



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2052

Introduced 2/15/2019, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

50 ILCS 605/1	from Ch. 30, par. 156
50 ILCS 605/2	from Ch. 30, par. 157
65 ILCS 5/11-31-1	from Ch. 24, par. 11-31-1
720 ILCS 5/12-5.1a	was 720 ILCS 5/12-5.15

Amends the Local Government Property Transfer Act. Provides that a municipality must convey property to specified public agencies subject to an intergovernmental agreement. Amends the Illinois Municipal Code. Provides that a municipality or specified public agency (rather than only the corporate authorities of a municipality) may take specified actions against blighted buildings and properties, including petitioning a circuit court to have property declared abandoned, or dangerous or unsafe. Provides that liens for removal of dangerous or unsafe buildings are superior to tax liens. Requires notice to a municipality before a public agency may apply for an order related to blighted buildings or petition to have property declared abandoned. Modifies the requirements for property to be declared abandoned. In provisions concerning removal or repair of blighted buildings or property, expands the costs recoverable in a lien by a municipality. Defines terms. Modifies various notice provisions. Makes other changes. Amends the Criminal Code of 2012. Expands aggravated criminal housing management to include injury or death (currently, only death).

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Local Government Property Transfer Act is
5 amended by changing Sections 1 and 2 as follows:

6 (50 ILCS 605/1) (from Ch. 30, par. 156)

7 Sec. 1. When used in this Act:

8 (a) The term "transferor municipality" shall mean a
9 municipal corporation transferring real estate or any interest
10 therein, under the provisions of this Act.

11 (b) The term "transferee municipality" shall mean a
12 municipal corporation or 2 or more school districts operating a
13 cooperative or joint educational program pursuant to Section
14 10-22.31 of the School Code receiving a transfer of real estate
15 or any interest therein under provisions of this Act.

16 (c) The term "municipality" whether used by itself or in
17 conjunction with other words, as in (a) or (b) above, shall
18 mean and include any municipal corporation or political
19 subdivision organized and existing under the laws of the State
20 of Illinois and including, but without limitation, any city,
21 village, or incorporated town, whether organized under a
22 special charter or under the General Act, or whether operating
23 under the commission or managerial form of government, county,

1 school districts, trustees of schools, boards of education, 2
2 or more school districts operating a cooperative or joint
3 educational program pursuant to Section 10-22.31 of the School
4 Code, sanitary district or sanitary district trustees, forest
5 preserve district or forest preserve district commissioner,
6 park district or park commissioners, airport authority and
7 township.

8 (d) The term "restriction" shall mean any condition,
9 limitation, qualification, reversion, possibility of
10 reversion, covenant, agreement or restraint of whatever kind or
11 nature, the effect of which is to restrict the use or ownership
12 of real estate by a municipality as defined in (c) above.

13 (e) The term "corporate authorities" shall mean the members
14 of the legislative body of any municipality as defined in (c)
15 above.

16 (f) The term "held" or any form thereof, when used in
17 reference to the interest of a municipality in real estate
18 shall be taken and construed to refer to and include all of the
19 right, title and interest of such municipality of whatever kind
20 or nature, in and to such real estate.

21 (g) Each of the terms above defined and the terms contained
22 in the definition of each of said terms shall be taken and
23 construed to include the plural form thereof.

24 (h) The term "Local Improvement Act" shall mean an Act of
25 the General Assembly of the State of Illinois entitled "An Act
26 concerning local improvements," approved June 14, 1897, and the

1 amendments thereto.

2 (i) The term "State of Illinois" shall mean the State of
3 Illinois or any department, commission, board or other agency
4 of the State.

5 (j) "Public agency" means a municipality or county of the
6 State of Illinois and any combination of municipalities and
7 counties pursuant to an intergovernmental agreement that
8 includes provisions for a governing body of the agency created
9 by the agreement.

10 (Source: P.A. 96-783, eff. 8-28-09.)

