



Sen. Laura M. Murphy

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LRB104 08330 JRC 37079 a

1 AMENDMENT TO SENATE BILL 1940

2 AMENDMENT NO. _____. Amend Senate Bill 1940 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Mobile and Manufactured Home Ombudsperson Act.

6 Section 5. Applicability. This Act applies to all mobile
7 and manufactured home parks governed by the Mobile Home Park
8 Act and the Mobile Home Landlord and Tenant Rights Act.

9 Section 10. Definitions. As used in this Act:

10 "Manufactured home" means a factory-assembled, completely
11 integrated structure designed for permanent habitation, with a
12 permanent chassis, and so constructed as to permit its
13 transport, on wheels temporarily or permanently attached to
14 its frame, and is a movable or portable unit that is (i) 8 body
15 feet or more in width, (ii) 40 body feet or more in length, and

1 (iii) 320 or more square feet, constructed to be towed on its
2 own chassis (comprised of frame and wheels) from the place of
3 its construction to the location, or subsequent locations, at
4 which it is connected to utilities for year-round occupancy
5 for use as a permanent habitation, and designed and situated
6 to permit its occupancy as a dwelling place for one or more
7 persons, and specifically includes a "manufactured home" as
8 defined in subdivision (53) of Section 9-102 of the Uniform
9 Commercial Code. The term includes units containing parts that
10 may be folded, collapsed, or telescoped when being towed and
11 that may be expected to provide additional cubic capacity, and
12 that are designed to be joined into one integral unit capable
13 of being separated again into the components for repeated
14 towing. The term excludes campers and recreational vehicles.
15 The terms "mobile home" and "manufactured home" are synonymous
16 for the purposes of this Act, but the term "mobile home" does
17 not include modular homes and their support systems.

18 "Mobile home park" or "park" means a tract of land or 2 or
19 more contiguous tracts of land which contain sites with the
20 necessary utilities for 5 or more independent mobile homes for
21 permanent habitation either free of charge or for revenue
22 purposes, and includes any building, structure, vehicle, or
23 enclosure used or intended for use as a part of the equipment
24 of such mobile home park. Separate ownership of contiguous
25 tracts of land shall not preclude the tracts of land from
26 common licensure as a mobile home park if they are maintained

1 and operated jointly. Neither an immobilized mobile home nor a
2 motorized recreational vehicle shall be construed as being a
3 part of a mobile home park.

4 "Department" means the Department of Public Health, unless
5 otherwise indicated.

6 "Site" means the lot on which the mobile home is located
7 for a period of 2 or more months.

8 "Owner" means the owner of a mobile home site and any
9 person authorized to exercise any aspect of the management of
10 the premises, including any person who directly or indirectly
11 receives rents and has no obligation to deliver the whole of
12 such receipts to another person.

13 "Resident" means any person who occupies a mobile home for
14 dwelling purposes or a lot on which the person parks a mobile
15 home for an agreed upon consideration.

16 "Managing agent" means any person or entity responsible
17 for the operation, management, or maintenance of a mobile home
18 park or manufactured home community.

19 Section 15. Office of the Mobile and Manufactured Home
20 Ombudsperson.

21 (a) There is created within the Department of Public
22 Health, under the supervision and control of the Director, the
23 Office of the Mobile and Manufactured Home Ombudsperson.

24 (b) The Department shall name an Ombudsperson and other
25 persons necessary to discharge the requirements of this Act.

1 The Ombudsperson shall have the powers delegated to them by
2 the Department in addition to the powers set forth in this Act.

3 (c) Neither the Ombudsperson nor the Department shall have
4 any authority to consider matters that may constitute grounds
5 for charges or complaints under the Illinois Human Rights Act;
6 that are properly brought before the Department of Human
7 Rights or the Human Rights Commission; before a comparable
8 department or body established by a county, municipality, or
9 township pursuant to an ordinance prohibiting discrimination
10 and established for the purpose of investigating and
11 adjudicating charges or complaints of discrimination under the
12 ordinance; or before a federal agency or commission that
13 administers and enforces federal anti-discrimination laws and
14 investigates and adjudicates charges or complaints of
15 discrimination under such laws.

