

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 Landlord and Tenant Rights Act  
5 is amended by changing Sections 6.5, 12, and 18 and by adding  
6 Sections 6.6 and 6.7 as follows:

7 (765 ILCS 745/6.5)

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

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

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

15 (3) information regarding any fees imposed in addition  
16 to the base rent;

17 (4) information regarding late payments;

18 (5) information regarding any privilege tax that is  
19 applicable;

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

23 (7) information on a 3-year rent increase projection

1 which includes the 2 years of the lease and the year  
2 immediately following. The basis for such rent increases  
3 may be a fixed amount, a "not to exceed" amount, a formula,  
4 an applicable index, or a combination of these  
5 methodologies as elected by the park owner. These increases  
6 may be in addition to all the non-controllable expenses  
7 including, but not limited to, property taxes, government  
8 assessments, utilities, and insurance; and

9 (8) the name of the owner of the manufactured home  
10 community or mobile home park, and either: (a) the name,  
11 address, and telephone number of the property manager or  
12 designated agent for the manufactured home community or  
13 mobile home park; or (b) the address and telephone number  
14 of the owner of the manufactured home community or mobile  
15 home park, if the manufactured home community or mobile  
16 home park does not have a property manager or designated  
17 agent; and

18 (9) information contained in any uncured violation, as  
19 defined in subsection (a) of Section 6.7 of this Act,  
20 existing as of the date the written disclosure under this  
21 Section is provided.

22 The park owner must update the written disclosure at least  
23 once per year. The park owner must advise tenants who are  
24 renewing a lease of any changes in the disclosure from any  
25 prior disclosure. Within 20 days after the closing of a  
26 purchase and sale of a manufactured home community or mobile

1 home park that results in a change in the owner, the purchaser  
2 or the representative of the purchaser must provide written  
3 notice to each homeowner of the new owner and either: (i) the  
4 name, address, and telephone number of the property manager or  
5 designated agent for the manufactured home community or mobile  
6 home park; or (ii) the address and telephone number of the  
7 owner of the manufactured home community or mobile home park if  
8 the manufactured home community or mobile home park does not  
9 have a property manager or designated agent. The written notice  
10 may be provided by hand delivery to the resident's home, by  
11 United States mail or a recognized courier service, by posting  
12 in the office of the custodian of the park or in the clubhouse  
13 or other area of the park where park residents gather, or by  
14 posting on a community bulletin board.

15 The changes to this Section by this amendatory Act of the  
16 98th General Assembly apply to disclosures made on or after  
17 January 1, 2015.

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

19 (765 ILCS 745/6.6 new)

20 Sec. 6.6. Notice of bankruptcy or foreclosure proceedings.  
21 If a bankruptcy case is commenced by or against a park owner by  
22 the filing of a voluntary or involuntary petition under Title  
23 11 of the United States Code, if a receiver is appointed by a  
24 court of competent jurisdiction in a case filed by or against a  
25 park owner, or if a foreclosure proceeding is initiated against

1 the park property by a creditor of the park owner, the park  
2 owner shall provide written notice of the commencement of the  
3 bankruptcy, receivership, or foreclosure to the tenant within  
4 30 days of the commencement of the case or proceeding.

5 (765 ILCS 745/6.7 new)

6 Sec. 6.7. Department of Public Health violations.

7 (a) As used in this Section:

8 (1) "Department" means the Illinois Department of  
9 Public Health or a local department of public health; and

10 (2) "Uncured violation" means:

11 (A) a violation of the Mobile Home Park Act that  
12 has been cited by the Department in a written notice to  
13 the park owner and has not been rectified within the  
14 time period allotted by the Department or, if no time  
15 period is allotted, the applicable time period  
16 allotted by the applicable law or regulation pursuant  
17 to which the violation was issued; or

18 (B) an ongoing enforcement action by the  
19 Department against the park pertaining to any cited  
20 violations described in subparagraph (A) of this  
21 paragraph.

22 (b) A park owner shall provide written notice of an uncured  
23 violation by posting the notice in the office of the custodian  
24 of the park or in the clubhouse or other area of the park where  
25 park residents gather or on a community bulletin board.

1       (c) If the park owner or managing agent of the park  
2 reasonably believes that the uncured violation has been cured  
3 or was issued in error or if the Department confirms in writing  
4 that the violation has been rectified, the park owner or  
5 managing agent of the park may remove the notice required by  
6 subsection (b) of this Section from the areas described in  
7 subsection (b) of this Section and is not required to include  
8 the notice with the disclosures made pursuant to Section 6.5 of  
9 this Act.

10       (d) If an impartial hearing examiner appointed by the  
11 Director of Public Health determines that a park owner has  
12 violated the requirements of this Section or failed to make a  
13 disclosure required by paragraph (9) of Section 6.5 of this  
14 Act, then the park owner is liable only for the payment of a  
15 fine in an amount determined by the examiner, not to exceed  
16 \$250 for each violation. The park owner or the representative  
17 of the park owner shall not be subject to other civil or  
18 criminal liability to this State, any other instrumentality or  
19 government, or any individual.

