

Mobile Home Park Act
(210 ILCS 115/)

210 ILCS 115/1	[Legislative Findings]
210 ILCS 115/2	[Meanings of Words and Phrases]
210 ILCS 115/2.1	[Manufactured Home]
210 ILCS 115/2.2	[Permanent Habitation]
210 ILCS 115/2.3	[Dependent Mobile Home]
210 ILCS 115/2.4	[Independent Mobile Home]
210 ILCS 115/2.5	[Mobile Home Park]
210 ILCS 115/2.6	[Department]
210 ILCS 115/2.7	[Site]
210 ILCS 115/2.8	[Individual Utilities]
210 ILCS 115/2.9	[Revenue Purposes]
210 ILCS 115/2.10	[Immobilized Mobile Home]
210 ILCS 115/3	[License Required]
210 ILCS 115/4	[Application]
210 ILCS 115/4.1	[Construction Permit Not Required]
210 ILCS 115/4.2	[Application for Alteration]
210 ILCS 115/4.3	[Application to Reduce Number of Sites]
210 ILCS 115/4.4	[Relicensing]
210 ILCS 115/5	[Issuance or Denial of Permit or License]
210 ILCS 115/6	[Fees]
210 ILCS 115/7	[Revocation or Suspension; Notice]
210 ILCS 115/8	[Construction Permit Required; Display; Transfer]
210 ILCS 115/9	[Operation and Maintenance]
210 ILCS 115/9.1	[Manager; Duties]
210 ILCS 115/9.2	[Drainage]
210 ILCS 115/9.3	[Minimum Area; Placement of Sites]
210 ILCS 115/9.4	[Water Supply]
210 ILCS 115/9.5	[Sewage]
210 ILCS 115/9.6	[Water Carriage System]
210 ILCS 115/9.7	[Garbage Containers]
210 ILCS 115/9.8	[Insect and Rodent Control]
210 ILCS 115/9.9	[Fire Extinguishers]
210 ILCS 115/9.10	[Additional Structures]
210 ILCS 115/9.11	[Streets]
210 ILCS 115/9.12	[Responsibility for Sanitary, Electrical and Safety Appliances]
210 ILCS 115/9.13	[Electrical Outlets]
210 ILCS 115/9.14	[Only Independent Mobile Homes Permitted for Occupancy]
210 ILCS 115/9.15	[Fire Safety]
210 ILCS 115/9.16	[Disclosure]
210 ILCS 115/10.1	[Community Facilities]
210 ILCS 115/10.2	[Building Ordinances; Rules and Regulations]
210 ILCS 115/11	[Approval of Application]
210 ILCS 115/12	[Records; Provision of Rules and Regulations]

210 ILCS 115/13	[Register; Penalty for Furnishing Misinformation]
210 ILCS 115/18	[County or Municipal License]
210 ILCS 115/19	[Violations; Penalty]
210 ILCS 115/20	[Applicability]
210 ILCS 115/21	[Enforcement]
210 ILCS 115/22	[Right to a Hearing; Procedure]
210 ILCS 115/22.1	[Administrative Rules and Procedures]
210 ILCS 115/23	[Law Governing Review of Decisions]
210 ILCS 115/24	[Severability]
210 ILCS 115/25	[Repeal]
210 ILCS 115/26	[Home Rule Unit]
210 ILCS 115/27	[Short Title]

(210 ILCS 115/1) (from Ch. 111 1/2, par. 711)

Section 1. The General Assembly of Illinois finds: (1) that there is a serious housing shortage in this state; (2) that rising costs in the building construction field has seriously impeded the building of new housing, particularly for moderate and low income citizens; (3) that the existing housing stock is continuously depleted through demolition resulting from aging buildings, urban renewal, highway construction and other necessary public improvements; (4) that advances in the construction of mobile homes has significantly increased the importance of this mode of housing; (5) that through proper regulation and licensing mobile homes can contribute to the quality housing of Illinois citizens.

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

(210 ILCS 115/2) (from Ch. 111 1/2, par. 712)

Section 2. Unless the context clearly requires otherwise, the words and phrases set forth in Sections 2.1 to 2.9 inclusive, shall have the meanings set forth in this Act.

