



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5584

Introduced 2/9/2024, by Rep. Hoan Huynh

SYNOPSIS AS INTRODUCED:

765 ILCS 745/3 from Ch. 80, par. 203
765 ILCS 745/25.1 new
765 ILCS 745/25.2 new
765 ILCS 745/25.3 new
765 ILCS 745/25.4 new
765 ILCS 745/25.5 new
765 ILCS 745/25.6 new

Amends the Mobile Home Landlord and Tenant Rights Act. Creates a process if a mobile home park owner attempts to change the use of a mobile home park. Requires the park owner to submit a relocation plan for tenants who may be dislocated by the change and also creates a process for the tenants through their homeowners organization to buy the park. Provides that the change of use that is sought may not be approved until the park owner submits a relocation plan. Requires relocation assistance for a mobile home park with more than 10 sites to be paid to each household equaling the amount of rent for the premises, excluding taxes and utilities, paid for the 12 months immediately preceding the date the tenant vacates the premises. Exempts certain sales of the mobile home park to include, but not be limited to, foreclosure, sale to a park owner's family member, or a sale between joint tenants or tenants in common. Provides that if a park owner receives an offer to buy the park, acceptance of that offer shall be conditioned on the purchaser filing an affidavit, recorded in the land records in the county in which the property is located, affirming that: (i) the purchaser will allow continued use of the land as a mobile home park for 5 years after closing; and (ii) rent for a lot on the property will not increase by more than 10% per year for the first 3 years after the sale is complete. Provides that a purchaser's failure to file this affidavit starts a process for the homeowners association of the tenants to have an opportunity to buy the mobile home park under this Act under terms substantially similar to the proposed sale price of the mobile home park. Makes other changes.

LRB103 38689 JRC 68826 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 1. This Act may be referred to as the Manufactured
5 Housing Modernization Act of 2024.

6 Section 5. The Mobile Home Landlord and Tenant Rights Act
7 is amended by changing Section 3 and by adding Sections 25.1,
8 25.2, 25.3, 25.4, 25.5, and 25.6 as follows:

9 (765 ILCS 745/3) (from Ch. 80, par. 203)

10 Sec. 3. Definitions. Unless otherwise expressly defined,
11 all terms in this Act shall be construed to have their
12 ordinarily accepted meanings or such meaning as the context
13 therein requires.

14 (a) "Person" means any legal entity, including but not
15 limited to, an individual, firm, partnership, association,
16 trust, joint stock company, corporation or successor of any of
17 the foregoing.

18 (b) "Manufactured home" means a factory-assembled,
19 completely integrated structure designed for permanent
20 habitation, with a permanent chassis, and so constructed as to
21 permit its transport, on wheels temporarily or permanently
22 attached to its frame, and is a movable or portable unit that

1 is (i) 8 body feet or more in width, (ii) 40 body feet or more
2 in length, and (iii) 320 or more square feet, constructed to be
3 towed on its own chassis (comprised of frame and wheels) from
4 the place of its construction to the location, or subsequent
5 locations, at which it is connected to utilities for
6 year-round occupancy for use as a permanent habitation, and
7 designed and situated so as to permit its occupancy as a
8 dwelling place for one or more persons, and specifically
9 includes a "manufactured home" as defined in subdivision (53)
10 of Section 9-102 of the Uniform Commercial Code. The term
11 shall include units containing parts that may be folded,
12 collapsed, or telescoped when being towed and that may be
13 expected to provide additional cubic capacity, and that are
14 designed to be joined into one integral unit capable of being
15 separated again into the components for repeated towing. The
16 term excludes campers and recreational vehicles. The words
17 "mobile home" and "manufactured home" are synonymous for the
18 purposes of this Act.

19 (c) "Mobile Home Park" or "Park" means a tract of land or 2
20 contiguous tracts of land that contain sites with the
21 necessary utilities for 5 or more mobile homes or manufactured
22 homes. A mobile home park may be operated either free of charge
23 or for revenue purposes.

24 (d) "Park Owner" means the owner of a mobile home park and
25 any person authorized to exercise any aspect of the management
26 of the premises, including any person who directly or

1 indirectly receives rents and has no obligation to deliver the
2 whole of such receipts to another person.

3 (e) "Tenant" means any person who occupies a mobile home
4 rental unit for dwelling purposes or a lot on which he parks a
5 mobile home for an agreed upon consideration.

