



Sen. Iris Y. Martinez

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09400HB4342sam003

LRB094 12779 RLC 58105 a

1 AMENDMENT TO HOUSE BILL 4342

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4342, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Mobile Home Park Act is amended by adding  
6 Section 9.15 and changing Section 21 as follows:

7 (210 ILCS 115/9.15 new)

8 Sec. 9.15. Fire safety. All private water supply systems  
9 and hydrants for fire safety purposes in existence on the  
10 effective date of this amendatory Act of the 94th General  
11 Assembly shall be maintained in operable condition and good  
12 repair as defined by the State Fire Marshal or mobile home park  
13 licensing agency. A mobile home park that does not have a  
14 private water supply system and hydrants shall have an  
15 agreement, approved by the State Fire Marshal or licensing  
16 agency in consultation with the municipal fire department or  
17 the local fire protection district, to provide an adequate and  
18 reliable water supply for fire mitigation needs. Nothing in  
19 this Section shall be construed to mandate a mobile home park,  
20 constructed prior to 1998, to install new water supply systems  
21 or hydrants for fire safety purposes.

22 Each mobile home park shall be inspected annually pursuant  
23 to the applicable mobile home park fire protection standards by  
24 the municipal fire department or fire protection district that

1 has jurisdictional responsibility for responding to a fire call  
2 in that park. As used in this Section, "applicable mobile home  
3 park fire protection standards" means (i) in the case of a home  
4 rule unit, the fire protection standards ordinance of the  
5 municipality or fire protection district that has  
6 jurisdictional responsibility for responding to a fire call in  
7 that park or (ii) if there is no ordinance or in the case of a  
8 non-home rule unit, the rules adopted by the Office of the  
9 State Fire Marshal for fire safety in mobile home parks. If,  
10 upon inspection, the municipal fire department or fire  
11 protection district finds that a park does not meet the  
12 applicable fire protection standards, the municipal fire  
13 department or fire protection district shall give within 5  
14 working days of the inspection a written notice of violation to  
15 the licensee and to the Department of Public Health of any  
16 violation or required modification or repair. The licensee has  
17 30 days after receipt of the written notice to correct the  
18 violation or make the required modification or repair. Not less  
19 than 30 days after the licensee's receipt of the notice, the  
20 municipal fire department or fire protection district shall  
21 reinspect the park and issue a written reinspection report to  
22 the licensee and to the Department of Public Health concerning  
23 the status of the licensee's compliance with the notice and  
24 whether any violation still exists. If the municipal fire  
25 department or fire protection district determines on  
26 reinspection that a licensee has made a good faith and  
27 substantial effort to comply with the notice but that  
28 compliance is not complete, the municipal fire department or  
29 fire protection district may grant the licensee an extension of  
30 time for compliance, as they deem fit, by a written notice of  
31 extension of time for compliance issued within 5 working days  
32 after the reinspection that identifies what remains to be  
33 corrected, modified, or repaired and a date by which compliance  
34 must be achieved. If an extension is granted, the municipal

1 fire department or fire protection district shall make another  
2 inspection within 10 days after the date set for compliance and  
3 issue a final written report to the licensee and the Department  
4 of Public Health concerning the status of the licensee's  
5 compliance with the notice, written report, and written notice  
6 of extension of time for compliance and whether a violation  
7 still exists. If a licensee fails to cure the violation or  
8 comply with the requirements stated in the notice of violation,  
9 or if a written notice of extension of time for compliance is  
10 issued and the final written report states that a violation  
11 still exists, the municipal fire department or fire protection  
12 district shall notify the Department of Public Health of the  
13 licensee's failure to comply with the notice of violation and  
14 the written report and shall deliver to the Department for  
15 purposes of enforcement under this Section copies of all  
16 written notices and reports concerning the violation.

17 Upon receipt of the written reports concerning the  
18 violation, the Department shall issue to the licensee a notice  
19 of intent to assess civil penalties in the amount of \$500 per  
20 day, per violation for non-compliance with the written notice  
21 of violation issued by the municipal fire department or fire  
22 protection district and provide the licensee with the  
23 opportunity for an administrative hearing pursuant to the  
24 provisions of Section 22 of this Act.

25 Notwithstanding the foregoing provisions of this Section,  
26 the enforcement of home rule ordinances and regulations shall  
27 be by the appropriate local authorities, including local public  
28 health departments, municipal attorneys, and State's  
29 Attorneys.

30 A home rule unit may not regulate the legal rights,  
31 remedies, and obligations of a licensee under this Section in a  
32 manner less restrictive than the regulation by the State of  
33 fire safety in a mobile home park under this Section. This  
34 Section is a limitation under subsection (i) of Section 6 of

1 Article VII of the Illinois Constitution on the concurrent  
2 exercise by home rule units of powers and function exercised by  
3 the State.

4 (210 ILCS 115/21) (from Ch. 111 1/2, par. 731)

5 Sec. 21. The Department shall enforce the provisions of  
6 this Act and the rules and regulations adopted pursuant thereto  
7 affecting health, sanitation, water supply, sewage, garbage,  
8 fire safety, and waste disposal, and the Department shall  
9 inspect, at least once each year, each mobile home park and all  
10 the accommodations and facilities therewith. Such officials or  
11 officers are hereby granted the power and authority to enter  
12 upon the premises of such parks at any time for the purposes  
13 herein set forth.

14 The Department may issue rules and regulations to carry out  
15 the provisions of this Act. Such rules may contain provisions  
16 for the Department to grant a waiver to a mobile home park, if  
17 the intent and purpose of the Act are met.

18 The Department is empowered to assess civil penalties for  
19 violations of Section 9.15 of this Act. Civil penalties in the  
20 amount of \$500 per day, per violation shall be assessed for  
21 non-compliance with the written notice of violation issued by a  
22 municipal fire department or fire protection district. An  
23 additional civil penalty of \$500 per day of violation shall be  
24 assessed against a licensee who knowingly rents or offers for  
25 rent a mobile home or mobile home site without taking  
26 appropriate corrective action to remedy a notice of violation  
27 issued by a municipal fire department or fire protection  
28 district. The first day of violation for purposes of assessing  
29 a fine shall be the date of the licensee's receipt of the  
30 written report following the reinspection, if the written  
31 report states that a violation still exists. If a written  
32 notice of extension of time for compliance is issued and the  
33 final written report states that a violation still exists, the

1 first day of violation for purposes of assessing a fine shall  
2 be the date of the licensee's receipt of the final written  
3 report. The Department shall deposit all fees and fines  
4 collected under this Act into the Facility Licensing Fund.  
5 Moneys in the Fund, subject to appropriation, shall be used for  
6 the enforcement of this Act.

7 In the administration and enforcement of this Act, the  
8 Department may designate and use full-time city or county  
9 health departments as its agents in making inspections and  
10 investigations.

11 (Source: P.A. 85-565.)".