(Source: P.A. 78-1170.)

(210 ILCS 115/2.1) (from Ch. 111 1/2, par. 712.1)

Section 2.1. "Manufactured home" means a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) 8 body feet or more in width, (ii) 40 body feet or more in length, and (iii) 320 or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is installed and set up according to the manufacturer's instructions and connected to utilities for year-round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles. The term "mobile home" shall not include modular homes and their support systems.

(Source: P.A. 96-1477, eff. 1-1-11.)

(210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

Section 2.2. Permanent habitation. "Permanent habitation" means habitation for a period of 2 or more months.

(Source: P.A. 95-331, eff. 8-21-07.)

(210 ILCS 115/2.3) (from Ch. 111 1/2, par. 712.3)

Section 2.3. "Dependent mobile home" means a mobile home which does not have toilet and bath or shower facilities.

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

(210 ILCS 115/2.4) (from Ch. 111 1/2, par. 712.4)

Section 2.4. "Independent mobile home" means a mobile home which has self-contained toilet and bath or shower facilities.

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

(210 ILCS 115/2.5) (from Ch. 111 1/2, par. 712.5)

Section 2.5. "Mobile home park" means a tract of land or 2 or more contiguous tracts of land upon which contain sites with the necessary utilities for 5 or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park.

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

(210 ILCS 115/2.6) (from Ch. 111 1/2, par. 712.6)

Section 2.6. "Department" means the Department of Public Health, unless otherwise indicated.

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

(210 ILCS 115/2.7) (from Ch. 111 1/2, par. 712.7)

Section 2.7. "Site" means the lot on which the mobile home is located for permanent habitation.

(Source: P.A. 78-1170.)

(210 ILCS 115/2.8) (from Ch. 111 1/2, par. 712.8)

Section 2.8. "Individual utilities", as used in this Act, means the provision for each mobile home of; a separate metered connection to electrical service; separately tapped water service from an approved public water supply or a separate private water supply; and a separately tapped connection to an approved public sewer system or a separate private sewage disposal system.

(Source: P.A. 78-1170.)

(210 ILCS 115/2.9) (from Ch. 111 1/2, par. 712.9)

Section 2.9. "Revenue purposes" as used in this Act shall include, but not be limited to, monies or other valuable consideration paid by a tenant or lessee or paid by a contract purchaser

pursuant to a contract for deed, sale or purchase prior to the delivery of the deed conveying legal title.

(Source: P.A. 78-1170.)

(210 ILCS 115/2.10) (from Ch. 111 1/2, par. 712.10)

Section 2.10. "Immobilized mobile home" means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act.

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

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

Section 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)

Section 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.

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

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

Section 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.

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

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

Section 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. This fee shall not be refundable. Construction shall not commence until a permit is issued.

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

(210 ILCS 115/4.3) (from Ch. 111 1/2, par. 714.3)

Section 4.3. An application to reduce the number of licensed sites shall be submitted to the Department no later than 10 days prior to the proposed date of reduction. The specific sites no longer required to be licensed, and either the method of disconnecting the required utilities or a description of the method of immobilizing the mobile homes shall be provided. If the reduction results in less than 5 mobile homes remaining, the license shall be void if the application is approved. No fee shall be required. The licensee shall be responsible for insuring that all utilities at vacated spaces are disconnected or sealed, as prescribed by the Department.

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

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

Section 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. 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 115/5) (from Ch. 111 1/2, par. 715)

Section 5. Upon receipt of an application for a permit to construct a new mobile home park, an application for an original license to operate and maintain the same, or an application for a permit to alter a licensed mobile home park, the Department shall, if the park is, or the

proposed park will be, in conformity with this Act and the rules and regulations adopted by the Department pursuant thereto, issue a permit to construct, a permit to alter or an original license, as the case may be. If the application for a permit to construct, a permit to alter or an original license is declined, the Department shall give the reasons therefore in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and re-submit it for approval.

If a permit to construct or a permit to alter a park has been issued, the applicant upon completion thereof shall notify the Department. The Department shall then inspect the park and, if completed in accordance with the approved plans, shall issue a license for the number of approved sites after receipt of the required fee.

