



Sen. Toi W. Hutchinson

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1 AMENDMENT TO SENATE BILL 1043

2 AMENDMENT NO. _____. Amend Senate Bill 1043 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Manufactured Home Landlord and Tenant
5 Rights Act is amended by changing Sections 3 and 6.5 and by
6 adding 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", "community", "manufactured home
21 community", or "community" ~~or "Park"~~ means a tract of land or 2
22 contiguous tracts of land that contain sites with the necessary
23 utilities for 5 or more mobile homes or manufactured homes. A
24 mobile home park may be operated either free of charge or for
25 revenue purposes.

26 (d) "Park Owner" or "community owner" means the owner of a

1 mobile home park and any person authorized to exercise any
2 aspect of the management of the premises, including any person
3 who directly or indirectly receives rents and has no obligation
4 to deliver the whole of such receipts to another person.

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

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

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

17 (h) "Manufactured home owner" means the owner of a
18 manufactured home.

19 (i) "Displaced manufactured home owner" means the owner of
20 a manufactured home which is located on a site in a
21 manufactured home community that is ceasing operation as
22 described in Section 8.6.

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

24 (765 ILCS 745/6.5)

25 Sec. 6.5. Disclosure. A park owner must disclose in writing

1 the following with every lease or sale and upon renewal of a
2 lease of a mobile home or lot in a mobile home park:

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

5 (2) the community park ~~park~~ owner's responsibilities with
6 respect to the mobile home or lot;

7 (3) information regarding any fees imposed in addition
8 to the base rent;

9 (4) information regarding late payments;

10 (5) information regarding any privilege tax that is
11 applicable;

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

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

24 (8) the name, address, and telephone number of the
25 owner and any manager of the manufactured home community;

26 and

1 (9) information regarding the Manufactured Home Owners
2 Relocation Trust Fund.

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

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

8 (765 ILCS 745/8.6 new)

9 Sec. 8.6. Cessation of community operation.

10 (a) The owner of a manufactured home community that is
11 ceasing operation must pay 50% of the following sums to the
12 Manufactured Home Owners Relocation Trust Fund:

13 (1) the relocation expense allowance under Section 8.8
14 of this Act; and

15 (2) at the displaced manufactured home owner's
16 election, the relocation costs to relocate the
17 manufactured home as defined by subsection (b) of this
18 Section, or the payment for an abandoned home as defined by
19 Section 8.8 of this Act.

20 (b) Relocation costs shall include the costs of
21 disconnecting and moving the home to a different community or
22 other location selected by the displaced manufactured home
23 owner within a 100 mile radius of the community and
24 reconnecting the home with all hook-ups so that it is
25 substantially in the same condition as before the move, with

1 any required and comparable appurtenances.

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

16 (d) A displaced manufactured home owner shall not be
17 entitled to compensation when:

18 (1) the community owner moves the manufactured home to
19 another space in the manufactured home community, or to
20 another manufactured home community acceptable to the
21 displaced manufactured home owner, at the community
22 owner's expense;

23 (2) the displaced manufactured home owner is vacating
24 the premises and has informed the community owner or
25 manager before notice of the change in use has been given;

26 or

1 (3) the displaced manufactured home owner or the person
2 residing in the manufactured home is the defendant in a
3 pending eviction action for non-payment of lot rent on the
4 mailing date of the notice of community closure; provided
5 that if a judgment for possession of the premises is not
6 entered in favor of the community owner, this exception
7 does not apply.

8 (e) The owner of a manufactured home community shall notify
9 in writing each tenant and, if a home owners association has
10 been established, the directors of the association, of any
11 application for a change in zoning of all or a portion of the
12 manufactured home community within 5 days after the filing for
13 such a zoning change with the zoning authority. The tenants are
14 entitled to all rights under State and local zoning laws,
15 rules, and regulations that are extended to owners of
16 neighboring land. Any zoning change approved without the notice
17 required by this Section is void.

18 (f) The closure statement in the community closure notice
19 required by Section 8.5 of this Act must include the following
20 language in a font no smaller than 14-point: "YOU MAY BE
21 ENTITLED TO COMPENSATION FROM THE MANUFACTURED HOME RELOCATION
22 TRUST FUND ADMINISTERED BY THE ILLINOIS DEPARTMENT OF PUBLIC
23 HEALTH."

24 (765 ILCS 745/8.7 new)

25 Sec. 8.7. Manufactured Home Owners Relocation Trust Fund.

1 (a) There is created the Manufactured Home Relocation Trust
2 Fund. The Illinois Department of Public Health shall use the
3 Manufactured Home Owners Relocation Trust Fund to provide
4 assistance for the relocation of displaced manufactured home
5 owners. All interest earned from the investment or deposit of
6 moneys in the Manufactured Home Owners Relocation Trust Fund
7 must be deposited into the Fund.

