

1 AN ACT concerning factory-built housing.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Manufactured Home Quality Assurance Act.

6 Section 5. Purpose. The purpose of this Act is to ensure
7 that the people of the State of Illinois who purchase
8 manufactured homes receive a quality product and quality
9 installation.

10 Section 10. Definitions. In this Act:

11 "Department" means the Illinois Department of Public
12 Health.

13 "Licensed installer" means a person who has successfully
14 completed a manufactured home installation course approved by
15 the Department and paid the required fees.

16 "Manufactured home" is synonymous with "mobile home" and
17 means a structure that is a factory-assembled, completely
18 integrated structure designed for permanent habitation, with
19 a permanent chassis and so constructed as to permit its
20 transport, on wheels temporarily or permanently attached to
21 its frame, from the place of its construction to the
22 location, or subsequent locations, at which it is placed on a
23 support system for use as a permanent habitation, and
24 designed and situated so as to permit its occupancy as a
25 dwelling place for one or more persons; provided, that any
26 such structure resting wholly on a permanent foundation,
27 which is a continuous perimeter foundation of material such
28 as mortared concrete block, mortared brick, or concrete which
29 extends into the ground below the established frost depth and
30 to which the home is secured with foundation bolts at least

1 one-half inch in diameter, spaced at intervals of no more
2 than 6 feet and within one foot of the corners, and embedded
3 at least 7 inches into concrete foundations or 15 inches into
4 block foundations, shall not be construed as a mobile home or
5 manufactured home. The term "manufactured home" includes
6 manufactured homes constructed after June 30, 1976 in
7 accordance with the federal National Manufactured Housing
8 Construction and Safety Standards Act of 1974 and does not
9 include an immobilized mobile home as defined in Section 2.10
10 of the Mobile Home Park Act.

11 "Manufacturer" means a manufacturer of a manufactured
12 home, whether the manufacturer is located within or outside
13 of the State of Illinois.

14 "Mobile home" means a manufactured home.

15 "Mobile home park" means a tract of land or 2 or more
16 contiguous tracts of land which contain sites with the
17 necessary utilities for 5 or more manufactured homes either
18 free of charge or for revenue purposes.

19 Section 15. Enforcement of setup standards. The
20 Department is responsible for enforcing setup standards
21 mandated by the United States Department of Housing and Urban
22 Development as set forth in manufacturers' specifications. In
23 the absence of manufacturer's specifications, the Department
24 must provide installation standards.

25 Section 20. Manufacturer's licenses; fees. No
26 manufacturer may sell a manufactured home that is to be
27 installed in the State of Illinois unless the Department has
28 issued to that person a license under this Section. Each
29 manufacturer's license issued or renewed is valid until
30 December 31 of the year it was issued or renewed. The fee for
31 the issuance and renewal of a manufacturer's license is \$500
32 per year.

1 Section 25. Installation of home; installer's license;
2 fees; display of license. All manufactured homes installed
3 after December 31, 2002 shall be installed under the onsite
4 supervision of a licensed manufactured home installer. The
5 fee for the issuance and renewal of an installer's license
6 is \$150 per year. In addition, a fee of \$25 must be paid by
7 the licensed installer responsible for the installation for
8 each manufactured home installed. A licensed installer
9 must provide proof of licensing at the installation site at
10 all times during the installation. The licensed installer
11 responsible for the installation must disclose the place of
12 manufactured home delivery and the name of the buyer to the
13 Department.

14 Section 30. Installer training. Licensed installers must
15 satisfactorily complete the Illinois Manufactured Housing
16 Association setup course or other training approved by the
17 Department. An installer who before January 1, 2002 has
18 satisfactorily completed a setup course or other training
19 approved by the Department is not required to complete any
20 other course or training to qualify for a license under this
21 Act.

22 Section 35. Deposit of funds. The Department must
23 deposit all funds received under this Act into the Facility
24 Licensing Fund.

