



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2160

Introduced 11/3/2005, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

765 ILCS 745/8
765 ILCS 745/22

from Ch. 80, par. 208
from Ch. 80, par. 222

Amends the Mobile Home Park Act. Provides procedures for accelerated closure of a mobile home park in the event that the park owner has provided notice of his or her election to cease operations and 90% or more of tenants occupying the park on the effective date of the notice have vacated or abandoned the mobile home park. Provides that, if a tenant fails to remove or cause the removal or relocation of his or her mobile home and personal property located at the mobile home park within 30 days of the termination of his or her lease by its terms, the park owner shall be entitled to remove and dispose of such mobile home and personal property without liability to any party for damages caused by the removal, sale, or disposal. Provides that transportation of the mobile home over the public streets and highways of this State under the listed Section shall not require registration plates issued under the Illinois Vehicle Code or a permit certifying payment of the mobile home tax under the Mobile Home Local Services Tax Act for the current year. Effective immediately.

LRB094 15137 LCT 50312 b

1 AN ACT concerning property.

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 Sections 8 and 22 as follows:

6 (765 ILCS 745/8) (from Ch. 80, par. 208)

7 Sec. 8. Renewal of Lease; closure of park.

8 (a) Every lease of a mobile home or lot in a mobile home
9 park shall contain an option which automatically renews the
10 lease; unless: (1) ~~(a)~~ the tenant shall notify the owners 30
11 days prior to the expiration of the lease that he does not
12 intend to renew the lease; or (2) ~~(b)~~ the park owner shall
13 notify the tenant 30 days prior to the expiration of the lease
14 that the lease will not be renewed and specify in writing the
15 reasons, such as violations of park rules, health and safety
16 codes or irregular or non-payment of rent; or (3) ~~(c)~~ the park
17 owner elects to cease the operation of either all or a portion
18 of the mobile home park.

19 (b) Tenants ~~The tenants~~ shall be entitled to at least 12
20 months notice of such ceasing of operations. If 12 months or
21 more remain on the existing lease at the time of notice, the
22 tenant is entitled to the balance of the term of his lease. If
23 there is less than 12 months remaining in the term of his
24 lease, the tenant is entitled to the balance of his lease plus
25 a written month to month tenancy, at the expiring lease rate to
26 provide him with a full 12 months notice. Notwithstanding the
27 other provisions of this subsection (b), in the event the park
28 owner has provided notice of his or her election to cease
29 operations and 90% or more of the tenants occupying the mobile
30 home park on the effective date of the notice have vacated or
31 abandoned the mobile home park, the park owner may elect to
32 terminate all remaining leases. The lease shall terminate 30

1 days after the park owner delivers notice to the remaining
2 tenants of his or her election to terminate regardless of the
3 remaining term on the existing lease. A tenant shall be deemed
4 to have abandoned or vacated the mobile home park if the tenant
5 has not physically occupied his or her mobile home in the
6 mobile home park for a period of 30 consecutive days or more.

7 All notices required under this Section shall be by
8 certified mail or personal service. Certified mail shall be
9 deemed to be effective upon the date of mailing.

10 (c) The procedures for accelerated closure set forth in
11 subsection (b) above shall apply to the closure of all mobile
12 home parks, including, without limitation, any mobile home park
13 where the park owner has previously provided an initial notice
14 of closure prior to this amendatory Act of the 94th General
15 Assembly.

16 (Source: P.A. 87-1078.)

17 (765 ILCS 745/22) (from Ch. 80, par. 222)

18 Sec. 22. Remedies, Park Owner.

19 (a) A park owner may, any time rent is overdue, notify the
20 tenant in writing that unless payment is made within the time
21 specified in the notice, not less than 5 days after receipt
22 thereof, the lease will be terminated. If the tenant remains in
23 default, the park owner may institute legal action for recovery
24 of possession, rent due and any damages.

25 If the tenant breaches any provision of the lease or rules
26 and regulations of the mobile home park, the park owner shall
27 notify the tenant in writing of his breach. Such notice shall
28 specify the violation and advise the tenant that if the
29 violation shall continue for more than 24 hours after receipt
30 of such notice the park owner may terminate the lease.

31 (b) If a tenant fails to remove or cause the removal or
32 relocation of his or her mobile home and personal property
33 located at the mobile home park within 30 days of the
34 termination of his or her lease by its terms, pursuant to
35 subsection (a) of this Section or pursuant to Section 8 of this

1 Act, the park owner shall be entitled to remove and dispose of
2 the mobile home and personal property without liability to any
3 party for damages caused by the removal, sale, or disposal.
4 Transportation of the mobile home over the public streets and
5 highways of this State under this Section shall not require
6 registration plates issued under the Illinois Vehicle Code or a
7 permit certifying payment of the mobile home tax under the
8 Mobile Home Local Services Tax Act for the current year.

9 (Source: P.A. 81-637.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.