



Sen. Michael Noland

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1 AMENDMENT TO SENATE BILL 1996

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1996 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 6.5 and by adding  
6 Sections 8.6, 8.7, 8.8, and 8.9 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) "Manufactured home" means a factory-assembled,

1 completely integrated structure designed for permanent  
2 habitation, with a permanent chassis, and so constructed as to  
3 permit its transport, on wheels temporarily or permanently  
4 attached to its frame, and is a movable or portable unit that  
5 is (i) 8 body feet or more in width, (ii) 40 body feet or more  
6 in length, and (iii) 320 or more square feet, constructed to be  
7 towed on its own chassis (comprised of frame and wheels) from  
8 the place of its construction to the location, or subsequent  
9 locations, at which it is installed and set up according to the  
10 manufacturer's instructions and connected to utilities for  
11 year-round occupancy for use as a permanent habitation, and  
12 designed and situated so as to permit its occupancy as a  
13 dwelling place for one or more persons. The term shall include  
14 units containing parts that may be folded, collapsed, or  
15 telescoped when being towed and that may be expected to provide  
16 additional cubic capacity, and that are designed to be joined  
17 into one integral unit capable of being separated again into  
18 the components for repeated towing. The term excludes campers  
19 and recreational vehicles.

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

25 (d) "Park Owner" means the owner of a mobile home park and  
26 any person authorized to exercise any aspect of the management

1 of the premises, including any person who directly or  
2 indirectly receives rents and has no obligation to deliver the  
3 whole of such receipts to another person.

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

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

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

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

17 (i) "Displaced mobile home owner" means the owner of a  
18 mobile home which is located on a site in a mobile home park  
19 that is ceasing operation as described in Section 8.6.

20 (Source: P.A. 96-1477, eff. 1-1-11.)

21 (765 ILCS 745/6.5)

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

25 (1) the rent charged for the mobile home or lot in the

1 past 5 years;

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

4 (3) information regarding any fees imposed in addition  
5 to the base rent;

6 (4) information regarding late payments;

7 (5) information regarding any privilege tax that is  
8 applicable;

9 (6) information regarding security deposits, including  
10 the right to the return of security deposits and interest  
11 as provided in Section 18 of this Act; ~~and~~

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

21 (8) information regarding the Mobile Home Owner Trust  
22 Fund.

23 The park owner must update the written disclosure at least  
24 once per year. The park owner must advise tenants who are  
25 renewing a lease of any changes in the disclosure from any  
26 prior disclosure.

1 (Source: P.A. 95-383, eff. 1-1-08.)

2 (765 ILCS 745/8.6 new)

3 Sec. 8.6. Cessation of park operation.

4 (a) The owner of a mobile home park that is ceasing  
5 operation must pay to a displaced mobile home owner the  
6 relocation costs to relocate the mobile home or the appraised  
7 value of the mobile home. Relocation costs shall include the  
8 costs of disconnecting and moving the home to a different park  
9 or other location selected by the displaced mobile home owner  
10 within a 100 mile radius of the park, reconnecting the home  
11 with all hook-ups so that it is substantially in the same  
12 condition as before the move, with any required and comparable  
13 appurtenances, and the reasonable costs of suitable lodging  
14 until the move and installation are completed.

15 (b) The appraised value of the mobile home shall be the  
16 fair market value of the home and any existing appurtenances  
17 but excluding the value of the underlying land, determined by  
18 an independent appraiser agreed to by the park owner and the  
19 displaced mobile home owner. In making the determination, the  
20 appraiser shall assess the fair market value based on the price  
21 that a willing and able buyer intending to reside in the home  
22 would pay for the home and any existing appurtenances, but  
23 excluding the value of the underlying land, and shall assume  
24 that the home is and will continue to be located on a lot which  
25 is leased in a duly licensed mobile home park, with all

1 hook-ups and existing appurtenances in place for use and  
2 occupancy by the resident.

3 (c) A displaced mobile home owner shall not be entitled to  
4 compensation when:

5 (1) the park owner moves the mobile home to another  
6 space in the mobile home park or to another mobile home  
7 park at the park owner's expense;

8 (2) the displaced mobile home owner is vacating the  
9 premises and has informed the park owner or manager before  
10 notice of the change in use has been given; or

11 (3) the displaced mobile home owner or the person  
12 residing in the mobile home has a pending eviction action  
13 for non-payment of lot rent amount against him or her prior  
14 to the mailing date of the notice of an application for a  
15 change in zoning of the mobile home park provided that, if  
16 a judgment for possession of the premises is not entered in  
17 favor of the park owner, this exception shall not apply.