25 Section 40. Oversight.

26 (a) This Act is to be administered by the Department.
27 The Department and other personnel as the Department
28 considers necessary must perform the following duties:

29 (1) Issue manufacturer's licenses and collect fees.

30 (2) Issue installer's licenses and collect fees.

31 (b) The Department must serve as a liaison between the

1 State, mobile home park owners, purchasers of mobile homes,
2 dealers, manufacturers, and installers. The Department must
3 receive and investigate complaints related to this Act for
4 the purpose of obtaining non-binding resolution of conflicts
5 between park owners, dealers, manufacturers, installers, and
6 purchasers of mobile homes.

7 (c) There is created the Manufactured Housing Quality
8 Assurance Board to consult and advise the Department. The
9 Board must comprise 9 members as follows: (i) The Director
10 of the Department, or his or her designee, to serve as
11 chairman; (ii) 3 residents of mobile home parks who have
12 lived in mobile homes for at least 5 years; (iii) the
13 president of a state association of mobile home owners or his
14 or her representative; (iv) one mobile home park owner who
15 has owned a mobile home park containing at least 20 sites for
16 at least 5 years; (v) one licensed dealer; (vi) one licensed
17 installer; and (vii) one licensed manufacturer. Each
18 individual described in items (iv), (v), (vi), and (vii) must
19 be an active member of either the Illinois Manufactured
20 Housing Association or the Illinois Housing Institute.

21 (d) Members of the Board are appointed by the Governor
22 for 3 year terms, except that, of the initial members, the
23 terms of 3 members expire on December 31 of the year
24 following the effective date of this Act and the terms of 3
25 other members expire on December 31 of the second year
26 following the effective date of this Act. Members serve until
27 their successors are appointed. Any member appointed to fill
28 a vacancy occurring prior to the expiration of the term for
29 which his predecessor was appointed is appointed for the
30 remainder of that term. The initial appointments commence on
31 January 1, 2002.

32 (e) The Board must meet at least 3 times each year.
33 Additional meetings may be called by the Department. A
34 majority of the members of the Board constitute a quorum.

1 Each member of the Board must be compensated for travel
2 expenses incurred in the performance of duties as a member of
3 the Board in accordance with Section 12-2 of the State
4 Finance Act.

5 (f) The Department must promulgate rules to implement
6 this Act.

7 Section 45. Penalties. The Department may revoke a
8 license issued under this Act for a period not to exceed 6
9 months for a violation of this Act. A licensee is entitled
10 to a hearing in accordance with the Illinois Administrative
11 Procedure Act prior to a revocation of his or her license.

12 Section 50. Injunctive relief. If the Department finds
13 that any installer or manufacturer is operating without a
14 valid license, the Director of the Department may request
15 that the Attorney General file a complaint in circuit court
16 in the name of the People of the State of Illinois to enjoin
17 that installer or manufacturer from engaging in unlicensed
18 activities.

19 Section 55. Exemption. Nothing in this Act shall be
20 construed to require a person who installs a new or used
21 manufactured home on his or her own property outside a mobile
22 home park as defined in the Mobile Home Park Act to acquire
23 an installer's license. However, said person may not hire
24 anyone for the purpose of avoiding the licensure requirement.
25 Such individual also waives any rights provided under this
26 Act as a result of not using a licensed installer.

27 Section 60. Exclusive State power or function. It is
28 declared to be the public policy of this State, pursuant to
29 paragraph (h) of Section 6 of Article VII of the Illinois
30 Constitution of 1970, that any power or function set forth in

1 this Act to be exercised by the State is an exclusive State
2 power or function. Such power or function shall not be
3 exercised concurrently, either directly or indirectly, by any
4 unit of local government to which this Act applies, including
5 home rule units, except as otherwise provided in this Act.

6 Section 65. Applicability. This Act does not apply to
7 home rule municipalities with a population in excess of
8 1,000,000.

9 Section 99. Effective date. This Act takes effect on
10 January 1, 2002.