



Rep. Martin J. Moylan

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09800HB4123ham002

LRB098 15679 HEP 58351 a

1 AMENDMENT TO HOUSE BILL 4123

2 AMENDMENT NO. _____. Amend House Bill 4123, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mobile Home Landlord and Tenant Rights Act
6 is amended by changing Sections 6.5, 12, and 18 and by adding
7 Sections 6.6 and 6.7 as follows:

8 (765 ILCS 745/6.5)

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

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

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

16 (3) information regarding any fees imposed in addition

1 to the base rent;

2 (4) information regarding late payments;

3 (5) information regarding any privilege tax that is
4 applicable;

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

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

17 (8) the name of the owner of the manufactured home
18 community or mobile home park, and either: (a) the name,
19 address, and telephone number of the property manager or
20 designated agent for the manufactured home community or
21 mobile home park; or (b) the address and telephone number
22 of the owner of the manufactured home community or mobile
23 home park, if the manufactured home community or mobile
24 home park does not have a property manager or designated
25 agent; and

26 (9) information contained in any uncured violation, as

1 defined in subsection (a) of Section 6.7 of this Act,
2 existing as of the date the written disclosure under this
3 Section is provided.

4 The park owner must update the written disclosure at least
5 once per year. The park owner must advise tenants who are
6 renewing a lease of any changes in the disclosure from any
7 prior disclosure. Within 20 days after the closing of a
8 purchase and sale of a manufactured home community or mobile
9 home park that results in a change in the owner, the purchaser
10 or the representative of the purchaser must provide written
11 notice to each homeowner of the new owner and either: (i) the
12 name, address, and telephone number of the property manager or
13 designated agent for the manufactured home community or mobile
14 home park; or (ii) the address and telephone number of the
15 owner of the manufactured home community or mobile home park if
16 the manufactured home community or mobile home park does not
17 have a property manager or designated agent. The written notice
18 may be provided by hand delivery to the resident's home, by
19 United States mail or a recognized courier service, by posting
20 in the office of the custodian of the park or in the clubhouse
21 or other area of the park where park residents gather, or by
22 posting on a community bulletin board.

23 The changes to this Section by this amendatory Act of the
24 98th General Assembly apply to disclosures made on or after
25 January 1, 2015.

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

1 (765 ILCS 745/6.6 new)

2 Sec. 6.6. Notice of bankruptcy or foreclosure proceedings.

3 If a bankruptcy case is commenced by or against a park owner by
4 the filing of a voluntary or involuntary petition under Title
5 11 of the United States Code, if a receiver is appointed by a
6 court of competent jurisdiction in a case filed by or against a
7 park owner, or if a foreclosure proceeding is initiated against
8 the park property by a creditor of the park owner, the park
9 owner shall provide written notice of the commencement of the
10 bankruptcy, receivership, or foreclosure to the tenant within
11 30 days of the commencement of the case or proceeding.

12 (765 ILCS 745/6.7 new)

13 Sec. 6.7. Department of Public Health violations.

14 (a) As used in this Section:

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

17 (2) "uncured violation" means:

18 (A) a violation of the Mobile Home Park Act that
19 has been cited by the Department in a written notice to
20 the park owner and has not been rectified within the
21 time period allotted by the Department or, if no time
22 period is allotted, the applicable time period
23 allotted by the applicable law or regulation pursuant
24 to which the violation was issued; or

1 (B) an ongoing enforcement action by the
2 Department against the park pertaining to any cited
3 violations described in subparagraph (A) of this
4 paragraph.

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

9 (c) If the park owner or managing agent of the park
10 reasonably believes that the uncured violation has been cured
11 or was issued in error or if the Department confirms in writing
12 that the violation has been rectified, the park owner or
13 managing agent of the park may remove the notice required by
14 subsection (b) of this Section from the areas described in
15 subsection (b) of this Section and is not required to include
16 the notice with the disclosures made pursuant to Section 6.5 of
17 this Act.