11 (50 ILCS 605/2) (from Ch. 30, par. 157)

12 Sec. 2. If the territory of any municipality shall be
13 wholly within, coextensive with, or partly within and partly
14 without the corporate limits of any other municipality, or if
15 the municipality is a school district and the territory of the
16 school district is adjacent to the boundaries of any other
17 school district, and the first mentioned municipality (herein
18 called "transferee municipality"), shall by ordinance declare
19 that it is necessary or convenient for it to use, occupy or
20 improve any real estate held by the last mentioned municipality
21 (herein called the "transferor municipality") in the making of
22 any public improvement or for any public purpose, the corporate
23 authorities of the transferor municipality shall have the power
24 to transfer all of the right, title and interest held by it
25 immediately prior to such transfer, in and to such real estate,

1 whether located within or without either or both of said
2 municipalities, to the transferee municipality upon such terms
3 as may be agreed upon by the corporate authorities of both
4 municipalities, in the manner and upon the conditions
5 following:

6 (a) If such real estate shall be held by the transferor
7 municipality without restriction, the said municipality shall
8 have power to grant or convey such real estate or any portion
9 thereof to the transferee municipality upon such terms as may
10 be agreed upon by the corporate authorities of both
11 municipalities, by an instrument of conveyance signed by the
12 mayor, president or other chief executive of the transferor
13 municipality, attested by its clerk or secretary and sealed
14 with its corporate seal, all duly authorized by a resolution
15 passed by the vote of 2/3 of the members of the legislative
16 body of the transferor municipality then holding office, and
17 duly recorded in the office of the recorder in the county in
18 which said real estate is located. Provided, however, that any
19 municipality may, in the manner above provided, convey real
20 estate to a Public Building Commission organized and existing
21 pursuant to "An Act to authorize the creation of Public
22 Building Commissions and to define their rights, powers and
23 duties", approved July 5, 1955, as amended, when duly
24 authorized by a majority vote of the members of the legislative
25 body of such municipality then holding office whenever
26 provision is made in the conveyance for a reverter of the real

1 estate to such transferor municipality. The transferee
2 municipality shall thereafter have the right to use, occupy or
3 improve the real estate so transferred for any municipal or
4 public purpose and shall hold said real estate by the same
5 right, title and interest by which the transferor municipality
6 held said real estate immediately prior to said transfer.

7 (b) If any such real estate shall be held by the transferor
8 municipality subject to or limited by any restriction, and the
9 transferee municipality shall desire the use, occupation or
10 improvement thereof free from said restriction, the transferor
11 municipality (or the transferee municipality, in the name of
12 and for and on behalf of the transferor municipality, but
13 without subjecting the transferor municipality to any expense
14 without the consent of its corporate authorities), shall have
15 the power to secure from its grantor, or grantors, their heirs,
16 successors, assigns, or others, a release of any or all of such
17 restrictions upon such terms as may be agreed upon between
18 either of said municipalities and the person or persons
19 entitled to the benefit of said restrictions. Upon the
20 recording of any such release the transferor municipality shall
21 then have the powers granted in paragraph (a) of this Section.

22 (c) If either the transferor municipality or the transferee
23 municipality shall be unable to secure a release of any
24 restriction as above provided, the transferor municipality (or
25 the transferee municipality in the name of and for and in
26 behalf of the transferor municipality, but without subjecting

1 the transferor municipality to any expense without the consent
2 of its corporate authorities), shall have the power to file in
3 any circuit court a petition for the purpose of removing or
4 releasing said restriction and determining the compensation,
5 if any, to be paid in consequence thereof to the owner or
6 owners of said real estate, for any right, title or interest
7 which they or any of them may or might have in and to any such
8 real estate arising out of said restriction. If any
9 compensation shall be awarded, the same shall be measured by
10 the actual damage, if any, to the owner or owners of said real
11 estate, resulting from the removal or release of said
12 restriction, and shall be determined as of the date of the
13 filing of said petition. Upon the payment of such compensation
14 as may be awarded, if any, the transferor municipality shall
15 have the powers granted in paragraph (a) of this Section, and
16 said transferor municipality shall grant and convey the said
17 real estate to the transferee municipality upon the terms and
18 conditions theretofore agreed upon by the said municipalities
19 and in the manner provided for in paragraph (a) of this
20 Section.