16 (d) Information and advice provided by the Ombudsperson
17 has no binding legal effect and is not subject to the
18 provisions of the Illinois Administrative Procedure Act.

19 Section 20. Training and education. On or before July 1,
20 2027, the Ombudsperson shall begin offering training,
21 outreach, and educational materials and may also arrange for
22 the offering of courses to applicants, licensees, mobile and
23 manufactured home residents, mobile and manufactured home park
24 owners, park managers, and any other person or group the
25 Department deems appropriate in subjects relevant to: (i) the

1 operation and management of mobile home and manufactured home
2 sites and parks; and (ii) the Mobile Home Park Act, the Mobile
3 Home Landlord and Tenant Rights Act, the Abandoned Mobile Home
4 Act, and the Illinois Mobile Home Tiedown Act.

5 Section 25. Website; toll-free number.

6 (a) The Office shall maintain on the Department's website
7 the following information:

8 (1) the text of this Act, the Mobile Home Park Act, the
9 Mobile Home Landlord and Tenant Rights Act, the Abandoned
10 Mobile Home Act, the Illinois Mobile Home Tiedown Act, and
11 any other statute, administrative rule, or regulation that
12 the Ombudsperson determines is relevant to the operation
13 and management of a mobile and manufactured home park or
14 site;

15 (2) information concerning nonjudicial resolution of
16 disputes that may arise within a mobile and manufactured
17 home park, including, but not limited to, alternative
18 dispute resolution programs and contacts for locally
19 available dispute resolution programs;

20 (3) a description of the services provided by the
21 Ombudsperson and information on how to contact the
22 Ombudsperson for assistance; and

23 (4) any other information that the Ombudsperson
24 determines is useful to park managers, licensees, mobile
25 and manufactured home residents, and mobile and

1 manufactured home and site owners.

2 (b) The Office may make available during regular business
3 hours a statewide toll-free telephone number to provide
4 information and resources on matters relating to mobile and
5 manufactured home parks.

6 Section 30. Written policy for resolving complaints.

7 (a) Each park, except those specified in subsection (b),
8 shall adopt a written policy for resolving complaints made by
9 residents. The park shall make the policy available to all
10 residents upon request. The policy must include:

11 (1) a sample form on which a resident may make a
12 complaint to the park managing agent;

13 (2) a description of the process by which complaints
14 shall be delivered to the park managing agent;

15 (3) the park managing agent's timeline and manner of
16 making final determinations in response to a unit owner's
17 complaint; and

18 (4) a requirement that the final determination made by
19 the park's managing agent in response to a resident's
20 complaint be:

21 (i) made in writing;

22 (ii) made within 180 days after the park's
23 managing agent receives the resident's original
24 complaint; and

25 (iii) marked clearly and conspicuously as "final".

1 (b) Mobile and manufactured home parks exempted from the
2 Mobile Home Park Act are not required to have a written policy
3 for resolving complaints.

4 (c) No later than July 1, 2027, parks, except for those
5 identified in subsection (b), must establish and adopt the
6 policy required under this Section.

7 (d) Parks first licensed after July 1, 2027, except for
8 those identified in subsection (b), must establish and adopt
9 the policy required under this Section within 180 days
10 following licensure.

11 (e) A resident may not bring a request for assistance
12 under Section 35 for a park's lack of or inadequacy of a
13 written policy to resolve complaints but may notify the
14 Department in writing of the park's lack of or inadequacy of a
15 written policy.

16 Section 35. Dispute resolution.

17 (a) Beginning on July 1, 2027, and subject to
18 appropriation, owners and residents meeting the requirements
19 of this Section may make a written request, as outlined in
20 subsection (e), to the Ombudsperson for assistance in
21 resolving a dispute that involves a violation of the Act.