A permit does not relieve the applicant from securing building permits in municipalities or counties having a building code, or from complying with any municipal or county zoning or other ordinance applicable thereto. Within 10 days of receiving an application for a permit to construct a new park or expand a licensed park, the Department shall send a copy thereof, by certified mail, to the county or municipality in which the proposed park is located. Construction for which the Department has issued a permit shall not commence until the applicant has received any required municipal or county building and zoning approvals. No license to operate and maintain a mobile home park shall be issued upon the Department's being notified, within 60 days of the mailing of the application to the municipality or county, as provided in this Section by a written certification from the municipal or county zoning board or commission of any municipality or county that such park is in violation of any municipal or county zoning or other ordinances and that such park was not in existence at the time of the passage of such municipal or county zoning or other ordinances. Upon certification from such municipal or county zoning board that such park has complied with the municipal or county zoning or other ordinances and other requirements of this Act have been met, such license shall be issued. Within ten days after such park has complied with the municipal or county zoning ordinance the municipal or county zoning board or commission shall certify such compliance to the Department. Provided, fees charged by such municipality or county for such permits shall not exceed the usual charge for the services provided by such municipality or county in connection with such permits.

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

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

Section 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. 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.

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. 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 115/7) (from Ch. 111 1/2, par. 717)

Section 7. Any license granted hereunder shall be subject to revocation or suspension by the Department. However, the Department shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statute, or any rules or regulations promulgated by the Department pertaining thereto. Said notice shall require the licensee to remove or abate such nuisance, insanitary or objectionable condition, specified in such notice, within 5 days or within a longer period of time as may be allowed by the Department. If the licensee fails to comply with the terms and conditions of said notice, within the time specified or such extended period of time, the Department may revoke or suspend such license.

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

(210 ILCS 115/8) (from Ch. 111 1/2, par. 718)

Section 8. No person, firm or corporation shall construct a mobile home park without first obtaining a permit to do so. All permits to construct, all licenses to operate, and all permits to make alterations therein shall be prominently displayed in the park office. All licenses issued under this Act shall be transferable only with the written consent of the Department, provided, however, that the Department may not withhold such consent where the provisions of this Act have been met. The new licensee shall provide to the Department the information required in paragraphs (a), (c) and (e) of Section 4.

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

(210 ILCS 115/9) (from Ch. 111 1/2, par. 719)

Section 9. Each mobile home park licensed or to be constructed under the provisions of this Act shall be operated and maintained in accordance with the requirements of Sections 9.1 to 9.16, inclusive, of this Act.

(Source: P.A. 98-540, eff. 1-1-14.)

(210 ILCS 115/9.1) (from Ch. 111 1/2, par. 719.1)

Section 9.1. Every park shall be managed by a responsible individual whose name, address and telephone number shall be on file at all times with the Department and whose duty it shall be to

maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and shall be responsible, with the licensee, for any violation of the provisions of this Act.
(Source: P.A. 85-565.)

(210 ILCS 115/9.2) (from Ch. 111 1/2, par. 719.2)

Section 9.2. No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained. No waste water shall be deposited on the surface of the ground within the mobile home park.

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

(210 ILCS 115/9.3) (from Ch. 111 1/2, par. 719.3)

Section 9.3. Each site on which a mobile home is accommodated shall have a minimum area of 2,500 square feet, provided that sites existing in parks or approved by the Department for construction prior to August 21, 1967, shall contain an area of not less than 1,000 square feet, and sites constructed between August 21, 1967 and the effective date of this amendatory Act of 1987 shall contain an area of not less than 2,100 feet. No mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public street, alley or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street. There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home.

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

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

Section 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 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 115/9.5) (from Ch. 111 1/2, par. 719.5)

Section 9.5. All sewage and other water carried wastes shall be disposed of into a municipal sewerage system whenever the interceptor or sewer main of such system is adjacent to the park. In parks in which such connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.

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

(210 ILCS 115/9.6) (from Ch. 111 1/2, par. 719.6)

Section 9.6. When a water carriage system of sewage is used each site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes, connected to said sewer while located in the park. Sewer connections in unoccupied

sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

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

(210 ILCS 115/9.7) (from Ch. 111 1/2, par. 719.7)

Section 9.7. A sufficient number of adequate flyproof and watertight containers in accordance with Rules and Regulations adopted by the Department shall be supplied for the storage of garbage except where an adequate incinerator is provided. Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for flies. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Department.