21 (d) If the transferor municipality shall hold an easement
22 in any real estate for a particular purpose different from the
23 purpose for which the transferee municipality shall desire to
24 use, occupy or improve said real estate, the transferor
25 municipality (or the transferee municipality in the name of and
26 for and in behalf of the transferor municipality, but without

1 subjecting the transferor municipality to any expense without
2 the consent of its corporate authorities), shall have the power
3 to file in any circuit court a petition for the purpose of
4 terminating said easement and securing the right to use, occupy
5 and improve any such real estate for the purpose or purposes
6 set forth in said petition, and for determining the
7 compensation, if any, to be paid in consequence thereof to the
8 owner, or owners of said real estate. If any compensation shall
9 be awarded, the same shall be measured by the actual damage, if
10 any, to the owner or owners of said real estate, resulting from
11 the termination of the said easement and the granting of the
12 right sought in said petition, and shall be determined as of
13 the date of the filing of said petition. Upon the payment of
14 such compensation as may be awarded, if any, the easement held
15 by the transferor municipality shall in the final order entered
16 in such proceeding be declared terminated and the right of the
17 transferee municipality in said real estate shall be declared.
18 If the transferee municipality shall desire to use, occupy or
19 improve said real estate for the same purpose authorized by the
20 easement held by the transferor municipality, the transferor
21 municipality shall have the power to transfer said easement to
22 the transferee municipality by instrument of conveyance as
23 provided for in paragraph (a).

24 (e) If such real estate shall have been acquired or
25 improved by the transferor municipality under the Local
26 Improvements Act, or under the said Act in conjunction with any

1 other Act, and the times fixed for the payment of all
2 installments of the special assessments therefor have not
3 elapsed at the time the transferor and transferee
4 municipalities shall have reached an agreement for the transfer
5 of said real estate, the transferee municipality shall deposit
6 with the transferor municipality to be placed in the special
7 assessment funds authorized to be collected to pay the cost of
8 acquiring or improving said real estate, an amount sufficient
9 to pay (1) the installments of said special assessments not due
10 and payable at the time of the agreement for said transfer, and
11 (2) the amounts paid in advance by any property owner on
12 account of said special assessments, which, had such amounts
13 not been paid in advance, would have been due and payable after
14 the date of such agreement, and the transferor municipality
15 shall upon the receipt of such amount cause orders to be
16 entered in the courts in which said special assessments were
17 confirmed, cancelling the installments becoming due and
18 payable after the said time at which the transferor and
19 transferee municipalities shall have reached an agreement for
20 the transfer of said real estate, and releasing the respective
21 lots, tracts, and parcels of real estate assessed in any such
22 proceedings from the installments of the said assessments in
23 this paragraph authorized to be cancelled. The transferor
24 municipality shall after the entry of such orders of
25 cancellation refund to any property owner who has paid the same
26 in advance, any amounts which otherwise would have been due and

1 payable after the said time at which the transferor and
2 transferee municipalities shall have reached an agreement for
3 the transfer of said real estate. Upon the entry of such orders
4 of cancellation the transferor municipality shall then have the
5 powers granted in paragraph (a) of this Section.

6 (f) The procedure, for the removal of any restriction upon
7 the real estate of the transferor municipality, for the
8 termination of any easement of the transferor municipality in
9 said real estate and the declaration of another or different
10 right in the transferee municipality in said real estate, and
11 for the ascertainment of just compensation therefor, shall be
12 as near as may be like that provided for the exercise of the
13 power of eminent domain under the Eminent Domain Act.

