

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 Park Act is amended by changing  
5 Sections 6 and 19 as follows:

6 (210 ILCS 115/6) (from Ch. 111 1/2, par. 716)

7 Sec. 6. In addition to the application fees provided for  
8 herein, the licensee shall pay to the Department on or before  
9 March 31 of each year, an annual license fee which shall be  
10 \$100 plus \$4 ~~\$3~~ for each mobile home space in the park. Annual  
11 license fees submitted after April 30 shall be subject to a \$50  
12 late fee. The licensee shall also complete and return a license  
13 renewal application by March 31 of each year.

14 The licensee shall pay to the Department within 30 days of  
15 receipt of notification from the Department \$6 for each  
16 additional mobile home site added to his park under authority  
17 of a written permit to alter the park as provided in Section  
18 4.2 of this Act, payment for the additional mobile home sites  
19 to be made and an amended license therefor obtained before any  
20 mobile homes are accommodated on the additional mobile home  
21 spaces. The Department shall issue an amended license to cover  
22 such additional mobile home sites, when they are to be occupied  
23 before the end of the license year, for which an annual license

1 has been previously issued.

2 Subsequent to the effective date of this Act, an applicant  
3 for an original license to operate a new park constructed under  
4 a permit issued by the Department shall only be required to pay  
5 1/4 of the annual fee if such park begins operation after the  
6 31st day of January and before the 1st day of May of such  
7 licensing year; or 1/2 of the annual fee if such park begins  
8 operation after the 31st day of October and before the 1st day  
9 of February of such licensing year or 3/4 of the annual fee if  
10 such park begins operation after the 31st day of July and  
11 before the 1st day of November of such licensing year; but  
12 shall be required to pay the entire annual fee if such park  
13 begins operation after the 30th day of April and before the 1st  
14 day of August of such licensing year.

15 Each license fee shall be paid to the Department and any  
16 license fee or any part thereof, once paid to and accepted by  
17 the Department shall not be refunded.

18 The Department shall deposit all funds received under this  
19 Act into the Facility Licensing Fund. Subject to appropriation,  
20 moneys in the Fund shall be used for the enforcement of this  
21 Act in the State Treasury.

22 (Source: P.A. 85-565.)

23 (210 ILCS 115/19) (from Ch. 111 1/2, par. 729)

24 Sec. 19. Violations; penalties.

25 (a) Whoever violates any provision of this Act, shall,

1 except as otherwise provided, be guilty of a Class B  
2 misdemeanor. Each day's violation shall constitute a separate  
3 offense. The State's Attorney of the county in which the  
4 violation occurred, or the Attorney General shall bring such  
5 actions in the name of the people of the State of Illinois, or  
6 may, in addition to other remedies provided in this Act, bring  
7 action for an injunction to restrain such violation, or to  
8 enjoin the operation of any such mobile home park.

9 (b) The Department may also impose an administrative  
10 monetary penalty against a person who operates a mobile home  
11 park in violation of this Act or the rules adopted under the  
12 authority of this Act. The Department shall establish the  
13 amount of the penalties by rule. The Department must provide  
14 the person with written notification of the alleged violation  
15 and allow a minimum of 30 days for correction of the alleged  
16 violation before imposing an administrative monetary penalty,  
17 unless the alleged violation involves life safety in which case  
18 the Department shall allow a minimum of 10 days for correction  
19 of the alleged life safety violation before imposing an  
20 administrative monetary penalty. The Department shall adopt  
21 rules defining violations that involve life safety.

22 In addition, before imposing an administrative monetary  
23 penalty under this subsection, the Department must provide the  
24 following to the person operating the mobile home park:

25 (1) Written notice of the person's right to request an  
26 administrative hearing on the question of the alleged

1 violation.

2 (2) An opportunity to present evidence, orally or in  
3 writing or both, on the question of the alleged violation  
4 before an impartial hearing examiner appointed by the  
5 Director of Public Health.

6 (3) A written decision from the Director of Public  
7 Health, based on the evidence introduced at the hearing and  
8 the hearing examiner's recommendations, finding that the  
9 person violated this Act.

10 The Attorney General may bring an action in the circuit  
11 court to enforce the collection of an administrative monetary  
12 penalty imposed under this subsection.

