



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2661

by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

765 ILCS 745/12	from Ch. 80, par. 212
765 ILCS 745/13.5 new	
765 ILCS 745/22	from Ch. 80, par. 222

Amends the Mobile Home Landlord and Tenant Rights Act. Provides that a lease may not contain provisions: (1) granting the right of first refusal to the park owner to purchase a tenant's home; or (2) requiring the tenant to pay replacement costs of meters or other replacement costs of utilities provided by the park owner. Provides that if heat tapes are used to prevent the freezing of water pipes, the tenant is only responsible for the water pipes attached to the home. In a Section concerning park owner remedies, provides that a fine imposed for a violation shall be considered separate from rent, and a park owner shall not cease acceptance of the rent payment if a violation fine has been issued.

LRB099 09488 HEP 29696 b

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 12 and 22 and by adding Section  
6 13.5 as follows:

7 (765 ILCS 745/12) (from Ch. 80, par. 212)

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

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

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

18 (c) Requiring the tenant to pay any fees not specified  
19 in the lease;

20 (d) Permitting the park owner to transfer, or move, a  
21 mobile home to a different lot, including a different lot  
22 in the same mobile home park or manufactured home  
23 community, during the term of the lease;

- 1 (e) Waiving the homeowner's right to a trial by jury; ~~+~~  
2 (f) Granting the right of first refusal to the park  
3 owner to purchase a tenant's home;  
4 (g) Requiring the tenant to pay replacement costs of  
5 meters or other replacement costs of utilities provided by  
6 the park owner.

7 If one provision of a lease is invalid, that does not  
8 affect the validity of the remaining provisions of the lease.

9 (Source: P.A. 98-1062, eff. 1-1-15.)

10 (765 ILCS 745/13.5 new)

11 Sec. 13.5. Heat tapes. If heat tapes are used to prevent  
12 the freezing of water pipes, the tenant is only responsible for  
13 the water pipes attached to the home. The park owner is  
14 responsible for maintaining all electrical, plumbing, and  
15 other utilities as provided in Section 11 of this Act.

16 (765 ILCS 745/22) (from Ch. 80, par. 222)

17 Sec. 22. Remedies, Park Owner. A park owner may, any time  
18 rent is overdue, notify the tenant in writing that unless  
19 payment is made within the time specified in the notice, not  
20 less than 5 days after receipt thereof, the lease will be  
21 terminated. If the tenant remains in default, the park owner  
22 may institute legal action for recovery of possession, rent due  
23 and any damages.

24 If the tenant breaches any provision of the lease or rules

1 and regulations of the mobile home park, the park owner shall  
2 notify the tenant in writing of his breach. Such notice shall  
3 specify the violation and advise the tenant that if the  
4 violation shall continue for more than 24 hours after receipt  
5 of such notice the park owner may terminate the lease. A fine  
6 imposed for a violation shall be considered separate from rent,  
7 and a park owner shall not cease acceptance of the rent payment  
8 if a violation fine has been issued.

9 (Source: P.A. 81-637.)