

# SB2835



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2835

Introduced 1/19/2024, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Mobile and Manufactured Home Ombudsperson Act. Creates the Office of Mobile and Manufactured Home Ombudsperson within the Department of Public Health. Provides that the Ombudsperson shall offer training, educational materials and course offerings for residents, owners, and other interested persons or groups on the operation and management of mobile and manufactured home parks and the relevant laws that are applicable. Requires the Ombudsperson to establish a written policy for resolving complaints made by residents and a dispute resolution process to assist resolving disputes between owners of mobile home parks and residents.

LRB103 36768 JRC 66878 b

A BILL FOR

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 1. Short title. This Act may be cited as the Mobile  
5 and Manufactured Home Ombudsperson Act.

6 Section 5. Applicability. This Act applies to all mobile  
7 and manufactured home parks governed by the Mobile Home Park  
8 Act and Mobile Home Landlord and Tenant Rights Act.

9 Section 10. Definitions. As used in the Act:

10 "Manufactured home" means a factory-assembled, completely  
11 integrated structure designed for permanent habitation, with a  
12 permanent chassis, and so constructed as to permit its  
13 transport, on wheels temporarily or permanently attached to  
14 its frame, and is a movable or portable unit that is (i) 8 body  
15 feet or more in width, (ii) 40 body feet or more in length, and  
16 (iii) 320 or more square feet, constructed to be towed on its  
17 own chassis (comprised of frame and wheels) from the place of  
18 its construction to the location, or subsequent locations, at  
19 which it is connected to utilities for year-round occupancy  
20 for use as a permanent habitation, and designed and situated  
21 so as to permit its occupancy as a dwelling place for one or  
22 more persons, and specifically includes a "manufactured home"

1 as defined in subdivision (53) of Section 9-102 of the Uniform  
2 Commercial Code. The term shall include units containing parts  
3 that may be folded, collapsed, or telescoped when being towed  
4 and that may be expected to provide additional cubic capacity,  
5 and that are designed to be joined into one integral unit  
6 capable of being separated again into the components for  
7 repeated towing. The term excludes campers and recreational  
8 vehicles. The words "mobile home" and "manufactured home" are  
9 synonymous for the purposes of this Act, but the term "mobile  
10 home" does not include modular homes and their support  
11 systems.

12 "Mobile home park" means a tract of land or 2 or more  
13 contiguous tracts of land upon which contain sites with the  
14 necessary utilities for 5 or more independent mobile homes for  
15 permanent habitation either free of charge or for revenue  
16 purposes, and shall include any building, structure, vehicle,  
17 or enclosure used or intended for use as a part of the  
18 equipment of such mobile home park. Separate ownership of  
19 contiguous tracts of land shall not preclude the tracts of  
20 land from common licensure as a mobile home park if they are  
21 maintained and operated jointly. Neither an immobilized mobile  
22 home nor a motorized recreational vehicle shall be construed  
23 as being a part of a mobile home park. The terms "mobile home  
24 park" and "park" are synonymous for the purposes of this Act.

25 "Department" means the Department of Public Health, unless  
26 otherwise indicated.

1 "Site" means the lot on which the mobile home is located  
2 for a period of 2 or more months.

3 "Owner" means the owner of a mobile home site and any  
4 person authorized to exercise any aspect of the management of  
5 the premises, including any person who directly or indirectly  
6 receives rents and has no obligation to deliver the whole of  
7 such receipts to another person.

8 "Resident" means any person who occupies a mobile home for  
9 dwelling purposes or a lot on which the person parks a mobile  
10 home for an agreed upon consideration.

11 "Managing agent" means any person or entity responsible  
12 for the operation, management, or maintenance of a mobile home  
13 park or manufactured home community.

14 Section 15. Office of the Mobile and Manufactured Home  
15 Ombudsperson.

16 (a) There is created within the Department of Public  
17 Health, under the supervision and control of the Director, the  
18 Office of the Mobile and Manufactured Home Ombudsperson.

19 (b) The Department shall name an Ombudsperson and other  
20 persons necessary to discharge the requirements of this Act.  
21 The Ombudsperson shall have the powers delegated to them by  
22 the Department in addition to the powers set forth in this Act.

23 (c) Neither the Ombudsperson nor the Department shall have  
24 any authority to consider matters that may constitute grounds  
25 for charges or complaints under the Illinois Human Rights Act;

1 that are properly brought before the Department of Human  
2 Rights or the Human Rights Commission; before a comparable  
3 department or body established by a county, municipality, or  
4 township pursuant to an ordinance prohibiting discrimination  
5 and established for the purpose of investigating and  
6 adjudicating charges or complaints of discrimination under the  
7 ordinance; or before a federal agency or commission that  
8 administers and enforces federal anti-discrimination laws and  
9 investigates and adjudicates charges or complaints of  
10 discrimination under such laws.

