

SB1678



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1678

Introduced 2/9/2017, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-75

Amends the Property Tax Code. In a Section concerning foreclosure, provides that, for vacant properties, personal service is required only if the certified mailing by the county sheriff is unsuccessful. Effective immediately.

LRB100 08593 HLH 18724 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing
5 Section 21-75 as follows:

6 (35 ILCS 200/21-75)

7 Sec. 21-75. Lien for taxes. The taxes upon property,
8 together with all penalties, interests and costs that may
9 accrue thereon, shall be a prior and first lien on the
10 property, superior to all other liens and encumbrances, from
11 and including the first day of January in the year in which the
12 taxes are levied until the taxes are paid or until the property
13 is sold under this Code.

14 (a) Foreclosure - Property forfeited for 2 or more years. A
15 lien may be foreclosed, in the circuit court in the name of the
16 People of the State of Illinois, whenever the taxes for 2 or
17 more years on the same description of property have been
18 forfeited to the State. The property may be sold under the
19 order of the court by the person having authority to receive
20 County taxes, with notice to interested parties and right of
21 redemption from the sale, (except that the interest or any
22 other amount to be paid upon redemption in addition to the
23 amount for which the property was sold shall be as provided

1 herein), as provided in Sections 21-345 through 21-365 and
2 21-380, and in conformity with Section 8 of Article IX of the
3 Illinois Constitution.

4 In any action to foreclose the lien for delinquent taxes
5 brought by the People of the State of Illinois when the taxes
6 for 2 or more years on the same description of property have
7 been forfeited to the State, service of process shall be made
8 in the manner now prescribed by law. All owners, parties
9 interested, and occupants of any property against which tax
10 liens are sought to be foreclosed shall be named as parties
11 defendant, and shall be served in the manner and form as
12 provided by law for the service of defendants in foreclosures
13 of lien or encumbrances upon real estate. In case there are
14 other parties with ownership interests in the property, they
15 shall be named in the notice under the designation "unknown
16 owners".

17 (b) Redemption interest. The interest to be paid upon
18 redemption from all tax foreclosure sales held under this
19 Section shall be:

20 (1) If redeemed within 2 months from the date of the
21 sale, 3% per month upon the amount for which the property
22 was sold for each of the first 2 months, or fraction
23 thereof;

24 (2) If redeemed between 2 and 6 months from the date of
25 the sale, 12% of the amount of sale;

26 (3) If redeemed between 6 and 12 months from the date

1 of the sale, 24% of the amount of sale;

2 (4) If redeemed between 12 and 18 months from the date
3 of the sale, 36% of the amount of sale;

4 (5) If redeemed between 18 and 24 months from the date
5 of the sale, 48% of the amount of sale;

6 (6) If redeemed after 24 months from the date of sale,
7 the 48% for the 24 months plus interest at 6% per year
8 thereafter.

9 (c) Enforcement of lien from rents and profits. A lien
10 under this Section may be enforced at any time after 6 months
11 from the day the tax becomes delinquent out of the rents and
12 profits of the land accruing, or accrued and under the control
13 or jurisdiction of a court. This process may be initiated by
14 the county board of the county or by the corporate authorities
15 of any taxing body entitled to receive any part of the
16 delinquent tax, by petition in any pending suit having
17 jurisdiction of the land, or in any application for judgment
18 and order of sale of lands for delinquent taxes in which the
19 land is included, in the name of the People of the State of
20 Illinois.

21 The process, practice and procedure under this subsection
22 shall be the same as provided in the Civil Practice Law and the
23 Supreme Court Rules adopted in relation to that Law, except
24 that receivers may be appointed on not less than 3 days'
25 written notice to owners of record or persons in possession.
26 Notwithstanding any other provision of law, for vacant

1 properties, personal service is required only if the certified
2 mailing by the county sheriff is unsuccessful. In all petitions
3 the court shall have power to appoint the county collector to
4 take possession of the property only for the purpose of
5 collecting the rents, issues and profits therefrom, and to
6 apply them in satisfaction of the tax lien. When the taxes set
7 forth in the petition are paid in full, the receiver shall be
8 discharged. If the taxes described in the petition are reduced
9 by the final judgment of a court, the county collector shall
10 immediately refund all moneys collected by him or her as
11 receiver over and above the taxes as reduced, and shall deduct
12 that amount from the moneys thereafter distributed to the
13 taxing bodies which received the tax revenue.

14 In proceedings to foreclose the tax lien, or in petitions
15 to enforce the lien, the amount due on the collector's books
16 against the property shall be prima facie evidence of the
17 amount of taxes against the property. When any taxes are
18 collected, they shall be paid to the county collector, to be
19 distributed by him or her to the authorities entitled to them.
20 All sales made under this Section shall be conducted under the
21 order and supervision of the court by the county collector.

22 An action to foreclose the lien for delinquent taxes under
23 this Code is an action in rem.

24 (Source: P.A. 84-551; 88-455.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.