18 (d) Payment of the appraised value or of the estimated  
19 relocation costs, as the case may be, shall be made to the  
20 displaced mobile home owner no later than the departure of the  
21 displaced mobile home owner from the park, with adjustments  
22 made for the total actual relocation costs upon completion of  
23 the relocation.

24 (e) The owner of a mobile home park shall notify in writing  
25 each tenant and, if a home owners association has been  
26 established, the directors of the association, of any

1 application for a change in zoning of the mobile home park  
2 within 5 days after the filing for such a zoning change with  
3 the zoning authority. The tenants are entitled to all rights  
4 under State and local zoning laws and regulations that are  
5 extended to owners of land that abuts the real estate parcel  
6 that makes up the mobile home park.

7 (f) The closure statement in the park closure notice  
8 required by Section 8.5 must include the following language in  
9 a font no smaller than 14, "YOU MAY BE ENTITLED TO COMPENSATION  
10 FROM THE ILLINOIS MOBILE HOME RELOCATION TRUST ADMINISTERED BY  
11 THE DEPARTMENT OF PUBLIC HEALTH."

12 (765 ILCS 745/8.7 new)

13 Sec. 8.7. Illinois Mobile Home Relocation Trust Fund.

14 (a) The Illinois Mobile Home Relocation Trust Fund is  
15 established and the Department of Public Health shall  
16 exclusively use the Fund to provide assistance for the  
17 relocation of displaced mobile home owners. All interest earned  
18 from the investment or deposit of moneys in the Trust Fund must  
19 be deposited into the Trust Fund.

20 (b) Moneys in the Trust Fund may be used only:

- 21 (1) to pay the administrative costs of the Fund; and  
22 (2) to carry out the objectives of assisting displaced  
23 mobile home owners when the park owner intends to change  
24 the use of all or part of the land on which the mobile home  
25 park is located.

1       (c) After notifying the tenants in a park owner's mobile  
2 home park that the park owner intends to change the land use or  
3 to convert the park pursuant to Section 8.5, if the park owner  
4 does not change the land use or convert the park within 3 years  
5 after the date of the notification, or if the Department finds  
6 there is prima facie evidence that the owner did not intend in  
7 good faith to change the land use, the park owner shall within  
8 30 days of the date that the Department provides written notice  
9 to the park owner of the prima facie evidence determination,  
10 reimburse the Mobile Home Relocation Trust Fund for whatever  
11 moneys the Department has expended from the Trust Fund with  
12 respect to that mobile home park, along with an amount that is  
13 equal to two times the amount of the interest allowed on a  
14 judgment that would have been earned on the moneys expended in  
15 the period between the time that the moneys were expended from  
16 the Trust Fund until the amount is reimbursed. The date of the  
17 mailing of the notice of the prima facie evidence determination  
18 by the Department is deemed to be the date that a park owner is  
19 notified about reimbursing the Mobile Home Relocation Trust  
20 Fund. However, if the park owner, with due diligence, has not  
21 been able to complete the change-in-use process within 3 years,  
22 the Department may grant a reasonable extension to the park  
23 owner to complete the process.

24       (d) The cap on the Trust Fund is \$10 million. The cap may  
25 be adjusted, eliminated, or reinstated by the Department.

26       (e) If the Trust Fund ceases to exist, the moneys in the



1 fund held at the time of dissolution must be liquidated by  
2 paying the total amount of the Fund, on a per capita basis, to  
3 the each tenant of a rented lot in a mobile home community in  
4 Illinois who has occupied the lot for at least the 12 months  
5 immediately prior to the time of the dissolution.

6 (f) Monthly fee.

7 (1) The Department shall set a \$1 monthly fee for  
8 deposit in the Trust Fund for each rented lot in a mobile  
9 home park. The Department may adjust, eliminate, or  
10 reinstate the assessment, and shall notify park owners and  
11 tenants of each adjustment, elimination, or reinstatement  
12 pursuant to regulations. If the Department adjusts the  
13 amount of the assessment upward, it may not exceed \$3 per  
14 month.

