



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 1920

2 AMENDMENT NO. _____. Amend Senate Bill 1920 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mobile Home Landlord and Tenant Rights Act
5 is amended by changing Sections 3 and 11 and by adding Sections
6 8.6, 10.5, 10.6, and 10.7 as follows:

7 (765 ILCS 745/3) (from Ch. 80, par. 203)

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

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

16 (b) "Mobile Home" means a structure designed for permanent

1 habitation and so constructed as to permit its transport on
2 wheels, temporarily or permanently attached to its frame, from
3 the place of its construction to the location or subsequent
4 locations at which it is intended to be a permanent habitation
5 and designed to permit the occupancy thereof as a dwelling
6 place of one or more persons, provided that any such structure
7 served by individual utilities and resting on a permanent
8 foundation, with wheels, tongue and hitch permanently removed,
9 shall not be construed as a "mobile home".

10 (c) "Mobile Home Park" or "Park" means an area of land or
11 lands upon which five or more independent mobile homes are
12 harbored for rent.

13 (d) "Park Owner" means the owner of a mobile home park and
14 any person authorized to exercise any aspect of the management
15 of the premises, including any person who directly or
16 indirectly receives rents and has no obligation to deliver the
17 whole of such receipts to another person.

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

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

24 (g) "Master antenna television service" means any and all
25 services provided by or through the facilities of any closed
26 circuit coaxial cable communication system, or any microwave or

1 similar transmission services other than a community antenna
2 television system as defined in Section 11-42-11 of the
3 Illinois Municipal Code.

4 (h) "Mobile home owner" means the owner of a mobile home.

5 (Source: P.A. 85-990.)

6 (765 ILCS 745/8.6 new)

7 Sec. 8.6. Cessation of park operation.

8 (a) A park owner who elects to cease the operation of
9 either all or a portion of the mobile home park shall pay to
10 the owner of each mobile home, or to the owner of each mobile
11 home located in the portion of the park that will cease
12 operation, that is occupied by the owner or by a family member
13 of the owner, at the mobile home owner's election, either: (1)
14 the mobile home owner's actual relocation costs or (2) the
15 appraised value of the mobile home.

16 (b) Relocation costs shall include the costs of
17 disconnecting and moving the home to a different park or other
18 location selected by the mobile home owner within a 100 mile
19 radius of the park, reconnecting the home with all hook-ups so
20 that it is substantially in the same condition as before the
21 move, with any required and comparable appurtenances, and the
22 reasonable costs of suitable lodging until the move and
23 installation are completed.

24 (c) The appraised value of the mobile home shall be the
25 fair market value of the home and any existing appurtenances

1 but excluding the value of the underlying land, determined by
2 an independent appraiser agreed to by the park owner and the
3 mobile home owner. In making the determination, the appraiser
4 shall assess fair market value based on the price that a
5 willing and able buyer intending to reside in the home would
6 pay for the home and any existing appurtenances, but excluding
7 the value of the underlying land, and shall assume that the
8 home is and will continue to be located on a lot which is
9 leased in a duly licensed mobile home park, with all hook-ups
10 and existing appurtenances in place for use and occupancy by
11 the resident.

12 (d) Notwithstanding subsections (a) and (c), the amount
13 paid to the owner of a mobile home for the appraised value of
14 the mobile home shall not be less than \$9,000. The \$9,000
15 figure shall be adjusted every 3 years, beginning on January 1,
16 2013, by the percentage change since the figure was last set or
17 adjusted in the Consumer Price Index for All Urban Consumers
18 for all items published by the United States Department of
19 Labor.

20 (e) A mobile home owner shall not be entitled to
21 compensation under item (1) of subsection (a) when:

22 (1) the park owner moves the mobile home to another
23 space in the mobile home park or to another mobile home
24 park at the park owner's expense;

25 (2) the mobile home owner is vacating the premises and
26 has informed the park owner or manager before notice of the

1 change in use has been given; or

2 (3) the mobile home owner or the person residing in the
3 mobile home has a pending eviction action for nonpayment of
4 lot rent amount pursuant to Section 15, which was filed
5 against him or her prior to the mailing date of the notice
6 of change in use of the mobile home park given pursuant to
7 Section 8.5, provided that, if a judgment for possession of
8 the premises is not entered in favor of the park owner,
9 this exception shall not apply.