13 The Department shall deposit all administrative monetary  
14 penalties collected under this subsection into the Facility  
15 Licensing Fund. Subject to appropriation, moneys in the Fund  
16 shall be used for the enforcement of this Act.

17 (Source: P.A. 78-255.)

18 Section 10. The Mobile Home Landlord and Tenant Rights Act  
19 is amended by changing Sections 6, 6.5, 8, and 9 and by adding  
20 Sections 6.3, 6.4, 8.5, and 9.5 as follows:

21 (765 ILCS 745/6) (from Ch. 80, par. 206)

22 Sec. 6. Obligation of Park Owner to Offer Written Lease.  
23 Except as provided in this Act, no ~~no~~ person shall offer a  
24 mobile home or lot for rent or sale in a mobile home park

1 without having first exhibited to the prospective tenant or  
2 purchaser a copy of the lease applicable to the respective  
3 mobile home park, unless the prospective tenant waives this  
4 right in writing.

5 (a) The park owner shall be required, on a date before the  
6 date on which the lease is signed, to offer to each present and  
7 future tenant a written lease for a term of not less than 24 ~~12~~  
8 months, unless the prospective tenant waives that right and the  
9 parties agree to a different term subject to existing leases  
10 which shall be continued pursuant to their terms.

11 (b) Tenants in possession on the effective date of this Act  
12 shall have 30 days after receipt of the offer for a written  
13 lease within which to accept or reject such offer; during which  
14 period, the rent may not be increased or any other terms and  
15 conditions changed, except as permitted under this Act;  
16 providing that if the tenant has not so elected he shall vacate  
17 within the 30 day period.

18 (c) The park owner shall notify his tenants in writing not  
19 later than 30 days after the effective date of this Act, that a  
20 written lease shall be available to the tenant and that such  
21 lease is being offered in compliance with and will conform to  
22 the requirements of this Act.

23 (d) The park owner shall give 90 days' notice of any rent  
24 increase and no rent increase shall go into effect until 90  
25 days after the notice. Upon receipt of the notice of the rent  
26 increase, a tenant shall have 30 days in which to accept or

1 reject the rent increase. If the tenant rejects the rent  
2 increase, the tenant must notify the park owner of the date on  
3 which the tenant will vacate the premises, which shall be a  
4 date before the effective date of the rent increase.

5 (e) The park owner may provide for a specified rent  
6 increase between the first and second years of the lease.

7 (f) The park owner may offer a month-to-month tenancy  
8 agreement option to a tenant not wishing to make a long-term  
9 commitment if the tenant signs a written statement  
10 acknowledging that the park owner offered the tenant a longer  
11 term lease but the tenant chose instead to agree to only a  
12 month-to-month tenancy agreement. If the tenant declines to  
13 sign either a lease or a statement acknowledging that a lease  
14 was offered, the park owner shall sign and deliver to the  
15 tenant a statement to that effect. Any month-to-month tenancy  
16 agreement must provide a minimum of 90 days' notice to the  
17 tenant before any rent increase is effective.

18 (g) A prospective tenant who executes a lease pursuant to  
19 this Section may cancel the lease by notifying the park owner  
20 in writing within 3 business days after the prospective  
21 tenant's execution of the lease, unless the prospective tenant  
22 waives in writing this right to cancel the lease or waives this  
23 right by taking possession of the mobile home or the lot. The  
24 park owner shall return any security deposit or rent paid by  
25 the prospective tenant within 10 days after receiving the  
26 written cancellation.

1       (h) The maximum amount that a park owner may recover as  
2 damages for a tenant's early termination of a lease is the  
3 amount due under the lease, less any offset or mitigation  
4 through a re-lease.

5       (i) A tenant in possession of a mobile home or lot who is  
6 not subject to a current lease on the effective date of this  
7 amendatory Act of the 95th General Assembly shall be offered a  
8 lease by the park owner within 90 days after the effective date  
9 of this amendatory Act of the 95th General Assembly. Tenants in  
10 possession on the effective date of this amendatory Act of the  
11 95th General Assembly shall have 30 days after receipt of the  
12 offer for a written lease within which to accept or reject the  
13 offer, during which period the rent may not be increased or any  
14 other terms and conditions changed, except as permitted under  
15 this Act; provided that if the tenant has not so elected he or  
16 she shall vacate within the 30-day period.