20       (e) Any notice provided by the Department of Public Health  
21 or by or on behalf of the park owner under this Section shall  
22 be mailed via United States certified mail, return receipt  
23 requested, postage prepaid.

24       (765 ILCS 745/12) (from Ch. 80, par. 212)

25       Sec. 12. Lease prohibitions. No lease hereafter executed or

1 currently existing between a park owner and tenant in a mobile  
2 home park in this State shall contain any provision:

3 (a) Permitting the park owner to charge a penalty fee for  
4 late payment of rent without allowing a tenant a minimum of 5  
5 days beyond the date the rent is due in which to remit such  
6 payment;

7 (b) Permitting the park owner to charge an amount in excess  
8 of one month's rent as a security deposit;

9 (c) Requiring the tenant to pay any fees not specified in  
10 the lease;

11 (d) Permitting the park owner to transfer, or move, a  
12 mobile home to a different lot, including a different lot in  
13 the same mobile home park, during the term of the lease; ~~and~~

14 (e) Waiving the tenant's right to a trial by jury.

15 (Source: P.A. 85-607.)

16 (765 ILCS 745/18) (from Ch. 80, par. 218)

17 Sec. 18. Security deposit; Interest.

18 (a) If the lease requires the tenant to provide any deposit  
19 with the park owner for the term of the lease, or any part  
20 thereof, said deposit shall be considered a Security Deposit.  
21 Security Deposits shall be returned in full to the tenant,  
22 provided that the tenant has paid all rent due in full for the  
23 term of the lease and has caused no actual damage to the  
24 premises.

25 The park owner shall furnish the tenant, within 15 days

1 after termination or expiration of the lease, an itemized list  
2 of the damages incurred upon the premises and the estimated  
3 cost for the repair of each item. The tenant's failure to  
4 object to the itemized list within 15 days shall constitute an  
5 agreement upon the amount of damages specified therein. The  
6 park owner's failure to furnish such itemized list of damages  
7 shall constitute an agreement that no damages have been  
8 incurred upon the premises and the entire security deposit  
9 shall become immediately due and owing to the tenant.

10 The tenant's failure to furnish the park owner a forwarding  
11 address shall excuse the park owner from furnishing the list  
12 required by this Section.

13 (b) A park owner of any park regularly containing 25 or  
14 more mobile homes shall pay interest to the tenant, on any  
15 deposit held by the park owner, computed from the date of the  
16 deposit at a rate equal to the interest paid by the largest  
17 commercial bank, as measured by total assets, having its main  
18 banking premises in this State on minimum deposit passbook  
19 savings accounts as of December 31 of the preceding year on any  
20 such deposit held by the park owner for more than 6 months.  
21 However, in the event that any portion of the amount deposited  
22 is utilized during the period for which it is deposited in  
23 order to compensate the owner for non-payment of rent or to  
24 make a good faith reimbursement to the owner for damage caused  
25 by the tenant, the principal on which the interest accrues may  
26 be recomputed to reflect the reduction for the period

1 commencing on the first day of the calendar month following the  
2 reduction.

3 The park owner shall, within 30 days after the end of each  
4 12-month period, pay to the tenant any interest owed under this  
5 Section in cash, provided, however, that the amount owed may be  
6 applied to rent due if the owner and tenant agree thereto.

7 A park owner who willfully fails or refuses to pay the  
8 interest required by this Act shall, upon a finding by a  
9 circuit court that he willfully failed or refused to pay, be  
10 liable for an amount equal to the amount of the security  
11 deposit, together with court costs and a reasonable attorney's  
12 fee.

13 (c) A park owner, as landlord, shall hold in trust all  
14 security deposits received from a tenant in one or more  
15 federally insured accounts in a bank, savings and loan  
16 association, or other financial institution. A security  
17 deposit and the interest due under subsection (b) of this  
18 Section is the property of the tenant until the deposit is  
19 returned to the tenant or used to compensate, or applied to the  
20 tenant's obligations to, the park owner, as landlord, in  
21 accordance with the lease or applicable State and local law.  
22 The security deposit shall not be commingled with the assets of  
23 the park owner, and shall not be subject to the claims of any  
24 creditor of the park owner or any party claiming an interest in  
25 the deposit through the park owner, including a foreclosing  
26 mortgagee or trustee in bankruptcy; provided that this



1 subsection does not prevent a foreclosing mortgagee, receiver,  
2 or trustee from taking over control of the applicable bank  
3 account holding the security deposits, which may include moving  
4 the security deposits to another bank account meeting the  
5 requirements of this Section, provided that the mortgagee,  
6 receiver, or trustee:

7 (1) shall continue to hold the security deposits in  
8 trust as provided in, and subject to, the provisions of  
9 this Section; and

10 (2) is entitled to use a security deposit to  
11 compensate, and apply a security deposit to discharge the  
12 obligations of the tenant to, the park owner as permitted  
13 by the lease or applicable State and local law.

14 (Source: P.A. 88-643, eff. 1-1-95.)