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

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

Section 9.8. Adequate insect and rodent control measures shall be employed. All buildings shall be fly and rodent proof and rodent harborages shall not be permitted to exist in the park or pathways.

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

(210 ILCS 115/9.9) (from Ch. 111 1/2, par. 719.9)

Section 9.9. Mobile homes in mobile home parks shall each be equipped with fire extinguishers in working order, one in each end of the mobile home. Inspection of any such equipment and enforcement of any Rules and Regulations adopted pursuant to this paragraph shall be the duty of the State Fire Marshal and local law enforcement agencies in the county or municipality where the mobile home park is located.

(Source: P.A. 96-1000, eff. 7-2-10.)

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

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

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

(210 ILCS 115/9.11) (from Ch. 111 1/2, par. 719.11)

Section 9.11. All streets in every park must be maintained in a passable and reasonably dust-proof condition at all times.

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

(210 ILCS 115/9.12) (from Ch. 111 1/2, par. 719.12)

Section 9.12. The management of every park shall assume full responsibility for maintaining in good repair and condition all sanitary, electrical and safety appliances in the park, and shall promptly bring such action as is necessary to prosecute or eject from the park any person or persons who willfully or maliciously damage such appliances, or any person or persons who fail to comply with the regulations of this Act.

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

(210 ILCS 115/9.13) (from Ch. 111 1/2, par. 719.13)

Section 9.13. Electrical outlets for each individual site shall be provided and the installation shall be in accordance with all state or local codes and ordinances.

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

(210 ILCS 115/9.14) (from Ch. 111 1/2, par. 719.14)

Section 9.14. In no event shall a dependent mobile home, or non-permanent shelter or other vehicle designed or used for sleeping purposes, other than an independent mobile home, be permitted for occupancy at any time in a mobile home park.

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

(210 ILCS 115/9.15)

Section 9.15. Fire safety. All private water supply systems and hydrants for fire safety purposes in existence on the effective date of this amendatory Act of the 94th General Assembly shall be maintained in operable condition and good repair as defined by the State Fire Marshal or mobile home park licensing agency. A mobile home park that does not have a private water supply system and hydrants shall have an agreement, approved by the State Fire Marshal or licensing agency in consultation with the municipal fire department or the local fire protection district, to provide an adequate and reliable water supply for fire mitigation needs. This agreement shall be signed and dated by the owner of the mobile home park or his or her designee and by the local fire chief or his or her designee. Certification that this agreement exists shall be signed by the owner of the mobile home park or his or her designee and by the local fire chief or his or her designee and submitted with each application for original licensure or licensure renewal required under Section 6 of this Act. A copy of this agreement shall be on file at the local fire department or fire protection district and posted in public view at the mobile home park site by the mobile home park owner or his or her designee and available for inspection.

Nothing in this Section shall be construed to mandate a mobile home park, constructed prior to 1998, to install new water supply systems or hydrants for fire safety purposes.

Each mobile home park shall be inspected annually pursuant to the applicable mobile home park fire protection standards by the municipal fire department or fire protection district that has jurisdictional responsibility for responding to a fire call in that park. As used in this Section, "applicable mobile home park fire protection standards" means (i) in the case of a home rule unit, the fire protection standards ordinance of the municipality or fire protection district that has jurisdictional responsibility for responding to a fire call in that park or (ii) if there is no ordinance or in the case of a non-home rule unit, the rules adopted by the Office of the State Fire Marshal for fire safety in mobile home parks. If, upon inspection, the municipal fire department or fire protection district finds that a park does not meet the applicable fire protection standards, the municipal fire department or fire protection district shall give within 5 working days of the inspection a written notice of violation to the licensee and to the Department of Public Health of any violation or required modification or repair. The licensee has 30 days after receipt of the written notice to correct the violation or make the required modification or repair. Not less than 30 days after the licensee's receipt of the notice, the municipal fire department or fire protection district shall reinspect the park and issue a written reinspection report to the licensee and to the Department of Public Health concerning the status of the licensee's compliance with the notice and whether any violation still exists. If the municipal fire department or fire protection district determines on reinspection that a licensee