10 (f) Payment of the appraised value or of the estimated
11 relocation costs, as the case may be, shall be made to the
12 mobile home owner no later than the departure of the residents
13 of the home from the park, with adjustments made for the total
14 actual relocation costs upon completion of relocation.

15 (g) The total amount paid under this Section by the park
16 owner must not exceed 40 percent of the sale price, or if no
17 sale price is available, the assessed value of the mobile home
18 park. If the amount available for relocation expenses is
19 reduced because of this restriction, the payments to each
20 mobile home owner shall be reduced proportionately.

21 (h) If the planned cessation of the operation of the mobile
22 home park requires a variance or zoning change, the park owner
23 must mail a notice at least 10 days before the hearing to a
24 resident of each mobile home in the mobile home park, stating
25 the time, place, and purpose of the public hearing.

1 (765 ILCS 745/10.5 new)

2 Sec. 10.5. Legislative findings regarding mobile home park
3 closures and tenant ownership of mobile home parks. The General
4 Assembly finds that:

5 (a) Mobile home parks provide a significant source of
6 homeownership opportunities for Illinois residents. However,
7 the increasing closure and conversion of mobile home parks to
8 other uses, combined with increasing mobile home lot rents, low
9 vacancy rates in existing mobile home parks, and the extremely
10 high cost of moving homes when mobile home parks close,
11 increasingly make mobile home park living insecure for mobile
12 home homeowner tenants.

13 (b) Many tenants who reside in mobile home parks are
14 low-income households and seniors and are, therefore, those
15 tenants most in need of reasonable security in the siting of
16 their mobile homes because of the adverse impacts on the
17 health, safety, and welfare of tenants forced to move due to
18 closure, change of use, or discontinuance of mobile home parks.

19 (c) The preservation of mobile home parks:

20 (1) is a more economical alternative than providing new
21 replacement units for homeowner tenants who are displaced
22 from closing mobile home parks;

23 (2) is a strategy by which all local jurisdictions may
24 meet the affordable housing needs of their residents; and

25 (3) should be a goal of all local governments.

26 (d) The loss of mobile home parks should not result in a

1 net loss of affordable housing, thus compromising a local
2 jurisdiction's ability to meet the affordable housing needs of
3 its residents.

4 (e) The closure of mobile home parks has serious
5 environmental, safety, and financial impacts including:

6 (1) mobile homes that cannot be moved to other
7 locations add to Illinois' landfills;

8 (2) homes that are abandoned may attract crime; and

9 (3) vacant homes not to be re-occupied need to be
10 tested for asbestos and lead and these toxic materials need
11 to be removed prior to demolition.

12 (f) Mobile home park residents who own the real estate as
13 well as their homes are able to exercise self-governance and
14 experience fewer societal conflicts, resulting in a lesser
15 usage of police resources.

16 (765 ILCS 745/10.6 new)

17 Sec. 10.6. Notice required before sale.

18 (a) No mobile home park owner shall make a final
19 unconditional acceptance of any offer for the sale, lease, or
20 transfer of a mobile home park, or any portion of a park (other
21 than a lease of a lot to a tenant) without first giving 60
22 days' notice to each tenant and to the Illinois Department of
23 Public Health, containing the following information:

24 (1) that the owner intends to sell, lease, or transfer
25 the mobile home park;

1 (2) the price, terms, and conditions of an acceptable
2 offer the park owner has received to sell the park or the
3 price, terms, and conditions for which the park owner
4 intends to sell the park, and a statement that the park
5 owner will, upon request of a representative of the
6 tenants, provide a copy of the signed written offer the
7 park owner has received; and

8 (3) a statement that the owner will consider an offer
9 received from the tenants or a tenants' association within
10 60 days from the date of the notice, and in such case will
11 negotiate with the tenants in good faith.

12 (b) During the notice period required under subsection (a),
13 the mobile home park owner shall consider any offer received
14 from the tenants or a tenants' association, if any, and the
15 owner shall negotiate in good faith with the tenants concerning
16 a potential purchase or lease. If, during the notice period,
17 the tenants decide to make an offer to purchase or lease the
18 mobile home park, such offer shall be evidenced by a purchase
19 and sale agreement, or a comparable agreement; however, the
20 tenants shall have a reasonable time beyond the 60-day period,
21 if necessary, to obtain financing for the purchase or lease.