14 (g) If any property shall be damaged by the release or
15 removal of any restrictions upon, or the termination of any
16 easement in, or the granting of a new right in any real estate
17 held by the transferor municipality, the same shall be
18 ascertained and paid as provided by law.

19 (h) Notwithstanding any provision of law to the contrary, a
20 municipality may convey property to a public agency subject
21 only to the terms and conditions set forth in an
22 intergovernmental agreement between the municipality and
23 public agency.

24 (Source: P.A. 94-1055, eff. 1-1-07.)

25 Section 10. The Illinois Municipal Code is amended by

1 changing Section 11-31-1 as follows:

2 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

3 Sec. 11-31-1. Demolition, repair, enclosure, or
4 remediation.

5 (a) A ~~The corporate authorities of each~~ municipality or
6 public agency may demolish, repair, or enclose or cause the
7 demolition, repair, or enclosure of dangerous or ~~and~~ unsafe
8 buildings or uncompleted and abandoned buildings within the
9 territory of the municipality or public agency and may remove
10 or cause the removal of garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials from those
12 buildings. In any county having adopted by referendum or
13 otherwise a county health department as provided by Division
14 5-25 of the Counties Code or its predecessor, the county board
15 of that county may exercise those powers with regard to
16 dangerous or ~~and~~ unsafe buildings or uncompleted and abandoned
17 buildings within the territory of any city, village, or
18 incorporated town having less than 50,000 population.

19 The municipality or public agency ~~corporate authorities~~
20 shall apply to the circuit court of the county in which the
21 building is located (i) for an order authorizing action to be
22 taken with respect to a building if the owner or owners of the
23 building, including the lien holders of record, after at least
24 15 days' written notice by mail so to do, have failed to put
25 the building in a safe condition or to demolish it or (ii) for

1 an order requiring the owner or owners of record to demolish,
2 repair, or enclose the building or to remove garbage, debris,
3 and other hazardous, noxious, or unhealthy substances or
4 materials from the building. It is not a defense to the cause
5 of action that the building is boarded up or otherwise
6 enclosed, although the court may order the defendant to have
7 the building boarded up or otherwise enclosed. Where, upon
8 diligent search, the identity or whereabouts of the owner or
9 owners of the building, including the lien holders of record,
10 is not ascertainable, notice mailed to the person or persons in
11 whose name the real estate was last assessed and posting notice
12 on the property for 15 days is sufficient notice under this
13 Section.

14 Prior to a public agency applying for an order under this
15 subsection, the public agency must send, by certified or
16 registered mail, a written notification to the clerk of the
17 municipality in which the property is located. The written
18 notification must include the property index number of each
19 property for which an application will be filed and indicate
20 the public agency's intent to seek an order authorizing action
21 under this subsection together with a copy of the proposed
22 application. The public agency shall allow the municipality 15
23 days to review the proposed application before filing an
24 application under this subsection.

25 If both a municipality and a public agency apply for an
26 order under this subsection, the municipality's application

1 shall be given priority.

2 The hearing upon the application to the circuit court shall
3 be expedited by the court and shall be given precedence over
4 all other suits. Any person entitled to bring an action under
5 subsection (b) shall have the right to intervene in an action
6 brought under this Section.

7 The cost of the demolition, repair, enclosure, or removal
8 incurred by the municipality, by an intervenor, or by a lien
9 holder of record, including court costs, attorney's fees, and
10 other costs related to the enforcement of this Section, is
11 recoverable from the owner or owners of the real estate or the
12 previous owner or both if the property was transferred during
13 the 15 day notice period and is a lien on the real estate; the
14 lien is superior to all prior existing liens and encumbrances,
15 ~~except taxes,~~ if, within 180 days after the repair, demolition,
16 enclosure, or removal, the municipality, the public agency, the
17 lien holder of record, or the intervenor who incurred the cost
18 and expense shall file a notice of lien for the cost and
19 expense incurred in the office of the recorder in the county in
20 which the real estate is located or in the office of the
21 registrar of titles of the county if the real estate affected
22 is registered under the Registered Titles (Torrens) Act.

