2 mobile home within 30 days of the date of purchase, satisfy any
3 liens the owner of the mobile home park may have against the
4 mobile home, indemnify the owner of the mobile home park
5 against any injury to persons or damage to the mobile home park
6 incurred as a result of the removal of the mobile home, and
7 remove all debris from the lot on which the mobile home was
8 located. If the purchaser fails to remove the mobile home
9 within 30 days of the purchase, the purchaser must complete
10 the mobile home park's application and execute the mobile home
11 park's standard lease agreement. If the purchaser fails to
12 meet qualifications for residency, the purchaser must sign a
13 storage agreement, approved by the mobile home park owner, and
14 comply with the rules and regulations of the mobile home park;

15 (b) Employ or secure the services of an independent
16 salesperson in connection with the sale of said mobile home,
17 providing that said salesperson collects and remits all
18 governmental taxes.

19 The park owner is prohibited from imposing any fee,
20 charge, or commission for the sale of a mobile home, except
21 when a mobile home owner requests the park owner or ~~his~~ agent
22 of the park owner to assist in securing a purchaser for the ~~his~~
23 mobile home. A commission may be accepted for such service
24 subject only to the following conditions:

25 (1) That the exact amount of commission or fee shall be a
26 percentage of the actual sales price of the mobile home; and

1 (2) That the maximum percentage figure for the services in
2 the resale of the mobile home by the park owner or ~~his~~ agent of
3 the park owner shall be set forth in writing prior to the sale.

4 The park owner is prohibited from requiring, upon the sale
5 by a tenant of a mobile home to a qualified purchaser, the
6 removal from the park of such mobile home unless the mobile
7 home is less than 12 feet wide or is significantly
8 deteriorated and in substantial disrepair, in which case the
9 park owner shall bear the burden of demonstrating such fact
10 and must, prior to sale, have given the tenant written notice
11 thereof, and that unless first corrected, removal will be
12 required upon sale.

13 (Source: P.A. 85-998.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.