11 (d) Information and advice provided by the Ombudsperson  
12 has no binding legal effect and is not subject to the  
13 provisions of the Illinois Administrative Procedure Act.

14 Section 20. Training and education. On or before July 1,  
15 2025, the Ombudsperson shall begin offering training,  
16 outreach, and educational materials and may also arrange for  
17 the offering of courses to applicants, licensees, mobile and  
18 manufactured home residents, mobile and manufactured home park  
19 owners, park managers, and any other person or group the  
20 Department deems appropriate in subjects relevant to: (i) the  
21 operation and management of mobile home and manufactured home  
22 sites and parks; and (ii) the Mobile Home Park Act, the Mobile  
23 Home Landlord and Tenant Rights Act, the Abandoned Mobile Home  
24 Act, and the Illinois Mobile Home Tiedown Act.

1 Section 25. Website; toll-free number.

2 (a) The Office shall maintain on the Department's website  
3 the following information:

4 (1) the text of this Act, the Mobile Home Park Act, the  
5 Mobile Home Landlord and Tenant Rights Act, the Abandoned  
6 Mobile Home Act, the Illinois Mobile Home Tiedown Act, and  
7 any other statute, administrative rule, or regulation that  
8 the Ombudsperson determines is relevant to the operation  
9 and management of a mobile and manufactured home park or  
10 site;

11 (2) information concerning non-judicial resolution of  
12 disputes that may arise within a mobile and manufactured  
13 home park, including, but not limited to, alternative  
14 dispute resolution programs and contacts for locally  
15 available dispute resolution programs;

16 (3) a description of the services provided by the  
17 Ombudsperson and information on how to contact the  
18 Ombudsperson for assistance; and

19 (4) any other information that the Ombudsperson  
20 determines is useful to park managers, licensees, mobile  
21 and manufactured home residents, and mobile and  
22 manufactured home and site owners.

23 (b) The Office may make available during regular business  
24 hours a statewide toll-free telephone number to provide  
25 information and resources on matters relating to mobile and  
26 manufactured home parks.

1 Section 30. Written policy for resolving complaints.

2 (a) Each park, except for those specified in subsection  
3 (b) of this Section, shall adopt a written policy for  
4 resolving complaints made by residents. The park shall make  
5 the policy available to all residents upon request. The policy  
6 must include:

7 (1) a sample form on which a resident may make a  
8 complaint to the park managing agent;

9 (2) a description of the process by which complaints  
10 shall be delivered to the park managing agent;

11 (3) the park managing agent's timeline and manner of  
12 making final determinations in response to a unit owner's  
13 complaint; and

14 (4) a requirement that the final determination made by  
15 the park's managing agent in response to a resident's  
16 complaint be:

17 (i) made in writing;

18 (ii) made within 180 days after the park's  
19 managing agent receives the resident's original  
20 complaint; and

21 (iii) marked clearly and conspicuously as "final".

22 (b) Mobile and manufactured home parks exempted from the  
23 Mobile Home Park Act are not required to have a written policy  
24 for resolving complaints.

25 (c) No later than July 1, 2025, parks, except for those

1 identified in subsection (b) of this Section, must establish  
2 and adopt the policy required under this Section.

3 (d) Parks first licensed after July 1, 2025, except for  
4 those identified in subsection (b) of this Section, must  
5 establish and adopt the policy required under this Section  
6 within 180 days following licensure.

7 (e) A resident may not bring a request for assistance  
8 under Section 40 of this Act for a park's lack of or inadequacy  
9 of a written policy to resolve complaints but may notify the  
10 Department in writing of the park's lack of or inadequacy of a  
11 written policy.

12 Section 35. Dispute resolution.

13 (a) Beginning on July 1, 2025, and subject to  
14 appropriation, owners and residents meeting the requirements  
15 of this Section may make a written request, as outlined in  
16 subsection (f) of this Section, to the Ombudsperson for  
17 assistance in resolving a dispute that involves a violation of  
18 the Act.

19 (b) The Ombudsperson shall not accept requests for  
20 resolutions of disputes for which there is a pending complaint  
21 filed in any court or administrative tribunal in any  
22 jurisdiction or for which arbitration or alternative dispute  
23 resolution is scheduled to occur or has previously occurred.

24 (c) The assistance described in subsection (a) of this  
25 Section is available only to owners and residents. For a



1 resident to receive the assistance from the Ombudsperson  
2 described in subsection (a) of this Section, the resident  
3 must:

4 (1) Owe no outstanding assessments, fees, or funds to  
5 the park, unless the assessments, fees, or funds are  
6 central to the dispute;

7 (2) Allege a dispute that was initiated, or initially  
8 occurred, within the 2 calendar years preceding the date  
9 of the request;

10 (3) Have made a written complaint pursuant to the  
11 Park's complaint policy, as outlined in Section 35, which  
12 alleged violations of the Acts;

13 (4) Have received a final and adverse decision from  
14 the Park's managing agent and attach a copy of the Park's  
15 managing agent's final adverse decision marked "final" to  
16 the request of the Ombudsperson; and

17 (5) Have filed the request within 30 days after the  
18 receipt of the park's final adverse decision.

