



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0028

Introduced 1/9/2019, by Rep. André Thapedi

SYNOPSIS AS INTRODUCED:

310 ILCS 50/4

from Ch. 67 1/2, par. 854

Amends the Abandoned Housing Rehabilitation Act. Permits any organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code that files a petition for temporary possession of property to also request a court order waiving or extinguishing any county property tax lien or unpaid property taxes existing on the property if the property has been vacant for at least 3 years. Requires the petitioner to provide notice of any order waiving or extinguishing the tax lien or unpaid property taxes to the office of the county collector or county treasurer of the county in which the property is located. Requires any petition to waive or extinguish a tax lien or unpaid property taxes to be filed by the petitioner within 90 days of commencing the action, unless such time is extended by the court for good cause. Provides that a hearing on the organization's petition need not occur immediately, but must be held prior to the closure of the case and that the order waiving or extinguishing the tax lien or unpaid property taxes shall only exist for the benefit of the organization that files a petition, and shall not inure to, pass to, or benefit any other party in interest of the property.

LRB101 02994 KTG 48002 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning housing.

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

4 Section 5. The Abandoned Housing Rehabilitation Act is
5 amended by changing Section 4 as follows:

6 (310 ILCS 50/4) (from Ch. 67 1/2, par. 854)

7 Sec. 4. The proceeding shall be commenced by filing a
8 verified petition in the circuit court in the county in which
9 the property is located. The petition shall allege the
10 conditions specified in Section 3. All parties in interest of
11 the property shall be named as defendants in the petition and
12 summons shall be issued and service had as in other civil cases
13 pursuant to Section 2-206 of the Code of Civil Procedure.

14 Any defendant may file as part of his answer, as an
15 affirmative defense, a plan for the rehabilitation of the
16 property. The court shall grant that defendant 90 days to bring
17 the property into compliance with applicable fire, housing and
18 building codes. The court may, for good cause shown, extend the
19 90-day compliance period. If the property is brought into such
20 compliance within the 90-day period or extension of time
21 thereof, the petition shall be dismissed. If the defendant
22 fails to bring the property into such compliance within the
23 90-day period or extension of time thereof, or if the

1 defendant's plan is otherwise insufficient, the defendant's
2 affirmative defense shall be stricken.

3 At the hearing on the organization's petition, the
4 organization shall submit to the court a plan for the
5 rehabilitation of the property and present evidence that the
6 organization has adequate resources to rehabilitate and
7 thereafter manage the property. For the purpose of developing
8 such a plan, representatives of the organization may be
9 permitted entry onto the property by the court at such times
10 and on such terms as the court may deem appropriate.

11 Any organization exempt from taxation under Section
12 501(c)(3) of the Internal Revenue Code that files a petition
13 for temporary possession of property in accordance with this
14 Act may, as part of that petition, request that the court waive
15 or extinguish any county property tax lien or unpaid property
16 taxes existing on the property if the property has been vacant
17 for at least 3 years. The organization must send notice of any
18 order waiving or extinguishing the tax lien or unpaid property
19 taxes to the office of the county collector or county treasurer
20 of the county in which the property is located. The order shall
21 specifically direct the county collector or county treasurer to
22 wave or extinguish any tax lien or unpaid property taxes
23 existing on the property prior to entry of the order. Any
24 petition to waive or extinguish a tax lien or unpaid property
25 taxes under this Section must be filed by the petitioner within
26 90 days of commencing the action, unless such time is extended

1 by the court for good cause. A hearing on the organization's
2 petition need not occur immediately, but must be held prior to
3 the closure of the case. The order waiving or extinguishing the
4 tax lien or unpaid property taxes shall only exist for the
5 benefit of the organization that files a petition in accordance
6 with this Section, and shall not inure to, pass to, or benefit
7 any other party in interest of the property.

8 (Source: P.A. 85-862.)