6 (f) "Rent" means any money or other consideration given
7 for the right of use, possession and occupancy of property, be
8 it a lot, a mobile home, or both.

9 (g) "Master antenna television service" means any and all
10 services provided by or through the facilities of any closed
11 circuit coaxial cable communication system, or any microwave
12 or similar transmission services other than a community
13 antenna television system as defined in Section 11-42-11 of
14 the Illinois Municipal Code.

15 (h) "Authority having jurisdiction" means the Illinois
16 Department of Public Health or a unit of local government
17 specifically authorized by statute, rule, or ordinance to
18 enforce this Act or any other statute, rule, or ordinance
19 applicable to the mobile home park or manufactured home
20 community.

21 (i) "Managing agent" means any person or entity
22 responsible for the operation, management, or maintenance of a
23 mobile home park or manufactured home community.

24 (j) "Homeowners organization" means an incorporated or
25 unincorporated organization, including a cooperative housing
26 corporation that: (i) represents the interests of the tenants

1 in mobile home park; (ii) is open to all tenants residing in
2 the park; (iii) is controlled by the members of the
3 organization; and (iv) is comprised of tenants who lease or
4 rent at least 75% of the lots in the park.

5 (Source: P.A. 98-749, eff. 7-16-14; 98-1062, eff. 1-1-15;
6 99-78, eff. 7-20-15.)

7 (765 ILCS 745/25.1 new)

8 Sec. 25.1. Mobile home park relocation.

9 (a) When a mobile home park owner submits an application
10 for a change in the land use of a park, the owner shall submit,
11 as part of the application, a relocation plan for park tenants
12 who will be dislocated as a result of the change.

13 (b) If a mobile home park owner does not submit a
14 relocation plan for the park tenants or does not comply with
15 the terms of an approved plan, the mobile home park owner is in
16 default of the plan and the application for change of land use
17 submitted under subsection (a) of this Section may not be
18 approved until the owner submits and complies with a plan.

19 (c) A relocation plan for park tenants shall include:

20 (1) A complete list of park tenants, including
21 household sizes, addresses, and contact information for
22 them;

23 (2) A relocation calendar or timeline and written
24 monthly updates on the progress of the relocation;

25 (3) If the plan is for closing a park with more than 10

1 sites, a budget reflecting the amount of relocation
2 assistance allocated by the mobile home park owner to be
3 given to each household as described in subsection (h) of
4 this Section;

5 (4) A description of the requirement that a tenant
6 provide written notice of the tenant's intention to vacate
7 the park and the timetable for the owner to pay relocation
8 assistance, as provided under subsection (h-5) of this
9 Section;

10 (5) A list of area mobile home parks with vacancies;
11 and

12 (6) A list of area companies that relocate mobile
13 homes.

14 (d) If a mobile home park owner undertakes a reasonable,
15 good faith inquiry to obtain the information required under
16 subsection (c) and the information in the relocation plan is
17 based on the owner's reasonable, good faith inquiry, the owner
18 shall not incur any liability and may not be estopped from
19 obtaining possession of the premises because of a failure to
20 provide accurate information in the relocation plan.

21 (e) A relocation plan may not require, as a condition of
22 approval by the authority having jurisdiction of the plan or
23 the change in land use submitted under subsection (a) of this
24 Section, that:

25 (1) Relocation assistance be paid unless the mobile
26 home park owner sends a notice of park closure to each

1 tenant;

2 (2) The amount of relocation assistance exceeds the
3 amount described in subsection (h) of this Section;

4 (3) Except as provided in subsection (h) of this
5 Section, any amount of relocation assistance be paid to a
6 tenant before possession of the premises is returned to
7 the owner; or

8 (4) The park owner assures the relocation of any
9 tenant.

10 (f) If any park owner rescinds a notice of park closure,
11 the owner is not required to pay relocation assistance after
12 the date the notice of rescission is sent to the tenants.

13 (g) A park owner is not required to pay relocation
14 assistance to any potential tenant who, after receiving
15 written notice of the application for change in land use or
16 written notice of park closure, signs an agreement to rent
17 premises in the park.

18 (h) If a mobile home park with more than 10 sites is
19 closed, the relocation assistance paid to each household shall
20 equal the amount of rent for the premises, excluding taxes and
21 utilities, paid for the 12 months immediately preceding the
22 date the tenant vacates the premises.