19 (d) A resident who has not received a response, marked  
20 "final," to their complaint from the park within a reasonable  
21 time may request assistance from the Ombudsperson under  
22 subsection (a) of this Section if the resident meets the  
23 requirements of items (1), (2), and (3) of subsection (c) of  
24 this Section. A resident may not request assistance from the  
25 Ombudsperson until at least 90 days after the initial written  
26 complaint was submitted to the park's managing agent. The

1 Ombudsperson may decline a resident's request for assistance  
2 on the basis that a reasonable time has not yet passed.

3 (e) The request for assistance shall be in writing, on  
4 forms provided electronically by the Ombudsperson, and include  
5 the following:

6 (1) the name, address, and contact information of the  
7 owner or resident;

8 (2) the name, address, and contact information of the  
9 park;

10 (3) the applicable park governing documents unless the  
11 absence of governing documents is central to the dispute;

12 (4) the date of the final adverse decision by the  
13 park's managing agent;

14 (5) a copy of the park's written complaint policy  
15 required under Section 35 of this Act;

16 (6) a copy of the owner or resident's complaint to the  
17 park's managing agent with a specific reference to the  
18 alleged violations of the Act;

19 (7) documentation verifying the owner's ownership of a  
20 unit, or documentation verifying the resident's lease of  
21 the property; and

22 (8) a copy of the park's managing agent adverse  
23 decision marked "final," if applicable.

24 (f) On receipt of an owner or resident's request for  
25 assistance that the Department determines meets the  
26 requirements of this Section, the Ombudsperson shall, within

1 the limits of the available resources, confer with the  
2 interested parties and assist in efforts to resolve the  
3 dispute by mutual agreement of the parties.

4 (g) The Ombudsperson shall assist only opposing parties  
5 who mutually agree to participate in dispute resolution.

6 (h) An owner or resident is limited to one request for  
7 assistance per dispute. The meaning of dispute is to be  
8 broadly interpreted by the Department.

9 (i) The Department has the authority to determine whether  
10 or not a final decision is adverse under paragraph (4) of  
11 subsection (c) of this Section.

12 (j) The Department shall, on or before July 1, 2025,  
13 establish rules describing the time limit, method, and manner  
14 for dispute resolution.

15 Section 40. Confidentiality.

16 (a) All information collected by the Department in the  
17 course of addressing a request for assistance or for any other  
18 purpose pursuant to this Act shall be maintained for the  
19 confidential use of the Department and shall not be disclosed.  
20 The Department shall not disclose the information to anyone  
21 other than law enforcement officials or regulatory agencies  
22 that have an appropriate regulatory interest as determined by  
23 the Director. Information and documents disclosed to a  
24 federal, State, county, or local law enforcement agency shall  
25 not be disclosed by that agency for any purpose to any other

1 agency or person.

2 (b) A request for information made to the Department or  
3 the Ombudsperson under this Act does not constitute a request  
4 under the Freedom of Information Act.

5 (c) The confidentiality provisions of this Section do not  
6 extend to educational, training, outreach material,  
7 statistical data, and operational information maintained by  
8 the Department in administering this Act.

9 Section 45. Reports. The Department shall submit an annual  
10 written report on the activities of the Office to the General  
11 Assembly. The Department shall submit the first report no  
12 later than July 1, 2026. Beginning in 2027, the Department  
13 shall submit the report no later than October 1 of each year.  
14 The report shall include all of the following:

15 (1) annual workload and performance data, including  
16 (i) the number of requests for information; (ii) training,  
17 education, or other information provided; (iii) the manner  
18 in which education and training was conducted; and (iv)  
19 the staff time required to provide the training,  
20 education, or other information. For each category of  
21 data, the report shall provide subtotals based on the type  
22 of question or dispute involved in the request; and

23 (2) if relevant information is available, analysis of  
24 the most common and serious types of concerns happening in  
25 mobile home parks, along with any recommendations for

1           statutory reform to reduce the frequency or severity of  
2           those disputes.

3           Section 50. Rules. The Department may, from time to time,  
4           adopt such rules as are necessary for the administration and  
5           enforcement of any provision of this Act. Any rule adopted  
6           under this Act is subject to the rulemaking provisions of the  
7           Illinois Administrative Procedure Act.

8           Section 55. State Lawsuit Immunity Act. Nothing in this  
9           Act shall be construed to constitute a waiver of the immunity  
10          of the State, Department, Office, or Ombudsperson, or any  
11          officer, employee, or agent thereof under the State Lawsuit  
12          Immunity Act.