



Rep. Ruth Munson

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09500HB3042ham001

LRB095 06588 AJ0 35175 a

1 AMENDMENT TO HOUSE BILL 3042

2 AMENDMENT NO. _____. Amend House Bill 3042 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mobile Home Landlord and Tenant Rights Act
5 is amended by adding Section 8.5 as follows:

6 (765 ILCS 745/8.5 new)

7 Sec. 8.5. Distressed mobile home park.

8 (a) If a park owner offers to renew a lease or to lease a
9 mobile home lot and the proposed rent for the lot, the
10 circumstances combine to qualify the park as a distressed
11 mobile home park, and the tenant does not agree to pay the rent
12 set by the park owner, the prospective tenant or existing
13 tenant may petition the board of review to establish the rent.
14 The board of review created pursuant to the Property Tax Code
15 which has jurisdiction of the territory in which the mobile
16 home lot is located shall decide the petition.

1 (b) A distressed mobile home park has 2 or more of the
2 following characteristics:

3 (1) The rent set by the park owner for the mobile home
4 lot shall not be more than the market rate rent, increased
5 by a percentage that is not more than 1% greater than the
6 percentage increase in the Consumer Price Index during the
7 12-month calendar year preceding the year in which the new
8 rent is effective. As used in this Section, "Consumer Price
9 Index" means the Consumer Price Index for All Urban
10 Consumers for all items published by the United States
11 Department of Labor, and "market rate rent" means the rent
12 paid by tenants for mobile home lots in similarly situated
13 mobile home parks in the nearby geographic area during the
14 12-month calendar year preceding the year in which the new
15 rent is effective.

16 (2) The rent set by the park owner for the mobile home
17 lot is an amount that is more than the rent for that lot in
18 the preceding year and the amount of the rent is more than
19 10% above the average rent of the highest 20% of rents for
20 similarly situated lots in the park.

21 (3) The occupancy rate in the mobile home park at the
22 time that the rent is set by the park owner for the mobile
23 home lot is lower, by 15% or more, than the occupancy rate
24 in the mobile home park 3 years earlier.

25 (c) A tenant or a prospective tenant may file a petition
26 with the board of review requesting that the board of review

1 declare the mobile home park to be a distressed mobile home
2 park. The petition shall state the basis for the request. The
3 park owner may respond to the petition by filing a response
4 with the board of review within 21 days after receiving the
5 petition. The petition and any response shall be sent by United
6 States certified or registered mail, return receipt requested,
7 to the other party. The board of review shall determine whether
8 the mobile home park is a distressed mobile home park and, if
9 so, shall determine the amount of rent for the lot. The
10 decision of the board of review shall be in writing and shall
11 be issued to the petitioner and the park owner. If the park is
12 a distressed mobile home park and the petitioner is a
13 prospective tenant or an existing tenant who seeks to lease a
14 different mobile home lot in the park, the rent shall not be
15 more than an amount that is not more than 10% above the average
16 rent of the highest 20% of rents for similarly situated lots in
17 the park. If the park is a distressed mobile home park and the
18 petitioner is renewing the lease for a lot in the park, the
19 rent shall not be more than the market rate rent, increased by
20 a percentage that is not more than 1% greater than the
21 percentage increase in the Consumer Price Index during the
22 12-month calendar year preceding the year in which the new rent
23 is effective. The amount of rent determined by the board of
24 review shall be binding for a 2-year period.

25 (d) A tenant must file a petition with the board of review
26 not later than 60 days after receipt of a lease renewal notice

1 that states the amount of rent to be paid. A prospective tenant
2 or a tenant who seeks to lease a different lot in the park must
3 file a petition with the board of review not later than 60 days
4 after receipt of the proposed lease. If the petition is still
5 pending before the board of review beyond the term of the
6 existing lease, the tenant shall hold over on a month-to-month
7 lease under the terms of the existing lease and the park owner
8 is prohibited from taking any action inconsistent with the
9 existing lease.

10 (e) The park owner has the right to be represented by an
11 attorney in a proceeding before the board of review. The tenant
12 has the right to be represented by an attorney or by a tenant
13 association in a proceeding before the board of review.

14 (f) The park owner or tenant may seek court review of the
15 decision of the board of review in accordance with the
16 Administrative Review Law.

17 (g) A park owner whose park is declared a distressed mobile
18 home park by a board of review may petition the board of review
19 for a determination that the park is not a distressed mobile
20 home park for the reason that the conditions which gave rise to
21 the distressed mobile home park determination no longer
22 exist."