15 (2) The park owner shall collect the tenant's portion  
16 of the fee on a monthly basis as additional rent. The park  
17 owner shall remit to the Trust Fund the tenant's fee on a  
18 quarterly basis. The park owner is responsible for  
19 safeguarding all assessments it collects. The Department  
20 may place a lien against the property of any park owner who  
21 is required to pay the assessment to the Trust Fund, but  
22 fails to do so. A fee is not due or collectable for a  
23 vacant lot.

24 (3) If a lot is rented for any portion of a month, the  
25 full monthly assessment must be paid to the Trust Fund.

26 (4) If a lease contains a capping provision which

1 limits the amount by which rent may be increased, the Trust  
2 Fund assessment is deemed not to be rent for purposes of  
3 rent increases.

4 (g) The Trust Fund must be audited annually. If the State  
5 Auditor performs the audit, the Trust Fund shall pay to the  
6 State from the Trust Fund the cost of the audit. The completed  
7 audit must be made available to the public by placing it on a  
8 website, by offering it as a hard copy for a fee which reflects  
9 reasonable reproduction cost, or in some other manner  
10 determined by the Department.

11 (h) The Department shall make available to the public, at  
12 least on a quarterly basis, the amount of the payment from the  
13 Trust Fund made to each displaced mobile home owner, along with  
14 a description of the property related to the payment and the  
15 reason for the payment.

16 (765 ILCS 745/8.8 new)

17 Sec. 8.8. Relocation expense payments.

18 (a) In addition to the relocation payment from the park  
19 owner required by Section 8.6, if a park owner elects to cease  
20 the operation of either all or a portion of the mobile home  
21 park, each displaced mobile home owner as defined in Section 3  
22 who is required to relocate and who complies with the  
23 requirements of this Act, is entitled to payment from the Trust  
24 Fund. The park owner, at the displaced mobile home owner's  
25 election, shall pay either one-half of the displaced mobile

1 home owner's actual relocation costs or one-half the appraised  
2 value of the mobile home, as those terms are defined by  
3 subsections (b) and (c) to the Trust Fund.

4 (b) In lieu of collecting payment from the Trust Fund  
5 pursuant to subsection (a), a displaced mobile home owner may  
6 abandon the mobile home in the mobile home park and collect  
7 from the Trust Fund no less than \$3,500 for a single-section  
8 home or \$7,500 for a multi-section home, as long as the  
9 displaced mobile home owner delivers to the Department a  
10 current State of Illinois title to the mobile home duly  
11 endorsed by the owner or owners of record, valid releases of  
12 all liens shown on the title, and a tax release. The park owner  
13 shall pay \$3,500 for a single-section and \$7,500 for a  
14 multi-section to the Trust Fund that is abandoned pursuant to  
15 this subsection.

16 (c) The figures for single-section and multi-section  
17 mobile homes shall be adjusted every 3 years, beginning on  
18 January 1, 2013, by the percentage change since the figure was  
19 last set or adjusted in the Consumer Price Index for All Urban  
20 Consumers for all items published by the United States  
21 Department of Labor.

22 (d) Except as provided for abandonment in subsection (b),  
23 in order to obtain payment from the Trust Fund for the  
24 relocation of a mobile home, a displaced mobile home owner must  
25 submit to the Department, with a copy to the park owner, an  
26 application for payment which includes:

1           (1) a copy of the park closure notice as required by  
2           Section 8.5; and

3           (2) a contract with a licensed moving and installer  
4           contractor for the moving expenses for the mobile home.

5           (e) The Department shall approve or reject payment to a  
6           moving or towing contractor within 30 days after receipt of the  
7           information required by this Section, and forward a copy of the  
8           approval or rejection to the displaced mobile home owner, with  
9           a voucher for payment if payment is approved.

10           (765 ILCS 745/8.9 new)

11           Sec. 8.9. Payment of funds to homeowners.

12           (a) When a payment from the Trust Fund to a displaced  
13           mobile home owner is authorized by the Department, the  
14           Department shall issue a check in a designated amount to the  
15           named displaced mobile home owner.

16           (b) If the Trust Fund does not have sufficient moneys to  
17           make a payment to a displaced mobile home owner pursuant to  
18           this Section, the Department shall issue a written promissory  
19           note to the displaced mobile home owner for funds due and  
20           owing. A promissory note may be redeemed in order of issuance  
21           of the notes as additional moneys come into the Trust Fund.

22           (c) It is a Class A misdemeanor for a displaced mobile home  
23           owner or his or her agent to file any notice, statement, or  
24           other document required under this Act which is false or  
25           contains a material misstatement of fact.

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