22 (b) The Ombudsperson shall not accept requests for
23 resolutions of disputes for which there is a pending complaint
24 filed in any court or administrative tribunal in any
25 jurisdiction or for which arbitration or alternative dispute

1 resolution is scheduled to occur or has previously occurred.

2 (c) The assistance described in subsection (a) is
3 available only to owners and residents. For a resident to
4 receive the assistance from the Ombudsperson described in
5 subsection (a), the resident must:

6 (1) owe no outstanding assessments, fees, or funds to
7 the park, unless the assessments, fees, or funds are
8 central to the dispute;

9 (2) allege a dispute that was initiated, or initially
10 occurred, within the 2 calendar years preceding the date
11 of the request;

12 (3) have made a written complaint pursuant to the
13 park's complaint policy, as outlined in this Section,
14 which alleged violations of the Acts;

15 (4) have received a final adverse decision from the
16 park's managing agent and attach a copy of the park's
17 managing agent's final adverse decision marked "final" to
18 the request of the Ombudsperson; and

19 (5) have filed the request within 30 days after the
20 receipt of the park's final adverse decision.

21 (d) A resident who has not received a response, marked
22 "final", to his or her complaint from the park within a
23 reasonable time may request assistance from the Ombudsperson
24 under subsection (a) if the resident meets the requirements of
25 items (1), (2), and (3) of subsection (c). A resident may not
26 request assistance from the Ombudsperson until at least 90

1 days after the initial written complaint was submitted to the
2 park's managing agent. The Ombudsperson may decline a
3 resident's request for assistance on the basis that a
4 reasonable time has not yet passed.

5 (e) The request for assistance shall be in writing, on
6 forms provided electronically by the Ombudsperson, and include
7 the following:

8 (1) the name, address, and contact information of the
9 owner or resident;

10 (2) the name, address, and contact information of the
11 park;

12 (3) the applicable park governing documents unless the
13 absence of governing documents is central to the dispute;

14 (4) the date of the final adverse decision by the
15 park's managing agent;

16 (5) a copy of the park's written complaint policy
17 required under Section 30;

18 (6) a copy of the owner or resident's complaint to the
19 park's managing agent with a specific reference to the
20 alleged violations of the Act;

21 (7) documentation verifying the owner's ownership of a
22 unit, or documentation verifying the resident's lease of
23 the property; and

24 (8) a copy of the park's managing agent's adverse
25 decision marked "final", if applicable.

26 (f) On receipt of an owner or resident's request for

1 assistance that the Department determines meets the
2 requirements of this Section, the Ombudsperson shall, within
3 the limits of the available resources, confer with the
4 interested parties and assist in efforts to resolve the
5 dispute by mutual agreement of the parties.

6 (g) The Ombudsperson shall assist only opposing parties
7 who mutually agree to participate in dispute resolution.

8 (h) An owner or resident is limited to one request for
9 assistance per dispute. The meaning of dispute is to be
10 broadly interpreted by the Department.

11 (i) The Department has the authority to determine whether
12 or not a final decision is adverse under paragraph (4) of
13 subsection (c).

14 (j) The Department shall, on or before July 1, 2027,
15 establish rules describing the time limit, method, and manner
16 for dispute resolution.

17 Section 40. Confidentiality.

18 (a) All information collected by the Department in the
19 course of addressing a request for assistance or for any other
20 purpose pursuant to this Act shall be maintained for the
21 confidential use of the Department and shall not be disclosed.
22 The Department shall not disclose the information to anyone
23 other than law enforcement officials or regulatory agencies
24 that have an appropriate regulatory interest as determined by
25 the Director. Information and documents disclosed to a

1 federal, State, county, or local law enforcement agency shall
2 not be disclosed by that agency for any purpose to any other
3 agency or person.

4 (b) A request for information made to the Department or
5 the Ombudsperson under this Act does not constitute a request
6 under the Freedom of Information Act.

7 (c) The confidentiality provisions of this Section do not
8 extend to educational, training, outreach material,
9 statistical data, and operational information maintained by
10 the Department in administering this Act.

