

AN ACT concerning revenue.

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

Section 5. The Mobile Home Local Services Tax Act is amended by changing Section 9 as follows:

(35 ILCS 515/9) (from Ch. 120, par. 1209)

Sec. 9. Additional charge for delinquent taxes; penalty for fraud. For taxable years prior to 2003, if any local services tax, or part thereof, imposed by this Act is not paid on or before the due date for such tax, interest on such amount at the rate of 1 1/2% per month shall be paid for the period from such due date to the date of payment of such amount. Except as otherwise provided in this Section, for ~~For~~ taxable year 2003 and thereafter, if any local services tax, or part thereof, imposed by this Act is not paid on or before the due date for such tax, the taxpayer shall be required to pay a penalty of \$25 per month, or any portion thereof, not to exceed \$100. In counties with a population of more than 700,000 and less than 900,000, if any local services tax, or part thereof, imposed by this Act is not paid on or before the due date for such tax, the taxpayer shall be required to pay a penalty of \$25 per month, or any portion thereof, not to exceed the lesser of (i) \$100 or (ii) 50% of the original tax imposed. In all counties, if ~~if~~

such failure to pay such tax is the result of fraud, there shall be added to the tax as a penalty an amount equal to 50% of the deficiency.

(Source: P.A. 92-807, eff. 1-1-03.)

Section 10. The Mobile Home Park Act is amended by adding Section 2.11 as follows:

(210 ILCS 115/2.11 new)

Sec. 2.11. Normal maintenance. "Normal maintenance" means servicing or repairing existing devices, equipment, facilities, infrastructure, or supporting utilities, or replacing those items in identical fashion with the same size, make, and model as the existing items and in accordance with applicable codes.

Section 15. The Mobile Home Park Act is amended by changing Sections 3, 4, 4.1, 4.2, 4.4, 6, 9.4, 9.8, 9.10, and 19 as follows:

(210 ILCS 115/3) (from Ch. 111 1/2, par. 713)

Sec. 3. No person, firm or corporation shall establish, maintain, conduct, or operate a mobile home park after April 30, 1972, without ~~first obtaining~~ a license therefor from the Department. "Conduct or operate a mobile home park" as used in this Act shall include, but not necessarily be limited to

supplying or maintaining common water, sewer or other utility supply or service, or the collection of rents directly or indirectly from five or more independent mobile homes. Such license shall expire April 30 of each year and a new license shall be issued upon proper application and payment of the annual license fee provided the applicant is in substantial compliance with the Rules and Regulations of the Department.

(Source: P.A. 85-565.)

(210 ILCS 115/4) (from Ch. 111 1/2, par. 714)

Sec. 4. In order to obtain a permit to construct a new mobile home park the applicant shall file with the Department a written application and plan documents, including the following:

(a) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation.

(b) The address, location and legal description of the tract of land upon which it is proposed to construct, operate and maintain a mobile home park.

(c) The name of the mobile home park.

(d) Detailed plans and specifications sealed by a registered engineer or architect licensed to practice in the State of Illinois which include a general plot plan of the mobile home park with all sites and structures shown, the water

supply system, the sewage disposal system, the electrical system, the fuel supply system, the lighting system, the method of disposal of solid waste, all streets and sidewalks, swimming and bathing facilities, fire hydrants and details of all auxiliary structures.

(e) The number of mobile home sites proposed to be constructed or licensed.

(f) A statement of the fire-fighting facilities, public or private, which are available to the mobile home park.

(g) A plan review fee ~~of \$100~~, which is nonrefundable. For permits filed prior to the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$100. For permits filed on or after the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$500.

(Source: P.A. 85-565.)

(210 ILCS 115/4.1) (from Ch. 111 1/2, par. 714.1)

Sec. 4.1. A mobile home park constructed prior to the effective date of this amendatory Act of 1987 but not licensed by the Department shall not require a construction permit. A written application for an original license shall be submitted to the Department which shall include the information required in paragraphs (a), (b), (c), (e) and (f) of Section 4 in addition to plans showing the location of all structures and utilities at the mobile home park. A fee ~~of \$100~~ is required and shall not be refundable. For mobile home parks constructed

prior to the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$100. For mobile home parks constructed on or after the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$250.

(Source: P.A. 85-565.)

(210 ILCS 115/4.2) (from Ch. 111 1/2, par. 714.2)

Sec. 4.2. An application for a permit to alter a licensed mobile home park shall be submitted to the Department for any changes to the water, sewage, fuel, or electrical systems other than normal maintenance, the relocation of sites or the expansion of the number of sites in the park. Detailed plans and specifications shall be provided to show compliance with this Act and the promulgated rules. A plan review fee ~~of \$50~~ shall accompany the application. For permits submitted prior to the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$50. For permits submitted on or after the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$150. This fee shall not be refundable. Construction shall not commence until a permit is issued.

(Source: P.A. 85-565.)

(210 ILCS 115/4.4) (from Ch. 111 1/2, par. 714.4)

Sec. 4.4. A mobile home park whose license has been voided, suspended, denied or revoked may be relicensed by submission of

the application items required in paragraphs (a), (b), (c) and (e) of Section 4 and an application fee ~~of \$50~~ which is nonrefundable. For applications submitted prior to the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$50. For applications submitted on or after the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$250. Approval shall be issued if an inspection of the park by the Department indicates compliance with this Act and the rules promulgated pursuant to this Act.

(Source: P.A. 85-565.)

