



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3438

Introduced 2/27/2007, by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

765 ILCS 745/6
765 ILCS 745/8

from Ch. 80, par. 206
from Ch. 80, par. 208

Amends the Mobile Home Landlord and Tenant Rights Act. Provides a refund procedure for a lease or purchase agreement that a prospective tenant cancels within 5 or 10 days after signing the lease or purchase agreement. Provides that a landlord is limited to 2 months rent for a tenant's early termination of the lease. Provides that if a tenant leaves the park because of temporary illness or disability, the park owner shall allow relatives designated by the tenant or the tenant's guardian to live in the home provided that these relatives first satisfy any lease requirements for a criminal, credit, or financial background check. Provides for automatic lease renewal for 2 years unless certain requirements are met, such as a 30-day notice and a notice of reasons for the non-renewal of the lease. Provides that the park owner is to give 12 months notice of closing all or part of the park. Makes other changes.

LRB095 04829 AJO 24889 b

1 AN ACT concerning property.

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 and 8 as follows:

6 (765 ILCS 745/6) (from Ch. 80, par. 206)

7 Sec. 6. Minimum lease terms of required written lease
8 ~~Obligation of Park Owner to Offer Written Lease.~~

9 (a) No person shall offer a mobile home or lot for rent or
10 sale in a mobile home park without having first exhibited to
11 the prospective tenant or purchaser a copy of the lease
12 applicable to the respective mobile home park.

13 (b) ~~(a)~~ The park owner shall be required to offer to each
14 present and future tenant a written lease for a term of not
15 less than 2 years ~~12 months~~, unless the parties agree to a
16 different term subject to existing leases which shall be
17 continued pursuant to their terms.

18 (c) A prospective tenant who executes a lease pursuant to
19 this Section may cancel the lease by notifying the park owner
20 in writing within 5 business days after the prospective
21 tenant's execution of the lease. The park owner shall return
22 any downpayment, security deposit, or rent paid by the
23 prospective tenant within 10 days after receiving the written

1 cancellation. If the park owner enters into an agreement to
2 sell a mobile home to a prospective tenant or lease it to a
3 prospective tenant with an option to purchase, the prospective
4 tenant may cancel the sale or lease-purchase agreement along
5 with the lease by notifying the park owner in writing within 5
6 business days after the prospective tenant's execution of the
7 lease. The park owner shall, within 10 days after receiving the
8 written cancellation, refund all consideration paid by the
9 prospective tenant and cancel any debt relating to the purchase
10 or lease of the mobile home.

11 (d) The maximum amount that a park owner may recover as
12 damages for a tenant's early termination of a lease is 2 months
13 rent. However, if the lot is leased to another tenant within 20
14 days of vacating, the damages shall be a maximum of rent for
15 one month.

16 (e) In the lease, the park owner shall fully and clearly
17 set forth the amounts or methods of determining any rental
18 increases for any and all renewals of the lease.

19 (f) The park owner shall not charge or impose upon a tenant
20 any fee or increase in rent which reflects the cost to the park
21 owner of any fine, forfeiture, penalty, money damages, or fee
22 assessed or awarded by a court of law against the park owner,
23 including any attorney's fees and costs incurred by the park
24 owner in connection therewith.

25 (g) ~~(b)~~ Tenants in possession on the effective date of this
26 Act shall have 30 days after receipt of the offer for a written

1 lease within which to accept or reject such offer; during which
2 period, the rent may not be increased or any other terms and
3 conditions changed, except as permitted under this Act;
4 providing that if the tenant has not so elected he shall vacate
5 within the 30 day period.

6 (h) ~~(e)~~ The park owner shall notify his tenants in writing
7 not later than 30 days after the effective date of this Act,
8 that a written lease shall be available to the tenant and that
9 such lease is being offered in compliance with and will conform
10 to the requirements of this Act.

11 (i) If a tenant leaves a mobile home park temporarily
12 because of illness or disability and the tenant or the tenant's
13 guardian or representative designates a relative or relatives
14 of the tenant to live in the home until the tenant is able to
15 return, the park owner shall allow the relative or relatives to
16 reside in the home so long as the terms of the lease continue
17 to be met. If the tenant's lease provides that before any
18 person may occupy the home he or she must first submit to a
19 criminal, credit, or financial background check and be approved
20 by the park owner, then that term of the lease must be met
21 before the relative or relatives may live in the home.

22 (Source: P.A. 81-1509.)

23 (765 ILCS 745/8) (from Ch. 80, par. 208)

24 Sec. 8. Renewal of Lease.

25 (a) At the expiration of a lease, including one that is a

1 renewal of a previous lease, the lease shall be renewed
2 automatically for a term of 2 years with the same terms as the
3 previous lease, unless:

4 (1) the tenant notifies the park owner 30 days prior to
5 the expiration of the lease that he or she does not intend
6 to renew the lease;

7 (2) the park owner notifies the tenant 30 days prior to
8 the expiration of the lease that the lease will not be
9 renewed and specifies in writing one or more of the
10 following reasons: violation of park rules; violation of
11 health and safety codes; or irregular or non-payment of
12 rent;

13 (3) the park owner seeks to change the terms of the
14 agreement pursuant to subsections (b), (c), and (d), in
15 which case the procedures set forth in those subsections
16 shall apply; or

17 (4) the park owner elects to cease the operation of
18 either all or a portion of the mobile home park. The
19 tenants shall be entitled to at least 12 months notice of
20 the cessation of operations. If 12 months or more remain on
21 the existing lease at the time of notice, the tenant is
22 entitled to the balance of the term of his or her lease. If
23 there are less than 12 months remaining in the term of his
24 or her lease, the tenant is entitled to the balance of his
25 or her lease plus a written month-to-month tenancy, at the
26 expiring lease rate to provide him or her with a full 12

1 months notice.

2 (b) Six months prior to the expiration of the lease, the
3 park owner shall offer the tenant a renewal lease with a term
4 of at least 2 years with the proposed rental amount and any fee
5 or other lease changes for that term. ~~Every lease of a mobile~~
6 home or lot in a mobile home park shall contain an option which
7 automatically renews the lease; unless: (a) the tenant shall
8 notify the owners 30 days prior to the expiration of the lease
9 that he does not intend to renew the lease; or (b) the park
10 owner shall notify the tenant 30 days prior to the expiration
11 of the lease that the lease will not be renewed and specify in
12 writing the reasons, such as violations of park rules, health
13 and safety codes or irregular or non-payment of rent; or (c)
14 the park owner elects to cease the operation of either all or a
15 portion of the mobile home park. The tenants shall be entitled
16 to at least 12 months notice of such ceasing of operations. If
17 12 months or more remain on the existing lease at the time of
18 notice, the tenant is entitled to the balance of the term of
19 his lease. If there is less than 12 months remaining in the
20 term of his lease, the tenant is entitled to the balance of his
21 lease plus a written month to month tenancy, at the expiring
22 lease rate to provide him with a full 12 months notice.

23 ~~All notices required under this Section shall be by~~
24 ~~certified mail or personal service. Certified mail shall be~~
25 ~~deemed to be effective upon the date of mailing.~~

26 (Source: P.A. 87-1078.)