11 Section 45. Reports. The Department shall submit an annual
12 written report on the activities of the Office to the General
13 Assembly. The Department shall submit the first report no
14 later than July 1, 2028. Beginning in 2029, the Department
15 shall submit the report no later than October 1 of each year.
16 The report shall include all of the following:

17 (1) annual workload and performance data, including
18 (i) the number of requests for information; (ii) training,
19 education, or other information provided; (iii) the manner
20 in which education and training was conducted; and (iv)
21 the staff time required to provide the training,
22 education, or other information. For each category of
23 data, the report shall provide subtotals based on the type
24 of question or dispute involved in the request; and

25 (2) if relevant information is available, analysis of

1 the most common and serious types of concerns happening in
2 mobile home parks, along with any recommendations for
3 statutory reform to reduce the frequency or severity of
4 those disputes.

5 Section 50. Rules. The Department may, from time to time,
6 adopt rules that are necessary for the administration and
7 enforcement of this Act. Any rule adopted under this Act is
8 subject to the rulemaking provisions of the Illinois
9 Administrative Procedure Act.

10 Section 55. State Lawsuit Immunity Act. Nothing in this
11 Act shall be construed to constitute a waiver of the immunity
12 of the State, Department, Office, or Ombudsperson, or any
13 officer, employee, or agent thereof under the State Lawsuit
14 Immunity Act.

15 Section 60. Annual fee for lots in parks operated for
16 profit; notice; penalty; deposit.

17 (a) The owner of a manufactured home park that is operated
18 for profit shall pay to the Office of the Mobile and
19 Manufactured Home Ombudsperson an annual fee of \$10 for each
20 lot within the park beginning January 1, 2027. The fee shall
21 increase to \$12 on January 1, 2032. The owner shall not impose
22 a fee or surcharge to recover from his or her tenants the costs
23 resulting from the annual fee per lot paid pursuant to this

1 subsection, or any related penalty.

2 (b) The Office of the Mobile and Manufactured Home
3 Ombudsperson shall notify the owner of each manufactured home
4 park that is operated for profit in this state on or before
5 September 1 of each year of the fee imposed under this Section.

6 (c) If an owner fails to pay the fee on or before January 1
7 of each year, a penalty of 50% of the amount of the fee must be
8 added.

9 (d) All fees and penalties collected by the Office of the
10 Mobile and Manufactured Home Ombudsperson under this Section
11 must be deposited into the Mobile and Manufactured Home
12 Ombudsperson Fund, a special fund that is created in the State
13 treasury.

14 (e) This Section is inoperative on and after January 1,
15 2038.

16 Section 65. Use of money in Mobile and Manufactured Home
17 Ombudsperson Fund; eligibility to receive money from Fund;
18 rules.

19 (a) Money in the Mobile and Manufactured Home Ombudsperson
20 Fund may be used to pay necessary administrative costs and to
21 assist eligible persons by supplementing their monthly rent
22 for the manufactured home lot on which their manufactured home
23 is located. Except as otherwise provided in this Section, to
24 be eligible for assistance from the Fund, a person must:

25 (1) have been a tenant in the same manufactured home

1 park in this State for at least 10 years immediately
2 preceding the application for assistance;

3 (2) be the registered owner of the manufactured home
4 that is subject to the tenancy, as indicated on the
5 certificate of ownership that is issued by the Secretary
6 of State;

7 (3) be 65 years of age or older;

8 (4) have a monthly household income, as determined by
9 the Office of the Mobile and Manufactured Home
10 Ombudsperson in accordance with this Section, which is at
11 or below:

12 (A) one-twelfth of the applicable annual amount in
13 the poverty guidelines updated periodically in the
14 Federal Register by the U.S. Department of Health and
15 Human Services under the authority of 42 U.S.C.
16 9902(2) or \$750, whichever is greater, if the person
17 is the sole occupant of the manufactured home; or

