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May 1, 2019

Dear Manufactured Home Community Licensee:

### NEW FINES

Effective February 6, 2019, and with the support of the Illinois State Legislature, the Manufactured Home Community Code (Code) was revised to incorporate fines for violations. IDPH representatives will inform the licensees of any violations in writing typically on inspection reports or via letter. Violations are categorized as either Type A, B or C depending on the severity of the code violation. Type A violations shall carry no penalty provided they are corrected immediately, unless a fixed period of time, not exceeding 10 days, as determined by the Department and specified in the notice of violation or inspection report, is required for correction. If Type A violations are not corrected, they will be deemed Type B violations after 10 days. Type B violations shall be assessed a penalty of \$25 per violation per day for each day the violation persists. Type C violations shall be assessed a penalty of \$100 per violation per day for each day the violation persists, in addition to any other penalties provided for by law. Attached is a copy of an inspection report which defines the different violation types and what is considered a Type A, B and C violation. The revised Code can be viewed at the following link: <http://www.ilga.gov/commission/jcar/admincode/077/07700860sections.html>.

### MANUFACTURED HOME INSTALLATION REQUIREMENTS

On August 17, 2001, the Manufactured Home Quality Assurance Act became law. This Act requires that all manufactured homes installed in Illinois after December 31, 2001 be installed under the onsite supervision of a licensed manufactured home installer. Additionally, all homes installed in a "home rule" municipality must also be installed by a licensed installer. The IDPH is responsible for licensing the installers, along with establishing the standards for the installation of the homes. All new and used homes must be installed according to the instructions provided by the manufacturer of the home. If these instructions are not available the homes must be installed in accordance with the Manufactured Home Installation Code which became effective July 28, 2006 (<http://www.ilga.gov/commission/jcar/admincode/077/07700870sections.html>). All anchoring equipment must be approved by the IDPH and installed according to the instructions provided with the equipment. There are three exceptions to the requirement for utilizing a licensed installer: persons installing their homes on their own property, which is not located in a manufactured home community; homes installed in the City of Chicago; and homes installed on a permanent perimeter foundation. **A licensed manufactured home installer is not exempt from the requirement to be a licensed plumber to install any plumbing in Illinois.**

To obtain a manufactured home installation license, a person must complete a minimum 10 hour class approved by the IDPH and pass an examination. Currently, there is only one approved class in Illinois and it is offered by the Illinois Manufactured Housing Association (IMHA). IDPH will accept similar State approved courses from the surrounding states. Interested individuals can call the IMHA office at 217-528-3423 to obtain information on future classes. There is a \$150 annual fee for a manufactured home installer's license and a \$50 fee (\$25 seal and \$25 certificate) to be paid by the licensed installer for each home installed. The installer must submit an application to the department requesting seals and certificates along with a check. The IDPH, upon checking the installer is licensed, provides the installer with a manufactured home installer's seal and certificate. The seal is to be placed above the red HUD label on the exterior of the home after installation. Each seal has a unique number that identifies the licensed installer responsible for the installation. The installer is also provided with a manufactured home installation compliance certificate, which is a four-copy form that provides information regarding the manufacturer, dealer, installer and homeowner.

The state law was passed following passage of a federal law in December of 2000 that mandates all states regulate the installation of manufactured homes by 2005. The Illinois Manufactured Home Quality Assurance Act requires the IDPH to convene an advisory board, appointed by the Governor, comprised of home owners, a dealer, a manufacturer, a community owner, an installer and a representative of the IDPH.

The licensed installer is responsible for assuring that the site is properly prepared so that water will not accumulate under the home. It must be free of vegetation and a vapor barrier must be provided under the home. The home must be supported with an adequate foundation system and blocking at the required locations. **MOST MANUFACTURERS SPECIFY IN THEIR INSTRUCTIONS THAT THEIR HOME MUST BE SUPPORTED WITH A SYSTEM THAT EXTENDS BELOW THE FROST DEPTH. IT IS THE COMMUNITY OWNER'S RESPONSIBILITY TO PROVIDE AN ADEQUATE PIER FOOTING SUPPORT SYSTEM.** All of the installation instructions for manufactured homes include provisions for pier footings in areas affected by frost. **THE USE OF ABS PLASTIC PADS ON THE GROUND SURFACE DO NOT MEET THESE PROVISIONS IN ILLINOIS.** ABS plastic pads are acceptable for pier footings if installed in accordance with the manufacturer of the pads instructions for areas affected by frost. Some installation instructions have provisions for a floating slab system if approved by a licensed engineer. Ventilation is required under the homes. There are specific requirements for the connection of the utilities and auxiliary structures.

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Per the Illinois Manufactured Home Installation Code Part 870 (b)(2), a manufactured home installed in a **FLOOD ZONE** or an area subject to flooding must have an Illinois licensed professional engineer design the support and anchoring system of the home. Homes set in a flood zone must also meet FEMA regulations 44 CFR 60.3.