23 (h-5) The relocation assistance shall be paid in the
24 following manner:

25 (1) One-half of the relocation assistance shall be
26 paid to a tenant within 30 days after the mobile home park

1 owner receives written notice of:

2 (A) The tenant's intention to vacate the park; and

3 (B) The date on which the tenant will return
4 possession of the premises to the park owner; and

5 (2) One-half of the relocation assistance shall be
6 paid to a tenant within 30 days after the tenant returns
7 possession of the premises to the owner.

8 (i) If a tenant fails to return possession of the premises
9 by removing the mobile home from the premises on or before the
10 date specified in the tenant's notice of intention to vacate,
11 the tenant shall forfeit the balance of any relocation
12 assistance due unless the park owner agrees in writing to a
13 different date.

14 (j) The local governing body of the county or municipal
15 corporation in which a mobile home park is located may provide
16 additional relocation assistance to tenants.

17 (k) A mobile home park owner is not responsible for any
18 payments made under subsection (j).

19 (765 ILCS 745/25.2 new)

20 Sec. 25.2. Applicability; exemptions.

21 (a) The requirements of this Act apply separately to each
22 substantially different offer to sell or to purchase a mobile
23 home park.

24 (b) This Act does not apply to the potential sale of a
25 mobile home park if:

1 (1) A mortgagee, grantee, or other secured party has
2 foreclosed on the mobile home park and the mortgagee,
3 grantee, or secured party is selling the mobile home park:

4 (A) At a foreclosure sale; or

5 (B) After purchasing the mobile home park at a
6 foreclosure sale;

7 (2) The park owner is selling the mobile home park to:

8 (A) A family member of the park owner; or

9 (B) A trust whose beneficiaries are family members of
10 the park owner;

11 (3) The park owner is a partnership, limited liability
12 company, or similar business entity and the sale is to one
13 or more of the partners or members of the business entity;

14 (4) The conveyance of an interest in the mobile home park
15 is incidental to the financing of the mobile home park;

16 (5) The sale of the mobile home park is between joint
17 tenants or tenants in common;

18 (6) The sale of the mobile home park is a result of the
19 exercise of the power of eminent domain;

20 (7) The sale of the mobile home park involves a merger,
21 recapitalization, or similar transaction where:

22 (A) At least one of the park owners before the
23 transaction remains an owner after the transaction;

24 and

25 (B) The park owner files an affidavit, recorded in the
26 land records in the county in which the property is

1 located, affirming that the park owner will allow
2 continued use of the land as a mobile home park for at
3 least 6 months after the date the transaction is
4 finalized; or

5 (8) The sale of the mobile home park involves:

6 (A) A like-kind exchange; or

7 (B) A sale of more than one home in the park to a
8 single purchaser.

9 (765 ILCS 745/25.3 new)

10 Sec. 25.3. Purchase of a mobile home park.

11 (a) If a park owner receives an offer to purchase the park,
12 acceptance of that offer shall be conditioned on the purchaser
13 filing an affidavit, recorded in the land records in the
14 county in which the property is located, affirming that:

15 (1) The purchaser will allow continued use of the land
16 as a mobile home park for 5 years after the date the
17 purchase is finalized; and

18 (2) Rent for a lot on the property will not increase by
19 more than 10% per year for the first 3 years after the date
20 the purchase is finalized.

21 (b) If the purchaser fails to file an affidavit in
22 accordance with subsection (a) of this Section, acceptance by
23 the park owner of the offer to purchase the park shall be
24 conditioned on the park owner:

25 (1) Providing notice of the terms of the offer or the

1 contract that the park owner has conditionally accepted
2 to:

3 (A) Each tenant in the mobile home park;

4 (B) The Illinois Housing Development Authority;

5 and

6 (C) The authority having jurisdiction; and

7 (2) Providing the tenants with the opportunity to
8 purchase the mobile home park in accordance with Section
9 25.4 of this Act.

10 (c) The notice required under subsection (b) of this
11 Section shall:

12 (1) Be posted in a public area of the mobile home park;

13 (2) Be sent by registered or certified mail to the
14 homeowners organization; and

15 (3) Include the following information:

16 (A) The price and material terms and conditions of
17 the offer that the park owner has conditionally
18 accepted for the sale of the mobile home park with
19 copies of any documents evidencing the price and terms
20 and conditions;

21 (B) A statement indicating that the tenants,
22 through a homeowners organization, may purchase the
23 mobile home park by submitting an offer within 60 days
24 of the mailing date of the notice, containing
25 substantially similar material terms to the offer that
26 the park owner has conditionally accepted; and

1 (C) The list of organizations and county housing
2 agencies required under subsection (g) of Section
3 25.4.

