



Sen. Iris Y. Martinez

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09400HB4342sam004

LRB094 12779 RLC 58189 a

1 AMENDMENT TO HOUSE BILL 4342

2 AMENDMENT NO. _____. Amend House Bill 4342, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mobile Home Park Act is amended by adding
6 Section 9.15 and changing Section 21 as follows:

7 (210 ILCS 115/9.15 new)

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

22 Each mobile home park shall be inspected annually pursuant
23 to the applicable mobile home park fire protection standards by
24 the municipal fire department or fire protection district that

1 has jurisdictional responsibility for responding to a fire call
2 in that park. As used in this Section, "applicable mobile home
3 park fire protection standards" means (i) in the case of a home
4 rule unit, the fire protection standards ordinance of the
5 municipality or fire protection district that has
6 jurisdictional responsibility for responding to a fire call in
7 that park or (ii) if there is no ordinance or in the case of a
8 non-home rule unit, the rules adopted by the Office of the
9 State Fire Marshal for fire safety in mobile home parks. If,
10 upon inspection, the municipal fire department or fire
11 protection district finds that a park does not meet the
12 applicable fire protection standards, the municipal fire
13 department or fire protection district shall give within 5
14 working days of the inspection a written notice of violation to
15 the licensee and to the Department of Public Health of any
16 violation or required modification or repair. The licensee has
17 30 days after receipt of the written notice to correct the
18 violation or make the required modification or repair. Not less
19 than 30 days after the licensee's receipt of the notice, the
20 municipal fire department or fire protection district shall
21 reinspect the park and issue a written reinspection report to
22 the licensee and to the Department of Public Health concerning
23 the status of the licensee's compliance with the notice and
24 whether any violation still exists. If the municipal fire
25 department or fire protection district determines on
26 reinspection that a licensee has made a good faith and
27 substantial effort to comply with the notice but that
28 compliance is not complete, the municipal fire department or
29 fire protection district may grant the licensee an extension of
30 time for compliance, as they deem fit, by a written notice of
31 extension of time for compliance issued within 5 working days
32 after the reinspection that identifies what remains to be
33 corrected, modified, or repaired and a date by which compliance
34 must be achieved. If an extension is granted, the municipal

1 fire department or fire protection district shall make another
2 inspection within 10 days after the date set for compliance and
3 issue a final written report to the licensee and the Department
4 of Public Health concerning the status of the licensee's
5 compliance with the notice, written report, and written notice
6 of extension of time for compliance and whether a violation
7 still exists. If a licensee fails to cure the violation or
8 comply with the requirements stated in the notice of violation,
9 or if a written notice of extension of time for compliance is
10 issued and the final written report states that a violation
11 still exists, the municipal fire department or fire protection
12 district shall notify the Department of Public Health of the
13 licensee's failure to comply with the notice of violation and
14 the written report and shall deliver to the Department for
15 purposes of enforcement under this Section copies of all
16 written notices and reports concerning the violation.

17 Upon receipt of the written reports concerning the
18 violation, the Department shall issue to the licensee a notice
19 of intent to assess civil penalties in the amount of \$500 per
20 day, per violation for non-compliance with the written notice
21 of violation issued by the municipal fire department or fire
22 protection district and provide the licensee with the
23 opportunity for an administrative hearing pursuant to the
24 provisions of Section 22 of this Act.

25 Notwithstanding the foregoing provisions of this Section,
26 the enforcement of home rule ordinances and regulations shall
27 be by the appropriate local authorities, including local public
28 health departments, municipal attorneys, and State's
29 Attorneys.

30 A home rule unit may not regulate the legal rights,
31 remedies, and obligations of a licensee under this Section in a
32 manner less restrictive than the regulation by the State of
33 fire safety in a mobile home park under this Section. This
34 Section is a limitation under subsection (i) of Section 6 of

1 Article VII of the Illinois Constitution on the concurrent
2 exercise by home rule units of powers and function exercised by
3 the State.

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

7 (210 ILCS 115/21) (from Ch. 111 1/2, par. 731)

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

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

21 The Department is empowered to assess civil penalties for
22 violations of Section 9.15 of this Act. Civil penalties in the
23 amount of \$500 per day, per violation shall be assessed for
24 non-compliance with the written notice of violation issued by a
25 municipal fire department or fire protection district. An
26 additional civil penalty of \$500 per day of violation shall be
27 assessed against a licensee who knowingly rents or offers for
28 rent a mobile home or mobile home site without taking
29 appropriate corrective action to remedy a notice of violation
30 issued by a municipal fire department or fire protection
31 district. The first day of violation for purposes of assessing
32 a fine shall be the date of the licensee's receipt of the
33 written report following the reinspection, if the written

1 report states that a violation still exists. If a written
2 notice of extension of time for compliance is issued and the
3 final written report states that a violation still exists, the
4 first day of violation for purposes of assessing a fine shall
5 be the date of the licensee's receipt of the final written
6 report. The Department shall deposit all fees and fines
7 collected under this Act into the Facility Licensing Fund.
8 Moneys in the Fund, subject to appropriation, shall be used for
9 the enforcement of this Act.

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

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