has made a good faith and substantial effort to comply with the notice but that compliance is not complete, the municipal fire department or fire protection district may grant the licensee an extension of time for compliance, as they deem fit, by a written notice of extension of time for compliance issued within 5 working days after the re-inspection that identifies what remains to be corrected, modified, or repaired and a date by which compliance must be achieved. If an extension is granted, the municipal fire department or fire protection district shall make another inspection within 10 days after the date set for compliance and issue a final written report to the licensee and the Department of Public Health concerning the status of the licensee's compliance with the notice, written report, and written notice of extension of time for compliance and whether a violation still exists. If a licensee fails to cure the violation or comply with the requirements stated in the notice of violation, or if a written notice of extension of time for compliance is issued and the final written report states that a violation still exists, the municipal fire department or fire protection district shall notify the Department of Public Health of the licensee's failure to comply with the notice of violation and the written report and shall deliver to the Department for purposes of enforcement under this Section copies of all written notices and reports concerning the violation.

Upon receipt of the written reports concerning the violation, the Department shall issue to the licensee a notice of intent to assess civil penalties in the amount of \$500 per day, per violation for non-compliance with the written notice of violation issued by the municipal fire department or fire protection district and provide the licensee with the opportunity for an administrative hearing pursuant to the provisions of Section 22 of this Act. Notwithstanding the foregoing provisions of this Section, the enforcement of home rule ordinances and regulations shall be by the appropriate local authorities, including local public health departments, municipal attorneys, and State's Attorneys.

A home rule unit may not regulate the legal rights, remedies, and obligations of a licensee under this Section in a manner less restrictive than the regulation by the State of fire safety in a mobile home park under this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and function exercised by the State.

This Section does not apply to any mobile home park located within a home rule county if the home rule county actively regulates mobile home parks.

(Source: P.A. 94-1080, eff. 6-1-07; 95-832, eff. 1-1-09.)

(210 ILCS 115/9.16)

Section 9.16. Disclosure of the manufacture of methamphetamine in a mobile home. When a licensee or owner of a mobile home park has been notified in writing by law enforcement authorities that one of the mobile homes in the mobile home park has been used for the manufacture of methamphetamine as defined in Section 10 of the Methamphetamine Control and Community Protection Act, then the licensee or owner of the mobile home park shall inform a potential buyer of the mobile home that law enforcement authorities have notified the licensee or owner in writing that the mobile home has been used for the manufacture of methamphetamine.

The obligation of disclosure shall be imposed on the licensee or owner of the mobile home park only if the licensee or owner receives a written application for residency in the mobile home park from the prospective buyer prior to the prospective buyer acquiring the home and such application specifically identifies the applicable home and that the prospective buyer may

acquire the home. If the licensee or owner provides the required disclosure to the prospective buyer, then the seller of the mobile home shall not have any right to seek legal or equitable remedies against the licensee or owner on account of or in any way related to the disclosure, even if it is determined that the disclosure was not required to be made under this Section (for example, if the disclosure results in the prospective buyer not acquiring the mobile home, then the seller of the mobile home may not seek any redress or equitable remedies against the licensee or owner providing the disclosure in any way related to or resulting from the disclosure). If a licensee or owner violates this Section as determined by an impartial hearing examiner appointed by the Director of Public Health, then: (i) a prospective buyer shall not have any redress or cause of action against a licensee or owner for such failure; (ii) a violation shall not be subject to the terms of Section 19 of this Act; and (iii) the only liability a licensee or owner shall have for a violation of this Section shall be the payment of a fine in an amount determined by the examiner after the conclusion of a hearing and the examiner determining that the licensee or owner, as applicable, violated this Section, such fine not to exceed \$2,000 for each violation.

(Source: P.A. 98-540, eff. 1-1-14.)

(210 ILCS 115/10.1) (from Ch. 111 1/2, par. 720.1)

Section 10.1. When community kitchens, dining rooms, laundries, or other facilities are provided, such facilities and equipment as are supplied must be maintained in a sanitary condition and kept in good repair, and subject to such rules and regulations as may be issued by the Department.