23 The notice must consist of a sworn statement setting out
24 (1) a description of the real estate sufficient for its
25 identification, (2) the amount of money representing the cost
26 and expense incurred, and (3) the date or dates when the cost

1 and expense was incurred by the municipality, the public
2 agency, the lien holder of record, or the intervenor. Upon
3 payment of the cost and expense by the owner or persons
4 interested in the property after the notice of lien has been
5 filed, the lien shall be released by the municipality, the
6 public agency, the person in whose name the lien has been
7 filed, or the assignee of the lien, and the release may be
8 filed of record as in the case of filing notice of lien. Unless
9 the lien is enforced under subsection (c), the lien may be
10 enforced by foreclosure proceedings as in the case of mortgage
11 foreclosures under Article XV of the Code of Civil Procedure or
12 mechanics' lien foreclosures. An action to foreclose this lien
13 may be commenced at any time after the date of filing of the
14 notice of lien. The costs of foreclosure incurred by the
15 municipality or the public agency, including court costs,
16 reasonable attorney's fees, advances to preserve the property,
17 and other costs related to the enforcement of this subsection,
18 plus statutory interest, are a lien on the real estate and are
19 recoverable by the municipality or the public agency from the
20 owner or owners of the real estate.

21 All liens arising under this subsection (a) shall be
22 assignable. The assignee of the lien shall have the same power
23 to enforce the lien as the assigning party, except that the
24 lien may not be enforced under subsection (c).

25 If the appropriate official of any municipality or public
26 agency determines that any dangerous or ~~and~~ unsafe building or

1 uncompleted and abandoned building within its territory
2 fulfills the requirements for an action by the municipality or
3 the public agency under the Abandoned Housing Rehabilitation
4 Act, the municipality or the public agency may petition under
5 that Act in a proceeding brought under this subsection.

6 (b) Any owner or tenant of real property within 1200 feet
7 in any direction of any dangerous or unsafe building located
8 within the territory of a municipality with a population of
9 500,000 or more may file with the appropriate municipal
10 authority a request that the municipality apply to the circuit
11 court of the county in which the building is located for an
12 order permitting the demolition, removal of garbage, debris,
13 and other noxious or unhealthy substances and materials from,
14 or repair or enclosure of the building in the manner prescribed
15 in subsection (a) of this Section. If the municipality fails to
16 institute an action in circuit court within 90 days after the
17 filing of the request, the owner or tenant of real property
18 within 1200 feet in any direction of the building may institute
19 an action in circuit court seeking an order compelling the
20 owner or owners of record to demolish, remove garbage, debris,
21 and other noxious or unhealthy substances and materials from,
22 repair or enclose or to cause to be demolished, have garbage,
23 debris, and other noxious or unhealthy substances and materials
24 removed from, repaired, or enclosed the building in question. A
25 private owner or tenant who institutes an action under the
26 preceding sentence shall not be required to pay any fee to the

1 clerk of the circuit court. The cost of repair, removal,
2 demolition, or enclosure shall be borne by the owner or owners
3 of record of the building. In the event the owner or owners of
4 record fail to demolish, remove garbage, debris, and other
5 noxious or unhealthy substances and materials from, repair, or
6 enclose the building within 90 days of the date the court
7 entered its order, the owner or tenant who instituted the
8 action may request that the court join the municipality as a
9 party to the action. The court may order the municipality to
10 demolish, remove materials from, repair, or enclose the
11 building, or cause that action to be taken upon the request of
12 any owner or tenant who instituted the action or upon the
13 municipality's request. The municipality may file, and the
14 court may approve, a plan for rehabilitating the building in
15 question. A court order authorizing the municipality to
16 demolish, remove materials from, repair, or enclose a building,
17 or cause that action to be taken, shall not preclude the court
18 from adjudging the owner or owners of record of the building in
19 contempt of court due to the failure to comply with the order
20 to demolish, remove garbage, debris, and other noxious or
21 unhealthy substances and materials from, repair, or enclose the
22 building.