8 (b) Moneys in the Manufactured Home Owners Relocation Trust
9 Fund may be used only:

10 (1) to pay the administrative costs of the Fund,
11 including expenses associated with the annual audit
12 required under subsection (g) of this Section; and

13 (2) to carry out the objectives of assisting displaced
14 manufactured home owners when the community owner intends
15 to change the use of all or part of the land on which the
16 manufactured home community is located.

17 (c) After notifying the tenants in a community owner's
18 manufactured home community that the community owner intends to
19 cease operation of all or part of the community pursuant to
20 Section 8.5 of this Act, if the community owner does not cease
21 operation of all or the designated part of the community within
22 3 years after the date of the notification, or if the Illinois
23 Department of Public Health finds there is prima facie evidence
24 that the owner did not intend in good faith to change the land
25 use, the community owner shall within 30 days of the date that
26 the Illinois Department of Public Health provides written

1 notice to the community owner of the prima facie evidence
2 determination, reimburse the Manufactured Home Relocation
3 Trust Fund whatever moneys the Department has expended from the
4 Manufactured Home Owners Relocation Trust Fund with respect to
5 that manufactured home community, along with an amount that is
6 equal to 2 times the amount of the interest allowed on a
7 judgment that would have been earned on the moneys expended in
8 the period between the time that the moneys were expended from
9 the Manufactured Home Relocation Trust Fund until the amount is
10 reimbursed. The date of the mailing of the notice of the prima
11 facie evidence determination by the Illinois Department of
12 Public Health is deemed to be the date that a community owner
13 is notified about reimbursing the Manufactured Home Relocation
14 Trust Fund. However, if the community owner, with due
15 diligence, has not been able to complete the change-in-use
16 process within 3 years, the Illinois Department of Public
17 Health may grant a reasonable extension to the community owner
18 to complete the process.

19 (d) The cap on the Manufactured Home Owners Relocation
20 Trust Fund is \$10 million. The cap may be adjusted, eliminated,
21 or reinstated by the Illinois Department of Public Health.

22 (e) If the Manufactured Home Owners Relocation Trust Fund
23 ceases to exist, the moneys in the Manufactured Home Owners
24 Relocation Trust Fund held at the time of dissolution must be
25 liquidated by paying the total amount of the Manufactured Home
26 Owners Relocation Trust Fund, on a per capita basis, to the

1 each tenant of a rented lot in a manufactured home community in
2 this State who has occupied the lot for at least the 12 months
3 immediately prior to the time of the dissolution.

4 (f) Monthly fee.

5 (1) The Illinois Department of Public Health shall set
6 a \$1 monthly fee for deposit in the Manufactured Home
7 Owners Relocation Trust Fund for each rented lot in a
8 manufactured home community. The Illinois Department of
9 Public Health may adjust, eliminate, or reinstate the
10 assessment, and shall notify community owners and tenants
11 of each adjustment, elimination, or reinstatement pursuant
12 to rules. If the Illinois Department of Public Health
13 adjusts the amount of the assessment upward, it may not
14 exceed \$3 per month.

15 (2) The community owner shall collect the tenant's
16 portion of the fee on a monthly basis as additional rent.
17 The community owner shall remit to the Manufactured Home
18 Owners Relocation Trust Fund the tenant's fee on a monthly
19 basis. The community owner is responsible for safeguarding
20 all assessments it collects. A fee is not due or
21 collectable for a vacant lot.

22 (3) If a lot is rented for any portion of a month, the
23 full monthly assessment must be paid to the Manufactured
24 Home Owners Relocation Trust Fund.

25 (4) If a lease contains or is subject to a capping
26 provision which limits the amount by which rent may be

1 increased, the Manufactured Home Owners Relocation Trust
2 Fund assessment is deemed not to be rent for purposes of
3 rent increases.

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

12 (h) The Illinois Department of Public Health shall make
13 available to the public, at least on a quarterly basis, the
14 amount of the payment from the Manufactured Home Owners
15 Relocation Trust Fund made to each displaced manufactured home
16 owner, along with a description of the property related to the
17 payment and the reason for the payment.

18 (i) The Illinois Department of Public Health may place a
19 lien against the property of any community owner who is
20 required to make any payment to the Manufactured Home Owners
21 Relocation Trust Fund but fails to do so.