22 (c) The notice required by subsection (a) shall be served
23 by certified mail, return receipt requested, to each tenant at
24 such tenant's abode and to the Illinois Department of Public
25 Health at its main office. A receipt from the United States
26 Postal Service that is signed by any adult member of the

1 household to which it was mailed, or a notation on the letter
2 that the letter was refused by any adult member of the tenant
3 household, or that the addressee no longer resides there, or
4 that the letter was returned to the post office unclaimed,
5 shall constitute a conclusive presumption that service was made
6 in any court action in this State. A receipt from the United
7 States Postal Service that is signed by an employee of the
8 Illinois Department of Public Health shall constitute a
9 conclusive presumption that service was made on the authority
10 in any court action in this State.

11 (d) The park owner shall, upon the request of a
12 representative of the tenants, provide a copy of the signed
13 written offer the park owner has received and any other
14 documentation that is customarily provided to potential
15 commercial buyers.

16 (765 ILCS 745/10.7 new)

17 Sec. 10.7. Exceptions. Notwithstanding the provisions of
18 Section 10.6, the owner of a mobile home park shall not be
19 required to give notice to the tenants if:

20 (1) the park is being sold at a foreclosure sale;

21 (2) the sale, lease, or transfer is to a family member
22 of the owner or to a trust, the beneficiaries of which are
23 family members of the owner;

24 (3) the sale, lease, or transfer is by a partnership to
25 one or more of its partners;

1 (4) the conveyance of an interest in the park is
2 incidental to the financing of such park;

3 (5) the sale, lease, or transfer is between joint
4 tenants or tenants in common; or

5 (6) the sale is pursuant to eminent domain.

6 (765 ILCS 745/11) (from Ch. 80, par. 211)

7 Sec. 11. Provisions of mobile home park leases. Any lease
8 hereafter executed or currently existing between an owner and
9 tenant in a mobile home park in this State shall also contain,
10 or shall be made to contain, the following covenants binding
11 the owner at all times during the term of the lease to:

12 (a) identify to each tenant prior to his occupancy the
13 lot area for which he will be responsible;

14 (b) keep all exterior property areas not in the
15 possession of a tenant, but part of the mobile home park
16 property, free from the species of weeds and plant growth
17 which are generally noxious or detrimental to the health of
18 the tenants;

19 (c) maintain all electrical, plumbing, gas or other
20 utilities provided by him in good working condition with
21 the exception of emergencies after which repairs must be
22 completed within a reasonable period of time;

23 (d) maintain all subsurface water and sewage lines and
24 connections in good working order;

25 (e) respect the privacy of the tenants and if only the

1 lot is rented, agree not to enter the mobile home without
2 the permission of the mobile home owner, and if the mobile
3 home is the property of the park owner, to enter only after
4 due notice to the tenant, provided, the park owner or his
5 representative may enter without notice in emergencies;

6 (f) maintain all roads within the mobile home park in
7 good condition;

8 (g) include a statement of all services and facilities
9 which are to be provided by the park owner for the tenant,
10 e.g. lawn maintenance, snow removal, garbage or solid waste
11 disposal, recreation building, community hall, swimming
12 pool, golf course, laundromat, etc.;

13 (h) disclose the full names and addresses of all
14 individuals in whom all or part of the legal or equitable
15 title to the mobile home park is vested, or the name and
16 address of the owners' designated agent;

17 (i) provide a custodian's office and furnish each
18 tenant with the name, address and telephone number of the
19 custodian and designated office; -

20 (j) provide the tenant at least 60 days' notice before
21 making a final unconditional acceptance of any offer for
22 the sale, lease, or transfer of the mobile home park or
23 portion of the park (other than a lease of a lot to a
24 tenant and other than the circumstances described in
25 Section 10.7) which: (i) states that the owner intends to
26 sell, lease, or transfer the mobile home park; (ii) states

1 the price, terms, and conditions of an acceptable offer the
2 park owner has received to sell, lease, or transfer the
3 park or the price, terms, and conditions for which the park
4 owner intends to sell, lease, or transfer the park,
5 including a copy of the signed written offer which sets
6 forth a description of the property to be purchased,
7 leased, or transferred and the price, terms, and conditions
8 of the acceptable offer; and (iii) states that the owner
9 will consider any offer received from the tenants or a
10 tenants' association within 60 days from the date of the
11 notice, and in such case will negotiate with the tenants in
12 good faith;

13 (k) consider any offer to purchase the park received
14 from the tenants or a tenants' association and negotiate in
15 good faith with the tenants concerning a potential
16 purchase.

17 (Source: P.A. 90-655, eff. 7-30-98.)

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