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

(210 ILCS 115/10.2) (from Ch. 111 1/2, par. 720.2)

Section 10.2. All buildings constructed or altered, all plumbing, and all electrical and heating installations shall be in accordance with existing municipal and county building ordinances and the rules and regulations of the Department.

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

(210 ILCS 115/11) (from Ch. 111 1/2, par. 721)

Section 11. When the Department has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto or a license to operate and maintain the same, it shall retain the original and keep a file thereof. The Department shall notify the clerk of the municipality if the park is located within the limits of a municipality or the county clerk if said park is located outside the limits of a municipality of all approved applications for construction of new parks or expansion of licensed parks. The Department shall draft and supply all forms and blanks and specify the number and detail necessary to obtain permits to construct or make alterations upon parks; and for a license to operate and maintain such a park according to this Act.

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

(210 ILCS 115/12) (from Ch. 111 1/2, par. 722)

Section 12. The Department shall keep a record of all mobile home parks; said records to show the names and addresses of all parks, names and addresses of the licensees, number of mobile

home lots in each park, source of water supply, system of sewage and garbage disposal, and any other information desired by the Department.

The Department shall supply licensees of all parks with any and all health rules and regulations pertaining thereto made by the Department, and any change or changes that may be made from time to time and such rules and regulations shall be posted by the management of such park in a protected, conspicuous place within the park.

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

(210 ILCS 115/13) (from Ch. 111 1/2, par. 723)

Section 13. A register shall be maintained by the manager of each mobile home park. Such register shall include the name and address of the owner of each mobile home and every occupant of such mobile home and the square feet of floor space contained in such mobile home and the date of entry of such mobile home into the park. The register shall be signed by the owner or occupant of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a Class A misdemeanor. The registration records shall be neatly and securely maintained, and no registration records shall be destroyed until six years have elapsed following the date of registration. The register shall be available for inspection upon request by all law enforcement officers and by the Department.

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

(210 ILCS 115/18) (from Ch. 111 1/2, par. 728)

Section 18. In addition to the license provided in Section 3 of this Act, any county or municipality in this State may provide for the licensing of a mobile home park within its corporate limits; provided, such license shall not serve to exempt such park from the license and fee provided in Section 3; and, further provided, such county or municipality shall not charge a fee greater than \$50 per calendar year for such municipal or county license.

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

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

Section 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 violations 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.)

(210 ILCS 115/20) (from Ch. 111 1/2, par. 730)

Section 20. Nothing in this Act shall be construed to include the state parks of Illinois and the term "Mobile home park" shall not be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, or any military establishment of the United States or of this State wherein a travel trailer or mobile home may be located or harbored, or any park or State or county fairgrounds for a period during, immediately prior to and immediately subsequent to the holding of the fair not to exceed a total of two weeks in all, or the area or premises on any farm upon which are harbored travel trailers, or mobile homes occupied by persons employed upon such farm for not more than 120 days in any calendar year in the production, harvesting or processing of agricultural or horticultural products produced on such farm, or any park owned or operated by any municipality or county; provided, such municipality or county shall meet sanitary and safety provisions, keep a register, and make reports, as required by this Act for a licensee.

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

(210 ILCS 115/21) (from Ch. 111 1/2, par. 731)

Section 21. The Department shall enforce the provisions of this Act and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage, fire safety, and waste disposal, and the Department shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith. Such officials or officers are hereby granted the power and authority to enter upon the premises of such parks at any time for the purposes herein set forth.

The Department may issue rules and regulations to carry out the provisions of this Act. Such rules may contain provisions for the Department to grant a waiver to a mobile home park, if the intent and purpose of the Act are met.

The Department is empowered to assess civil penalties for violations of Section 9.15 of this Act. Civil penalties in the amount of \$500 per day, per violation shall be assessed for non-compliance with the written notice of violation issued by a municipal fire department or fire protection district. An additional civil penalty of \$500 per day of violation shall be assessed against a licensee who knowingly rents or offers for rent a mobile home or mobile home site without taking appropriate corrective action to remedy a notice of violation issued by a municipal fire department or fire protection district. The first day of violation for purposes of assessing a fine shall be the date of the licensee's receipt of the written report following the reinspection, if the written report states that a violation still exists. If a written notice of extension of time for compliance is issued and the final written report states that a violation still exists, the first day of violation for purposes of assessing a fine shall be the date of the licensee's receipt of the final written report. The Department shall deposit all fees and fines collected under this Act into the Facility Licensing Fund. Moneys in the Fund, subject to appropriation, shall be used for the enforcement of this Act.