22 (765 ILCS 745/8.8 new)

23 Sec. 8.8. Relocation expense payments.

24 (a) If a community owner elects to cease the operation of
25 either all or a portion of the manufactured home community,

1 each displaced manufactured home owner who is required to
2 relocate and who complies with the requirements of this Act is
3 entitled to:

4 (1) payment from the Manufactured Home Owners
5 Relocation Trust Fund a relocation expense allowance in the
6 amount of a \$1,000, to cover the costs of suitable lodging
7 while the manufactured home owner is relocating, and the
8 costs of security deposits and other moving expenses,
9 payable to the displaced manufactured home owner no later
10 than the time of departure of the displaced manufactured
11 home owner from the manufactured home community; and

12 (2) at the displaced manufactured home owner's
13 election, the displaced manufactured home owner's actual
14 relocation costs as defined by Section 8.6 of this Act,
15 which shall be paid as provided in subsection (e) of this
16 Section, or the amount for an abandoned home provided by
17 subsections (b) and (c) of this Section, which shall be
18 paid as provided in subsection (b) of this Section.

19 (b) If a displaced manufactured home owner elects not to
20 receive payment of relocation costs under subsection (a) of
21 this Section, the displaced manufactured home owner may abandon
22 the manufactured home in the manufactured home community and
23 receive from the Manufactured Home Owners Relocation Trust Fund
24 the greater of:

25 (1) the appraised value of the home as defined by
26 Section 8.6 of this Act;

1 (2) \$3,500 for a single-section home or \$7,500 for a
2 multi-section home; or

3 (3) the amount necessary to release any security
4 interest in the home that was created in connection with a
5 bona fide financing or refinancing of the home.

6 To be entitled to payment under paragraphs (1) or (2) of
7 this subsection, the displaced manufactured home owner must
8 deliver to the Illinois Department of Public Health a current
9 title to the manufactured home duly endorsed by the owner or
10 owners of record, valid releases of all liens shown on the
11 title, and a tax release. Payment shall be made directly to the
12 displaced manufactured home owner. When payment is made under
13 paragraph (3) of this subsection, the Illinois Department of
14 Public Health shall make the payment directly to the lien
15 holder and shall make appropriate arrangements to obtain the
16 title endorsed by the owner or owners of record with valid
17 releases of all other liens shown on the title and a tax
18 release. After receiving the title from the home owner, the
19 Illinois Department of Public Health shall turn over title of
20 the abandoned manufactured home to the manufactured home
21 community owner, provided that the community owner has made the
22 payments required by Section 8.6 of this Act. If the Illinois
23 Department of Public Health believes that the home has resale
24 value, it may require the manufactured home community owner to
25 turn over to the Manufactured Home Owners Relocation Trust Fund
26 one-half of the net proceeds from the sale of the home.

1 (c) The figures for single-section and multi-section
2 manufactured homes under paragraph (2) of subsection (b) of
3 this Section shall be adjusted every 3 years, beginning on
4 January 1, 2015, by the percentage change since the figure was
5 last set or adjusted in the Consumer Price Index for All Urban
6 Consumers for all items published by the United States
7 Department of Labor.

8 (d) In order to obtain payment from the Manufactured Home
9 Owners Relocation Trust Fund for the relocation of a
10 manufactured home under paragraph (2) of subsection (a) of this
11 Section, a displaced manufactured home owner must submit to the
12 Illinois Department of Public Health, with a copy to the park
13 owner, an application for payment which includes:

14 (1) a copy of the community closure notice required by
15 Section 8.5 of this Act; and

16 (2) a contract with a licensed moving and installer
17 contractor for the moving expenses for the manufactured
18 home.

19 (e) The Illinois Department of Public Health shall approve
20 or reject payment to a moving or towing contractor within 30
21 days after receipt of the information required by this Section,
22 and forward a copy of the approval or rejection to the
23 displaced manufactured home owner, with a voucher for payment
24 if payment is approved.

1 Sec. 8.9. Payment of funds to homeowners.

2 (a) When a payment from the Manufactured Home Owners
3 Relocation Trust Fund to a displaced manufactured home owner is
4 authorized by the Illinois Department of Public Health, the
5 Illinois Department of Public Health shall issue a check in a
6 designated amount to the named displaced manufactured home
7 owner.

8 (b) If the Manufactured Home Owners Relocation Trust Fund
9 does not have sufficient moneys to make a payment to a
10 displaced manufactured home owner pursuant to this Act, the
11 Illinois Department of Public Health shall issue a written
12 promissory note to the displaced manufactured home owner for
13 funds due and owing. A promissory note may be redeemed in order
14 of issuance of the notes as additional moneys come into the
15 Manufactured Home Owners Relocation Trust Fund.

16 (c) It is a Class A misdemeanor for a displaced
17 manufactured home owner or his or her agent to file any notice,
18 statement, or other document required under this Act which is
19 false or contains a material misstatement of fact.

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