18 (d) If an impartial hearing examiner appointed by the
19 Director of Public Health determines that a park owner has
20 violated the requirements of this Section or failed to make a
21 disclosure required by paragraph (9) of Section 6.5 of this
22 Act, then the park owner is liable only for the payment of a
23 fine in an amount determined by the examiner, not to exceed
24 \$250 for each violation. The park owner or the representative
25 of the park owner shall not be subject to other civil or
26 criminal liability to this State, any other instrumentality or

1 government, or any individual.

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

6 (765 ILCS 745/12) (from Ch. 80, par. 212)

7 Sec. 12. Lease prohibitions. No lease hereafter executed or
8 currently existing between a park owner and tenant in a mobile
9 home park in this State shall contain any provision:

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

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

16 (c) Requiring the tenant to pay any fees not specified in
17 the lease;

18 (d) Permitting the park owner to transfer, or move, a
19 mobile home to a different lot, including a different lot in
20 the same mobile home park, during the term of the lease; ~~=~~

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

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

23 (765 ILCS 745/18) (from Ch. 80, par. 218)

24 Sec. 18. Security deposit; Interest.

1 (a) If the lease requires the tenant to provide any deposit
2 with the park owner for the term of the lease, or any part
3 thereof, said deposit shall be considered a Security Deposit.
4 Security Deposits shall be returned in full to the tenant,
5 provided that the tenant has paid all rent due in full for the
6 term of the lease and has caused no actual damage to the
7 premises.

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

18 The tenant's failure to furnish the park owner a forwarding
19 address shall excuse the park owner from furnishing the list
20 required by this Section.

21 (b) A park owner of any park regularly containing 25 or
22 more mobile homes shall pay interest to the tenant, on any
23 deposit held by the park owner, computed from the date of the
24 deposit at a rate equal to the interest paid by the largest
25 commercial bank, as measured by total assets, having its main
26 banking premises in this State on minimum deposit passbook

1 savings accounts as of December 31 of the preceding year on any
2 such deposit held by the park owner for more than 6 months.
3 However, in the event that any portion of the amount deposited
4 is utilized during the period for which it is deposited in
5 order to compensate the owner for non-payment of rent or to
6 make a good faith reimbursement to the owner for damage caused
7 by the tenant, the principal on which the interest accrues may
8 be recomputed to reflect the reduction for the period
9 commencing on the first day of the calendar month following the
10 reduction.

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

15 A park owner who willfully fails or refuses to pay the
16 interest required by this Act shall, upon a finding by a
17 circuit court that he willfully failed or refused to pay, be
18 liable for an amount equal to the amount of the security
19 deposit, together with court costs and a reasonable attorney's
20 fee.

21 (c) A park owner, as landlord, shall hold in trust all
22 security deposits received from a tenant in one or more
23 federally insured accounts in a bank, savings and loan
24 association, or other financial institution. A security
25 deposit and the interest due under subsection (b) of this
26 Section is the property of the tenant until the deposit is

1 returned to the tenant or used to compensate, or applied to the
2 tenant's obligations to, the park owner, as landlord, in
3 accordance with the lease or applicable State and local law.
4 The security deposit shall not be commingled with the assets of
5 the park owner, and shall not be subject to the claims of any
6 creditor of the park owner or any party claiming an interest in
7 the deposit through the park owner, including a foreclosing
8 mortgagee or trustee in bankruptcy; provided that this
9 subsection does not prevent a foreclosing mortgagee, receiver,
10 or trustee from taking over control of the applicable bank
11 account holding the security deposits, which may include moving
12 the security deposits to another bank account meeting the
13 requirements of this Section, provided that the mortgagee,
14 receiver, or trustee:

15 (1) shall continue to hold the security deposits in
16 trust as provided in, and subject to, the provisions of
17 this Section; and

18 (2) is entitled to use a security deposit to
19 compensate, and apply a security deposit to discharge the
20 obligations of the tenant to, the park owner as permitted
21 by the lease or applicable State and local law.

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