23 If a municipality or a person or persons other than the
24 owner or owners of record pay the cost of demolition, removal
25 of garbage, debris, and other noxious or unhealthy substances
26 and materials, repair, or enclosure pursuant to a court order,

1 the cost, including court costs, attorney's fees, and other
2 costs related to the enforcement of this subsection, is
3 recoverable from the owner or owners of the real estate and is
4 a lien on the real estate; the lien is superior to all prior
5 existing liens and encumbrances, except taxes, if, within 180
6 days after the repair, removal, demolition, or enclosure, the
7 municipality or the person or persons who paid the costs of
8 demolition, removal, repair, or enclosure shall file a notice
9 of lien of the cost and expense incurred in the office of the
10 recorder in the county in which the real estate is located or
11 in the office of the registrar of the county if the real estate
12 affected is registered under the Registered Titles (Torrens)
13 Act. The notice shall be in a form as is provided in subsection
14 (a). An owner or tenant who institutes an action in circuit
15 court seeking an order to compel the owner or owners of record
16 to demolish, remove materials from, repair, or enclose any
17 dangerous or unsafe building, or to cause that action to be
18 taken under this subsection may recover court costs and
19 reasonable attorney's fees for instituting the action from the
20 owner or owners of record of the building. Upon payment of the
21 costs and expenses by the owner of or a person interested in
22 the property after the notice of lien has been filed, the lien
23 shall be released by the municipality or the person in whose
24 name the lien has been filed or his or her assignee, and the
25 release may be filed of record as in the case of filing a
26 notice of lien. Unless the lien is enforced under subsection

1 (c), the lien may be enforced by foreclosure proceedings as in
2 the case of mortgage foreclosures under Article XV of the Code
3 of Civil Procedure or mechanics' lien foreclosures. An action
4 to foreclose this lien may be commenced at any time after the
5 date of filing of the notice of lien. The costs of foreclosure
6 incurred by the municipality, including court costs,
7 reasonable attorneys' fees, advances to preserve the property,
8 and other costs related to the enforcement of this subsection,
9 plus statutory interest, are a lien on the real estate and are
10 recoverable by the municipality from the owner or owners of the
11 real estate.

12 All liens arising under the terms of this subsection (b)
13 shall be assignable. The assignee of the lien shall have the
14 same power to enforce the lien as the assigning party, except
15 that the lien may not be enforced under subsection (c).

16 (c) In any case where a municipality has obtained a lien
17 under subsection (a), (b), or (f), the municipality may enforce
18 the lien under this subsection (c) in the same proceeding in
19 which the lien is authorized.

20 A municipality desiring to enforce a lien under this
21 subsection (c) shall petition the court to retain jurisdiction
22 for foreclosure proceedings under this subsection. Notice of
23 the petition shall be served, by certified or registered mail,
24 on all persons who were served notice under subsection (a),
25 (b), or (f). The court shall conduct a hearing on the petition
26 not less than 15 days after the notice is served. If the court

1 determines that the requirements of this subsection (c) have
2 been satisfied, it shall grant the petition and retain
3 jurisdiction over the matter until the foreclosure proceeding
4 is completed. The costs of foreclosure incurred by the
5 municipality, including court costs, reasonable attorneys'
6 fees, advances to preserve the property, and other costs
7 related to the enforcement of this subsection, plus statutory
8 interest, are a lien on the real estate and are recoverable by
9 the municipality from the owner or owners of the real estate.
10 If the court denies the petition, the municipality may enforce
11 the lien in a separate action as provided in subsection (a),
12 (b), or (f).

13 All persons designated in Section 15-1501 of the Code of
14 Civil Procedure as necessary parties in a mortgage foreclosure
15 action shall be joined as parties before issuance of an order
16 of foreclosure. Persons designated in Section 15-1501 of the
17 Code of Civil Procedure as permissible parties may also be
18 joined as parties in the action.