(210 ILCS 115/6) (from Ch. 111 1/2, par. 716)

Sec. 6. In addition to the application fees provided for herein, the licensee shall pay to the Department on or before March 31 of each year, an annual license fee ~~which shall be \$100 plus \$4 for each mobile home space in the park.~~ For calendar years prior to 2020, the annual license fee shall be \$100 plus \$4 for each mobile home space in the park. Beginning in calendar year 2020, the annual license fee shall be \$250 plus \$7 for each mobile home space in the park. Annual license fees submitted after April 30 shall be subject to a \$50 late fee. The licensee shall also complete and return a license renewal application by March 31 of each year.

For notifications sent prior to the effective date of this amendatory Act of the 101st General Assembly, the ~~The~~ licensee

shall pay to the Department within 30 days of receipt of notification from the Department \$6 for each additional mobile home site added to his park under authority of a written permit to alter the park as provided in Section 4.2 of this Act, payment for the additional mobile home sites to be made and an amended license therefor obtained before any mobile homes are accommodated on the additional mobile home spaces. The Department shall issue an amended license to cover such additional mobile home sites, when they are to be occupied before the end of the license year, for which an annual license has been previously issued. For notifications sent on or after the effective date of this amendatory Act of the 101st General Assembly, the licensee shall pay to the Department within 30 days of receipt of notification from the Department \$11 for each additional mobile home site added to his park under authority of a written permit to alter the park as provided in Section 4.2 of this Act, payment for the additional mobile home sites to be made and an amended license therefor obtained before any mobile homes are accommodated on the additional mobile home spaces. The Department shall issue an amended license to cover such additional mobile home sites, when they are to be occupied before the end of the license year, for which an annual license has been previously issued.

Subsequent to the effective date of this Act, an applicant for an original license to operate a new park constructed under a permit issued by the Department shall only be required to pay

1/4 of the annual fee if such park begins operation after the 31st day of January and before the 1st day of May of such licensing year; or 1/2 of the annual fee if such park begins operation after the 31st day of October and before the 1st day of February of such licensing year or 3/4 of the annual fee if such park begins operation after the 31st day of July and before the 1st day of November of such licensing year; but shall be required to pay the entire annual fee if such park begins operation after the 30th day of April and before the 1st day of August of such licensing year.

Each license fee shall be paid to the Department and any license fee or any part thereof, once paid to and accepted by the Department shall not be refunded.

The Department shall deposit all funds received under this Act into the Facility Licensing Fund. Subject to appropriation, moneys in the Fund shall be used for the enforcement of this Act.

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

(210 ILCS 115/9.4) (from Ch. 111 1/2, par. 719.4)

Sec. 9.4. An adequate supply of water of safe, sanitary quality, approved by the Department shall be furnished at each park. Where water from other sources than that supplied by a city or village is proposed to be used, the source of such supply shall first be approved by the Department. Each mobile home shall have a connection to a public water system, a

~~semi-private water system, or a private water supply constructed in accordance with the requirements of the Illinois Water Well Construction Code or the Surface Source Water Treatment Code. Each site shall be provided with a cold water tap located in accordance as per regulations of the Department.~~

(Source: P.A. 77-1472.)

(210 ILCS 115/9.8) (from Ch. 111 1/2, par. 719.8)

Sec. 9.8. Adequate insect and rodent control measures shall be employed. All buildings shall be fly proof and rodent proof and rodent harborages shall not be permitted to exist in the park or pathways. All mobile homes shall be skirted to exclude rodents and provide protection to the homes utilities from the weather.

(Source: P.A. 77-1472.)

(210 ILCS 115/9.10) (from Ch. 111 1/2, par. 719.10)

Sec. 9.10. Porches, carports, garages, sheds, awnings, skirting, and auxiliary rooms shall be constructed of materials specified by rule ~~regulations~~.

(Source: P.A. 85-565.)

(210 ILCS 115/19) (from Ch. 111 1/2, par. 729)

Sec. 19. Violations; penalties.

(a) Whoever violates any provision of this Act, shall, except as otherwise provided, be guilty of a Class B

misdemeanor. Each day's violation shall constitute a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General shall bring such actions in the name of the people of the State of Illinois, or may, in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation, or to enjoin the operation of any such mobile home park.

(b) The Department may also impose an administrative monetary penalty against a person who operates a mobile home park in violation of this Act or the rules adopted under the authority of this Act. The Department shall establish the amount of the penalties by rule. The Department must provide the person with written notification of the alleged violation ~~and allow a minimum of 30 days for correction of the alleged violation before imposing an administrative monetary penalty, unless the alleged violation involves life safety in which case the Department shall allow a minimum of 10 days for correction of the alleged life safety violation before imposing an administrative monetary penalty.~~ The Department shall adopt rules defining classes of violations and allowing a minimum number of days for correction of each class of alleged violation that involve life safety.

In addition, before imposing an administrative monetary penalty under this subsection, the Department must provide the following to the person operating the mobile home park:

- (1) Written notice of the person's right to request an

administrative hearing on the question of the alleged violation.

(2) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director of Public Health.

(3) A written decision from the Director of Public Health, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the person violated this Act.

The Attorney General may bring an action in the circuit court to enforce the collection of an administrative monetary penalty imposed under this subsection.

The Department shall deposit all administrative monetary penalties collected under this subsection into the Facility Licensing Fund. Subject to appropriation, moneys in the Fund shall be used for the enforcement of this Act.

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

Section 99. Effective date. This Act takes effect upon becoming law.