18 (B) one-twelfth of the applicable annual amount in
19 the poverty guidelines updated periodically in the
20 Federal Register by the U.S. Department of Health and
21 Human Services under the authority of 42 U.S.C.
22 9902(2) or \$1,125, whichever is greater, if the person
23 is not the sole occupant of the manufactured home;

24 (5) be a tenant in a manufactured home park that is
25 operated for profit and maintain continuous tenancy in
26 that park during the duration of the supplemental

1 assistance; and

2 (6) not have assets whose value is more than \$12,000,
3 excluding the value of:

4 (A) the manufactured home which is subject to the
5 tenancy;

6 (B) the contents of that manufactured home; and

7 (C) one motor vehicle.

8 (b) In determining the monthly household income of an
9 applicant pursuant to subsection (a), the Office of the Mobile
10 and Manufactured Home Ombudsperson shall exclude from the
11 calculation:

12 (1) The value of any benefits the applicant received
13 under the federal Supplemental Nutrition Assistance
14 Program during the year immediately preceding his or her
15 application for assistance; or

16 (2) If the applicant is receiving coverage pursuant to
17 Medicare Part B under 42 U.S.C. 1395j et seq., the value of
18 the cost of that coverage during the year immediately
19 preceding his or her application for assistance, whichever
20 is greater.

21 (c) The Office of the Mobile and Manufactured Home
22 Ombudsperson may waive the monthly household income
23 requirements for eligibility set forth in paragraph (a)(4)
24 upon the written request of an applicant if the applicant
25 demonstrates to the satisfaction of the Office of the Mobile
26 and Manufactured Home Ombudsperson that the circumstances of

1 the applicant warrant a waiver as a result of:

2 (1) illness;

3 (2) disability; or

4 (3) extreme financial hardship based upon a
5 significant reduction of income, when considering the
6 applicant's current financial circumstances.

7 An applicant shall include with his or her request for a
8 waiver all medical and financial documents that support his or
9 her request.

10 (d) The Office of the Mobile and Manufactured Home
11 Ombudsperson shall adopt rules establishing:

12 (1) the annual reporting requirements for persons
13 receiving assistance pursuant to this Section. The rules
14 must require that each such person provide the Office of
15 the Mobile and Manufactured Home Ombudsperson with a
16 written acknowledgment of his or her continued eligibility
17 for assistance.

18 (2) the maximum amount of assistance which may be
19 distributed to a person to supplement his or her monthly
20 rent pursuant to this Section (both on an annual basis and
21 on a program basis).

22 (e) As used in this Section:

23 "Eligible person or persons" means someone who qualifies

24 (1) under subsection (a) of Section 65; or (2) a veteran or a
25 person with a disability who has been a tenant in the same
26 manufactured home park in this State for at least 10 years

1 immediately preceding the application for assistance.

2 "Manufactured home" includes a travel trailer that is
3 located on a manufactured home lot within a manufactured home
4 park.

5 "Monthly household income" means the combined monthly
6 incomes of the occupants of a manufactured home which is
7 subject to the tenancy for which assistance from the Fund is
8 requested.

9 "Person with a disability" means a person unable to engage
10 in any substantial gainful activity by reason of a medically
11 determinable physical or mental impairment that can be
12 expected to result in death or has lasted or can be expected to
13 last for a continuous period of not less than 12 months.

14 "Travel trailer" has the meaning given to that term in
15 Section 1-210.01 of the Illinois Vehicle Code.

16 "Veteran" means an Illinois resident who has served as a
17 member of the United States Armed Forces on active duty or State
18 active duty, a member of the Illinois National Guard, or a
19 member of the United States Reserve Forces who has received an
20 honorable discharge.

21 (f) This Section is inoperative on and after the date that
22 the Fund no longer has available funds.

23 Section 90. The State Finance Act is amended by adding
24 Section 5.1038 as follows:

1 (30 ILCS 105/5.1038 new)

2 Sec. 5.1038. The Mobile and Manufactured Home Ombudsperson
3 Fund.

4 Section 99. Effective date. This Act takes effect January
5 1, 2027.".