17       (Source: P.A. 81-1509.)

18       (765 ILCS 745/6.3 new)

19       Sec. 6.3. Temporary Tenant. If a tenant suffers from an  
20 illness or disability that requires the tenant to temporarily  
21 leave the mobile home park, the park owner shall allow a  
22 relative or relatives, designated by the tenant or the tenant's  
23 legal guardian or representative, to live in the home for a  
24 period of up to 90 days as temporary occupants if the following  
25 conditions are met:

1           (1) The tenant must provide documentation of the  
2           disability or illness by a licensed physician dated within  
3           the past 60 days;

4           (2) The temporary occupant must meet all  
5           qualifications other than financial, including age in a  
6           community that provides housing for older persons, and the  
7           terms of the lease and park rules must continue to be met;  
8           as used in this item (2), "housing for older persons" has  
9           the meaning ascribed to that term in Section 3-106 of the  
10           Illinois Human Rights Act; and

11           (3) At least 5 days before occupancy, the temporary  
12           occupant must submit an application for residency to the  
13           park owner by which the temporary occupant provides all  
14           information required to confirm that the temporary  
15           occupant meets community requirements.

16           After the 90-day temporary occupancy period, the temporary  
17           occupant shall be required to provide documentation of ongoing  
18           financial ability to pay the costs relative to occupancy.

19           (765 ILCS 745/6.4 new)

20           Sec. 6.4. Rent Deferral Program. A tenant or co-tenants may  
21           defer, for up to one year, payment of the amount by which the  
22           rent has most recently been increased if the tenant or  
23           co-tenants provide proof of inability to pay the increased rent  
24           amount by meeting the following requirements within 30 days of  
25           the date on which the tenant or co-tenants receive either a new



1 lease or a notice of rent increase:

2 (1) The tenant or co-tenants attest, by sworn  
3 affidavit, that they shall diligently proceed to list their  
4 mobile home with a licensed sales entity and market it for  
5 sale;

6 (2) The tenant or co-tenants attest, by sworn  
7 affidavit, that the proposed new lease amount will exceed  
8 45% of the tenant's or co-tenants' current taxable and  
9 non-taxable income, from whatever source derived; and

10 (3) The tenant or co-tenants provide verification in  
11 the form of a tax return and other such documents as may be  
12 required to independently verify the annual income and  
13 assets of the tenant or co-tenants.

14 If the tenant or co-tenants meet the above requirements,  
15 the tenant or co-tenants may continue to reside in the mobile  
16 home for a period of up to 12 months or the date on which the  
17 tenant or co-tenants sell the mobile home to a new tenant  
18 approved by the park owner, whichever date is earlier. The  
19 tenant or co-tenants must remain current on all rent payments  
20 at the rental amount due before the notice of the rent  
21 increase. The tenant or co-tenants shall be required to pay,  
22 upon sale of the home, the deferred rent portion which  
23 represents the difference between the actual monthly rental  
24 amount paid starting from the effective date of the rent  
25 increase and the monthly amount due per the rent increase  
26 notice without any additional interest or penalty charges.

1 (765 ILCS 745/6.5)

2 Sec. 6.5. Disclosure. A park owner must disclose in writing  
3 the following with every lease or sale and upon renewal of a  
4 lease of a mobile home or lot in a mobile home park:

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

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

9 (3) information regarding any fees imposed in addition  
10 to the base rent;

11 (4) information regarding late payments;

12 (5) information regarding any privilege tax that is  
13 applicable; ~~and~~

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

17 (7) information on a 3-year rent increase projection  
18 which includes the 2 years of the lease and the year  
19 immediately following. The basis for such rent increases  
20 may be a fixed amount, a "not to exceed" amount, a formula,  
21 an applicable index, or a combination of these  
22 methodologies as elected by the park owner. These increases  
23 may be in addition to all the non-controllable expenses  
24 including, but not limited to, property taxes, government  
25 assessments, utilities, and insurance.

