

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 Park Act is amended by adding
5 Section 9.15 and changing Section 21 as follows:

6 (210 ILCS 115/9.15 new)

7 Sec. 9.15. Fire safety. All private water supply systems
8 and hydrants for fire safety purposes in existence on the
9 effective date of this amendatory Act of the 94th General
10 Assembly shall be maintained in operable condition and good
11 repair as defined by the State Fire Marshal or mobile home park
12 licensing agency. A mobile home park that does not have a
13 private water supply system and hydrants shall have an
14 agreement, approved by the State Fire Marshal or licensing
15 agency in consultation with the municipal fire department or
16 the local fire protection district, to provide an adequate and
17 reliable water supply for fire mitigation needs. Nothing in
18 this Section shall be construed to mandate a mobile home park,
19 constructed prior to 1998, to install new water supply systems
20 or hydrants for fire safety purposes.

21 Each mobile home park shall be inspected annually pursuant
22 to the applicable mobile home park fire protection standards by
23 the municipal fire department or fire protection district that
24 has jurisdictional responsibility for responding to a fire call
25 in that park. As used in this Section, "applicable mobile home
26 park fire protection standards" means (i) in the case of a home
27 rule unit, the fire protection standards ordinance of the
28 municipality or fire protection district that has
29 jurisdictional responsibility for responding to a fire call in
30 that park or (ii) if there is no ordinance or in the case of a
31 non-home rule unit, the rules adopted by the Office of the
32 State Fire Marshal for fire safety in mobile home parks. If,

1 upon inspection, the municipal fire department or fire
2 protection district finds that a park does not meet the
3 applicable fire protection standards, the municipal fire
4 department or fire protection district shall give within 5
5 working days of the inspection a written notice of violation to
6 the licensee and to the Department of Public Health of any
7 violation or required modification or repair. The licensee has
8 30 days after receipt of the written notice to correct the
9 violation or make the required modification or repair. Not less
10 than 30 days after the licensee's receipt of the notice, the
11 municipal fire department or fire protection district shall
12 reinspect the park and issue a written reinspection report to
13 the licensee and to the Department of Public Health concerning
14 the status of the licensee's compliance with the notice and
15 whether any violation still exists. If the municipal fire
16 department or fire protection district determines on
17 reinspection that a licensee has made a good faith and
18 substantial effort to comply with the notice but that
19 compliance is not complete, the municipal fire department or
20 fire protection district may grant the licensee an extension of
21 time for compliance, as they deem fit, by a written notice of
22 extension of time for compliance issued within 5 working days
23 after the reinspection that identifies what remains to be
24 corrected, modified, or repaired and a date by which compliance
25 must be achieved. If an extension is granted, the municipal
26 fire department or fire protection district shall make another
27 inspection within 10 days after the date set for compliance and
28 issue a final written report to the licensee and the Department
29 of Public Health concerning the status of the licensee's
30 compliance with the notice, written report, and written notice
31 of extension of time for compliance and whether a violation
32 still exists. If a licensee fails to cure the violation or
33 comply with the requirements stated in the notice of violation,
34 or if a written notice of extension of time for compliance is
35 issued and the final written report states that a violation
36 still exists, the municipal fire department or fire protection

1 district shall notify the Department of Public Health of the
2 licensee's failure to comply with the notice of violation and
3 the written report and shall deliver to the Department for
4 purposes of enforcement under this Section copies of all
5 written notices and reports concerning the violation.

6 Upon receipt of the written reports concerning the
7 violation, the Department shall issue to the licensee a notice
8 of intent to assess civil penalties in the amount of \$500 per
9 day, per violation for non-compliance with the written notice
10 of violation issued by the municipal fire department or fire
11 protection district and provide the licensee with the
12 opportunity for an administrative hearing pursuant to the
13 provisions of Section 22 of this Act.

14 Notwithstanding the foregoing provisions of this Section,
15 the enforcement of home rule ordinances and regulations shall
16 be by the appropriate local authorities, including local public
17 health departments, municipal attorneys, and State's
18 Attorneys.

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

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

30 (210 ILCS 115/21) (from Ch. 111 1/2, par. 731)

31 Sec. 21. The Department shall enforce the provisions of
32 this Act and the rules and regulations adopted pursuant thereto
33 affecting health, sanitation, water supply, sewage, garbage,
34 fire safety, and waste disposal, and the Department shall
35 inspect, at least once each year, each mobile home park and all

1 the accommodations and facilities therewith. Such officials or
2 officers are hereby granted the power and authority to enter
3 upon the premises of such parks at any time for the purposes
4 herein set forth.

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

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

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

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