



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0995

Introduced 2/3/2005, by Rep. Elaine Nekritz - Lisa M. Dugan - Rosemary Mulligan - Ruth Munson

SYNOPSIS AS INTRODUCED:

210 ILCS 115/6
210 ILCS 115/19

from Ch. 111 1/2, par. 716
from Ch. 111 1/2, par. 729

Amends the Mobile Home Park Act. Provides that the funds received under the Act shall be deposited into the Facility Licensing Fund and shall be used for the enforcement of the Act. Provides that the Department of Public Health may impose an administrative monetary penalty against a person who operates a mobile home park in violation of the Act or the Department's rules. Provides that the Department must provide written notification of the alleged violation and allow a minimum of 10 days for correction before imposing the administrative monetary penalty. Also requires the Department to provide an opportunity for a hearing. Authorizes the Attorney General to bring an action to enforce the collection of an administrative monetary penalty. Provides that administrative monetary penalties shall be deposited into the Facility Licensing Fund. Effective immediately.

LRB094 07573 DRJ 37742 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning mobile homes.

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 changing
5 Sections 6 and 19 as follows:

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

7 Sec. 6. In addition to the application fees provided for
8 herein, the licensee shall pay to the Department on or before
9 March 31 of each year, an annual license fee which shall be
10 \$100 plus \$3 for each mobile home space in the park. Annual
11 license fees submitted after April 30 shall be subject to a \$50
12 late fee. The licensee shall also complete and return a license
13 renewal application by March 31 of each year.

14 The licensee shall pay to the Department within 30 days of
15 receipt of notification from the Department \$6 for each
16 additional mobile home site added to his park under authority
17 of a written permit to alter the park as provided in Section
18 4.2 of this Act, payment for the additional mobile home sites
19 to be made and an amended license therefor obtained before any
20 mobile homes are accommodated on the additional mobile home
21 spaces. The Department shall issue an amended license to cover
22 such additional mobile home sites, when they are to be occupied
23 before the end of the license year, for which an annual license
24 has been previously issued.

25 Subsequent to the effective date of this Act, an applicant
26 for an original license to operate a new park constructed under
27 a permit issued by the Department shall only be required to pay
28 1/4 of the annual fee if such park begins operation after the
29 31st day of January and before the 1st day of May of such
30 licensing year; or 1/2 of the annual fee if such park begins
31 operation after the 31st day of October and before the 1st day
32 of February of such licensing year or 3/4 of the annual fee if

1 such park begins operation after the 31st day of July and
2 before the 1st day of November of such licensing year; but
3 shall be required to pay the entire annual fee if such park
4 begins operation after the 30th day of April and before the 1st
5 day of August of such licensing year.

6 Each license fee shall be paid to the Department and any
7 license fee or any part thereof, once paid to and accepted by
8 the Department shall not be refunded.

9 The Department shall deposit all funds received under this
10 Act into the Facility Licensing Fund. Subject to appropriation,
11 moneys in the Fund shall be used for the enforcement of this
12 Act in the State Treasury.

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

14 (210 ILCS 115/19) (from Ch. 111 1/2, par. 729)

15 Sec. 19. Violations; penalties.

16 (a) Whoever violates any provision of this Act, shall,
17 except as otherwise provided, be guilty of a Class B
18 misdemeanor. Each day's violation shall constitute a separate
19 offense. The State's Attorney of the county in which the
20 violation occurred, or the Attorney General shall bring such
21 actions in the name of the people of the State of Illinois, or
22 may, in addition to other remedies provided in this Act, bring
23 action for an injunction to restrain such violation, or to
24 enjoin the operation of any such mobile home park.

25 (b) The Department may also impose an administrative
26 monetary penalty against a person who operates a mobile home
27 park in violation of this Act or the rules adopted under the
28 authority of this Act. The Department shall establish the
29 amount of the penalties by rule. The Department must provide
30 the person with written notification of the alleged violation
31 and allow a minimum of 10 days for correction of the alleged
32 violation before imposing an administrative monetary penalty.

33 In addition, before imposing an administrative monetary
34 penalty under this subsection, the Department must provide the
35 following to the person operating the mobile home park:

1 (1) Written notice of the person's right to request an
2 administrative hearing on the question of the alleged
3 violation.

4 (2) An opportunity to present evidence, orally or in
5 writing or both, on the question of the alleged violation
6 before an impartial hearing examiner appointed by the
7 Director of Public Health.

8 (3) A written decision from the Director of Public
9 Health, based on the evidence introduced at the hearing and
10 the hearing examiner's recommendations, finding that the
11 person violated this Act and imposing the administrative
12 monetary penalty.

13 The Attorney General may bring an action in the circuit
14 court to enforce the collection of an administrative monetary
15 penalty imposed under this subsection.

16 The Department shall deposit all administrative monetary
17 penalties collected under this subsection into the Facility
18 Licensing Fund. Subject to appropriation, moneys in the Fund
19 shall be used for the enforcement of this Act.

20 (Source: P.A. 78-255.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.