1           The park owner must update the written disclosure at least  
2 once per year. The park owner must advise tenants who are  
3 renewing a lease of any changes in the disclosure from any  
4 prior disclosure.

5           (Source: P.A. 93-1043, eff. 6-1-05.)

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

7           Sec. 8. Renewal of Lease.

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:

11           (1) ~~(a)~~ the tenant shall notify the owners 30 days  
12 prior to the expiration of the lease that he does not  
13 intend to renew the lease;

14           (2) ~~or (b)~~ the park owner shall notify the tenant 30  
15 days prior to the expiration of the lease that the lease  
16 will not be renewed and specify in writing the reasons,  
17 such as violations of park rules, health and safety codes  
18 or irregular or non-payment of rent;

19           (3) ~~or (c)~~ the park owner elects to cease the operation  
20 of either all or a portion of the mobile home park; or

21           (4) the park owner seeks to change the terms of the  
22 agreement pursuant to subsection (b) in which case the  
23 procedures set forth in subsection (b) shall apply, unless  
24 the only change is in the amount of rent, in which case it  
25 is sufficient if the park owner provides a letter notice to

1       the tenant stating the changed rent amount; any notice of a  
2       change in the amount of rent shall advise the tenant that  
3       the tenant will be given a copy of the lease, upon request,  
4       at no charge and that no other changes in the lease are  
5       allowed.

6       (b) If there is no change in the lease, the park owner must  
7       provide the tenant with a letter notice stating there will be  
8       no change in the lease terms unless a new lease is signed. If  
9       there is a change in the rent, the park owner must offer to  
10       provide the tenant a copy of the lease without charge upon  
11       request. ~~The tenants shall be entitled to at least 12 months~~  
12       ~~notice of such ceasing of operations. If 12 months or more~~  
13       ~~remain on the existing lease at the time of notice, the tenant~~  
14       ~~is entitled to the balance of the term of his lease. If there~~  
15       ~~is less than 12 months remaining in the term of his lease, the~~  
16       ~~tenant is entitled to the balance of his lease plus a written~~  
17       ~~month to month tenancy, at the expiring lease rate to provide~~  
18       ~~him with a full 12 months notice.~~

19       (c) All notices required under this Section shall be by  
20       first class ~~certified~~ mail or personal service. ~~Certified mail~~  
21       ~~shall be deemed to be effective upon the date of mailing.~~

22       (Source: P.A. 87-1078.)

23       (765 ILCS 745/8.5 new)

24       Sec. 8.5. Park Closure. If a park owner elects to cease the  
25       operation of either all or a portion of the mobile home park,

1 the tenants shall be entitled to at least 12 months' notice of  
2 such ceasing of operations. If 12 months or more remain on the  
3 existing lease at the time of notice, the tenant is entitled to  
4 the balance of the term of his or her lease up to the date of  
5 the closing. If less than 12 months remain in the term of his  
6 or her lease, the tenant is entitled to the balance of his or  
7 her lease plus a written month-to-month tenancy and rent must  
8 remain at the expiring lease rate to provide him or her with a  
9 full 12 months' notice.

10 (765 ILCS 745/9) (from Ch. 80, par. 209)

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

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

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

21 Rents charged to a tenant by a park owner may be increased  
22 upon the renewal of a lease. Notification of an increase shall  
23 be delivered 90 ~~60~~ days prior to expiration of the lease.

24 The park owner shall not charge or impose upon a tenant any  
25 fee or increase in rent which reflects the cost to the park

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

7 (Source: P.A. 86-851.)

8 (765 ILCS 745/9.5 new)

9 Sec. 9.5. Abandoned or Repossessed Properties. In the event  
10 of the sale of abandoned or repossessed property, the park  
11 owner shall, after payment of all outstanding rent, fees,  
12 costs, and expenses to the community, pay any remaining balance  
13 to the title holder of the abandoned or repossessed property.  
14 If the tenant cannot be found through a diligent inquiry after  
15 90 days, then the funds shall be forfeited. As used in this  
16 Section, "diligent inquiry" means sending a notice by certified  
17 mail to the last known address.

18 Section 97. Severability. The provisions of this Act are  
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect January  
21 1, 2008.