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09400HB5377sam001

LRB094 18951 DRH 57810 a

1 AMENDMENT TO HOUSE BILL 5377

2 AMENDMENT NO. _____. Amend House Bill 5377, on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The Mobile Home Park Act is amended by adding
5 Section 9.15 as follows:

6 (210 ILCS 115/9.15 new)

7 Sec. 9.15. Fire safety. Adequate private water supply
8 systems and hydrants for fire safety purposes shall be
9 maintained in operable condition and good repair as defined by
10 the Department of Public Health or mobile home park licensing
11 agency. A mobile home park that does not have a private water
12 supply system and hydrants shall have an agreement, approved by
13 the Department of Public Health or licensing agency in
14 consultation with the municipal fire department or the local
15 fire protection district, to provide an adequate and reliable
16 water supply for fire mitigation needs.

17 Each mobile home park shall be inspected annually pursuant
18 to the applicable mobile home park fire protection standards by
19 the municipal fire department or fire protection district that
20 has jurisdictional responsibility for responding to a fire call
21 in that park. As used in this Section, "applicable mobile home
22 park fire protection standards" means (i) the fire protection
23 standards ordinance of the municipality or fire protection
24 district that has jurisdictional responsibility for responding

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

1 requirements stated in the notice of violation, or 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 municipal fire department or fire protection district shall
5 notify the appropriate municipal attorney or State's Attorney
6 of the licensee's failure to comply with the notice of
7 violation and the written report and shall deliver to that
8 attorney for purposes of enforcement under this Section copies
9 of all written notices and reports concerning the violation.

10 A licensee may not rent or offer for rent any mobile home
11 or mobile home lot if the park in which the mobile home or
12 mobile home lot is located does not meet the applicable fire
13 protection standards for a mobile home park. A licensee who
14 knowingly rents or offers for rent a mobile home or mobile home
15 lot more than 14 days after the receipt of a written notice of
16 violation from a municipal fire department or fire protection
17 district that states that the mobile home park in which the
18 mobile home or mobile home lot is located is in violation of
19 the applicable fire protection standards ordinance or
20 Department of Public Health rules without correcting the
21 violation is guilty of a petty offense. The penalty is a fine
22 of not more than \$500 per day of violation. The first day of
23 violation for purposes of assessing a fine shall be the date of
24 the licensee's receipt of the written report following the
25 reinspection, if the written report states that a violation
26 still exists. If a written notice of extension of time for
27 compliance is issued and the final written report states that a
28 violation still exists, the first day of violation for purposes
29 of assessing a fine shall be the date of the licensee's receipt
30 of the final written report.

31 A home rule unit may not regulate the legal rights,
32 remedies, and obligations of a licensee under this Section in a
33 manner less restrictive than the regulation by the state of
34 fire safety in a mobile home park under this Section. This

1 Section is a limitation under subsection (i) of Section 6 of
2 Article VII of the Illinois Constitution on the concurrent
3 exercise by home rule units of powers and function exercised by
4 the State."