In the administration and enforcement of this Act, the Department may designate and use full-time city or county health departments as its agents in making inspections and investigations.

(Source: P.A. 94-1080, eff. 6-1-07.)

(210 ILCS 115/22) (from Ch. 111 1/2, par. 732)

Section 22. Any person refused a permit to construct or alter a park or a license, or whose license is suspended or revoked, shall have the right to a hearing before the Department. A written notice of a request for such a hearing shall be served upon the Department within 20 days of such refusal of a permit to construct or alter or refusal of a license or suspension or revocation thereof. The Director shall give written notice of such decision, by registered mail, to the park operator or the applicant, as the case may be, within 5 days of such refusal, suspension or revocation.

The hearing shall be conducted by the Director, or a duly qualified employee of the Department designated in writing by the Director as a Hearing Officer.

The Director or Hearing Officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses. The hearing shall be conducted at such place as designated by the Department, except that hearings concerning the establishment, operation or licensing of a park in a county of 1,000,000 or more inhabitants shall be conducted in such county. The Director shall give written notice of the time and place of hearing, by registered mail, to the park operator or license applicant, as the case may be, at least 10 days prior to such hearing. The Director or Hearing Officer shall permit the applicant or licensee to appear in person and to be represented by counsel at the hearing at which time the applicant or licensee shall be afforded an opportunity to present all relevant matter in support of his application for license or renewal of license or in resisting the revocation thereof.

In the event of the inability of any party, or the Department, to procure the attendance of witnesses to give testimony or produce books and papers, such party or the Department may take the deposition of witnesses in accordance with the law pertaining to the taking of

depositions in civil cases in the circuit courts of this State. All testimony taken at a hearing shall be reduced to writing, and all such testimony and other evidence introduced at the hearing shall constitute a part of the record of the hearing.

The Director shall make findings of fact in such hearing, and the Director shall render his or her decision within 30 days after the termination of the hearing, unless additional time is required by him or her for a proper disposition of the matter. When the hearing has been conducted by a Hearing Officer, the Director shall review the record before rendering a decision. It shall be the duty of the Director to forward a copy of his or her decision, by registered mail, to the park operator or applicant, as the case may be, within 5 days of rendering such decision.

Technical errors in the proceeding before the Director or Hearing Officer or their failure to observe the technical rules of evidence shall not constitute grounds for the reversal of any administrative decision unless it appears to the court that such error or failure materially affects the rights of any party and results in substantial injustice to him.

All subpoenas issued by the Director or Hearing Officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the Circuit Court and shall be paid by the party to such proceeding at whose request the subpoena is issued. If such subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he might be lawfully examined, the Circuit Court of the county wherein the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding for contempt as in cases of a like refusal to obey a similar order of the Court.

The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of 95 cents per page representing costs of such certification.

Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

(Source: P.A. 83-334.)

(210 ILCS 115/22.1) (from Ch. 111 1/2, par. 732.1)

Section 22.1. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(Source: P.A. 88-45.)

(210 ILCS 115/23) (from Ch. 111 1/2, par. 733)

Section 23. The Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(210 ILCS 115/24) (from Ch. 111 1/2, par. 734)

Section 24. If any one or more of the provisions of this Act is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of the Act and the application of such provisions to other persons and circumstances shall not be affected thereby.

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

(210 ILCS 115/25) (from Ch. 111 1/2, par. 735)

Section 25. "An Act in relation to the licensing and regulation of trailer coach parks", approved July 13, 1953, as amended, is repealed effective midnight, April 30, 1972.

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

(210 ILCS 115/26) (from Ch. 111 1/2, par. 736)

Section 26. This Act does not apply within the corporate limits of any home rule unit.

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

(210 ILCS 115/27) (from Ch. 111 1/2, par. 737)

Section 27. This Act shall be known and may be cited as the Mobile Home Park Act.

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