A licensed person who installs a home in violation of the requirements can have his or her license suspended for 6 months. The IDPH will refer individuals installing homes without the required license to the Attorney General's Office for an injunction for them to stop the work. The IDPH will be conducting random inspections, throughout the state, of homes recently installed to determine compliance. IDPH inspectors review the register you are required to maintain to determine information on new installations in your community. If you have any questions, please contact the IDPH at 217-782-5830. If anyone installing homes in your community is not aware of this requirement, please refer them to the IDPH. All licensed installers are provided with a photo identification license which they are to have with them. If you have questions about the qualifications of an installer on a crew who is installing a home in your community, you can ask to see his or her license. **The owner or operator of a licensed manufactured home community must keep on file copies of the Installation Compliance Certificate** required by the Manufactured Home Installation Code. This information shall be made available by the owner or operator of the manufactured home community at the request of the Department, the manufactured home owner, lessee, representative of the manufactured home owner or lessee.

### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT MANUFACTURED HOUSING INSTALLATION**

The Office of Manufactured Housing Programs with the U.S. Department of Housing and Urban Development (HUD) and the Illinois Department of Public Health, have implemented the Manufactured Home Installation Standards Program in a HUD-administered state. This program is pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000 (42 U.S.C. 5401 et seq.). Installers are required to obtain an Illinois installers license, acquire approved continuing education and provide installation seals and certificates for all installation of homes whether they be new or used. HUD's requirements will only include new home installations. All installations must be in accordance with the home manufacturer's instructions. HUD installer requirements and licensing information can be found at [www.manufacturedhousinginstallation.com](http://www.manufacturedhousinginstallation.com). Installers who wish to set new homes in Illinois will be required to complete proper training, be licensed by HUD, and be properly bonded or insured by June 1, 2016. All HUD installations must be inspected by a third-party inspection agency prior to occupancy. Retailers and distributors of new homes will be required to complete paperwork consisting of consumer disclosures, home and buyer information for the sale of the homes.

### **LIVING IN A MANUFACTURED HOME COMMUNITY**

The IDPH continues to be advised that residents are not receiving their copies of the IDPH's document *Living in a Manufactured Home Community*. This document was developed to provide information to the residents of manufactured home communities regarding their responsibilities and rights, information regarding safety in the event of a tornado, and the minimum statewide requirements for securing their homes. Section 860.400 of the Manufactured Home Community Code requires the owner or manager of each manufactured home community to provide a copy to a resident of each site. Feel free to reproduce the document as additional copies are needed. The most recent copy of this document is available on the website at <http://dph.illinois.gov/sites/default/files/publications/living-manufacturedhome-community-120916.pdf>. This publication has been revised due to the changes in the Mobile Home Landlord and Tenants Rights Act (765 ILCS 745) and is available at the website listed.

### **TREES AND BUSHES**

Section 11a of the Mobile Home Landlord and Tenant Rights Act (765 ILCS 745) states that the community owner must keep all exterior property areas not in the possession of a tenant, but part of the mobile home park property, free from the species of weeds and plant growth which are generally noxious or detrimental to the health of the tenants. Also, Section 860.310 of the Manufactured Home Community Code states: "Trees and bushes shall not interfere with normal pedestrian and vehicular traffic. Branches shall not touch the roofs of any structure. Dead trees and branches shall be removed." This upkeep is the responsibility of the community owner.

### **WEB SITE INFORMATION**

All the information the IDPH publishes regarding manufactured homes is available on our Web site. Applications associated with manufactured home communities can be obtained from the web site. Go to [dph.illinois.gov/topics-services/environmental-health-protection/manufactured-modular-homes-mobile-structures](http://dph.illinois.gov/topics-services/environmental-health-protection/manufactured-modular-homes-mobile-structures). Paper versions of all publications can also be obtained by contacting the IDPH.

## ENFORCEMENT ACTION

IDPH inspectors are concluding their annual inspections of manufactured home communities. Many communities have not been recommended for license renewal because the owner has not provided a written statement indicating that the violations have been corrected. If your community has not been recommended for license renewal, make the necessary corrections immediately and notify the IDPH's regional office that serves your area (see attached map). Operating a community without a current license is a Class B misdemeanor subject to a \$500 fine and imprisonment up to six months for each day of violation. The IDPH and your residents appreciate your efforts in maintaining your community in compliance with the minimum requirements.

## CRIMINAL HOUSING

The IDPH receives many complaint calls regarding the living conditions of the interior of the homes. The IDPH does not have the authority to inspect these types of complaints. However, be advised that the Criminal Code of 1961 Section 12-5.1 (720 ILCS 5/12-5.1) does regulate criminal housing and reads as follows:

*Sec. 12-5.1. Criminal housing management.*

- (a) A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he recklessly permits the physical condition or facilities of the residential real estate to become or remain in any condition which endangers the health or safety of any person.*
- (b) Sentence. Criminal housing management is a Class A misdemeanor. A subsequent conviction for a violation of subsection (a) is a Class 4 felony.*

If you have any questions concerning any of the above issues please contact the office of your local inspector or the IDPH's Springfield office at 217-782-5830 (TTY number 800-547-0466 for the hearing impaired).

Sincerely



Andrew Friedrich, P.E.  
Program Administrator  
Division of Environmental Health

Enclosures  
cc: Regional Offices