4 (4) The price and terms and conditions stated in the
5 notice to the tenants must be universal and applicable to
6 all potential buyers and may not be specific to the
7 tenants or their assignees.

8 (5) Within 10 days after the date on which the park
9 owner provides notice required under this Section, the
10 park owner shall make available to the homeowners
11 organization the same information that the park owner
12 provided or would have provided to other prospective
13 purchasers.

14 (6) The park owner is not liable to any party to a real
15 estate transaction for a violation of this Section.

16 (765 ILCS 745/25.4 new)

17 Sec. 25.4. Allowance for homeowners organization to
18 purchase the park.

19 (a) On notice of the intent to sell a mobile home park in
20 accordance with Section 25.3 of this Act, a homeowners
21 organization may offer to purchase the mobile home park by:

22 (1) Providing documentation to the park owner
23 indicating that at least 75% of the members of the
24 homeowners organization who reside in the mobile home
25 park, with one vote per home, have voted to purchase the

1 mobile home park;

2 (2) Notifying the park owner of the intent to purchase
3 the mobile home park; and

4 (3) Submitting to the park owner a proposed agreement
5 to purchase the mobile home park that includes terms
6 substantially similar to the terms included in the sales
7 notice provided under Section 25.3 of this Act.

8 (b) The homeowners organization shall send the notice of
9 intent to purchase the mobile home park and the proposed
10 agreement required under subsection (a) of this Section to the
11 park owner by registered or certified mail.

12 (c) If the homeowner organization submits a proposed
13 agreement to purchase the mobile home park in accordance
14 within the 60-day period identified in this Section, the park
15 owner shall consider the offer in good faith, which shall
16 include a duty not to act to scuttle the proposed agreement,
17 not to arbitrarily or capriciously refuse to proceed with
18 negotiations, and not to engage in misconduct or dishonesty in
19 the negotiations.

20 (c-5) After the expiration of the 60 days identified in
21 this Section, a park owner may not be required to consider
22 additional offers from the homeowners organization.

23 (d) If the mobile home park owner and the homeowners
24 organization enter into an agreement for the sale of the
25 mobile home park, unless the parties agree to an alternative
26 period of time, the homeowners organization shall have not

1 more than 105 days after the date of the agreement to obtain
2 financing and close on the purchase.

3 (e) If the homeowners organization does not obtain
4 financing for the purchase or the parties fail to close on the
5 purchase within the time period prescribed in subsection (d)
6 of this Section, the park owner has complied with the owner's
7 obligations under this Section.

8 (f) A homeowners organization may assign its rights under
9 this Act to a local government, housing authority, nonprofit
10 with expertise relating to housing, or the State or an agency
11 of the State, for the purpose of continuing the use of the
12 property as a mobile home park that will provide affordable
13 housing.

14 (g) The Illinois Housing Development Authority shall
15 maintain on its website a list of organizations and county
16 housing agencies available to assist tenants with financing
17 for the purchase of a mobile home park.

18 (765 ILCS 745/25.5 new)

19 Sec. 25.5. Notice of affidavit. A park owner who files an
20 affidavit under Section 25.2 of this Act or a purchaser who
21 files an affidavit as required under Section 25.3 of this Act
22 shall, not more than 30 days after the date of the sale:

23 (1) Provide notice of the affidavit to each tenant in
24 the mobile home park by first-class mail; and

25 (2) Post a copy of the affidavit in a public area of

1 the mobile home park.

2 (765 ILCS 745/25.6 new)

3 Sec. 25.6. Penalties.

4 (a) If a park owner willfully fails to comply with the
5 requirements of Sections 25.1 and 25.5 of this Act, the park
6 owner shall be liable to the homeowners organization in the
7 amount of \$10,000.

8 (b) A purchaser who files an affidavit as required under
9 Section 25.3 of this Act is liable to the homeowners
10 organization in the amount of \$10,000 if the purchaser:

11 (1) Closes the mobile home park within 5 years after
12 the date the purchase is finalized; or

13 (2) Increases the rent for a lot on the property by
14 more than 10% per year in the first 3 years after the date
15 the purchase is finalized.