19 The provisions of Article XV of the Code of Civil Procedure
20 applicable to mortgage foreclosures shall apply to the
21 foreclosure of a lien under this subsection (c), except to the
22 extent that those provisions are inconsistent with this
23 subsection. For purposes of foreclosures of liens under this
24 subsection, however, the redemption period described in
25 subsection (b) of Section 15-1603 of the Code of Civil
26 Procedure shall end 30 ~~60~~ days after the date of entry of the

1 order of foreclosure.

2 (d) In addition to any other remedy provided by law, ~~the~~
3 ~~corporate authorities of any municipality or public agency~~ may
4 petition the circuit court to have property declared abandoned
5 under this subsection (d) if:

6 (1) the property is unoccupied by persons legally in
7 possession;

8 (2) the property's condition impairs public health,
9 safety, or welfare for reasons specified in the petition,
10 which may include, but are not limited to: (A) the property
11 is not being maintained in accordance with local property
12 maintenance or building codes; (B) the property is subject
13 to police complaints; or (C) the property is not secured to
14 prevent trespassing; and

15 (3) the property has 2 or more years of delinquent taxes
16 or the property has no water use for the past year.

17 ~~(1) the property has been tax delinquent for 2 or more~~
18 ~~years or bills for water service for the property have been~~
19 ~~outstanding for 2 or more years;~~

20 ~~(2) the property is unoccupied by persons legally in~~
21 ~~possession; and~~

22 ~~(3) the property contains a dangerous or unsafe~~
23 ~~building for reasons specified in the petition.~~

24 All persons having an interest of record in the property,
25 including tax purchasers and beneficial owners of any Illinois
26 land trust having title to the property, shall be named as

1 defendants in the petition and shall be served with process. In
2 addition, service shall be had under Section 2-206 of the Code
3 of Civil Procedure as in other cases affecting property.

4 Prior to a public agency filing a petition to have property
5 declared abandoned under this subsection, the public agency
6 must send, by certified or registered mail, a written
7 notification to the clerk of the municipality in which the
8 property is located. The written notification must include the
9 property index number of each property for which a petition
10 will be filed and indicate the public agency's intent to seek a
11 declaration that property is abandoned under this subsection
12 together with a copy of the proposed petition. The public
13 agency shall allow the municipality 15 days to review the
14 proposed petition before filing a petition to have property
15 declared abandoned.

16 If both a municipality and a public agency file petitions
17 for a declaration that property is abandoned under this
18 subsection, the municipality's petition shall be given
19 priority.

20 The municipality or public agency, however, may proceed
21 under this subsection in a proceeding brought under subsection
22 (a) or (b). Notice of the petition shall be served in person or
23 by certified or registered mail on all persons who were served
24 notice under subsection (a) or (b).

25 If the municipality or public agency proves that the
26 conditions described in this subsection exist and (i) the owner

1 of record of the property does not enter an appearance in the
2 action, or, if title to the property is held by an Illinois
3 land trust, if neither the owner of record nor the owner of the
4 beneficial interest of the trust enters an appearance, or (ii)
5 if the owner of record or the beneficiary of a land trust, if
6 title to the property is held by an Illinois land trust, enters
7 an appearance and specifically waives his or her rights under
8 this subsection (d), the court shall declare the property
9 abandoned. Notwithstanding any waiver, the municipality or
10 public agency may move to dismiss its petition at any time. In
11 addition, any waiver in a proceeding under this subsection (d)
12 does not serve as a waiver for any other proceeding under law
13 or equity.

14 If that determination is made, notice shall be sent in
15 person or by certified or registered mail to all persons having
16 an interest of record in the property, including tax purchasers
17 and beneficial owners of any Illinois land trust having title
18 to the property, stating that title to the property will be
19 transferred to the petitioning municipality or public agency
20 unless, within 30 days of the notice, the owner of record or
21 any other person having an interest in the property files with
22 the court a request to demolish all ~~the~~ dangerous or unsafe
23 buildings ~~building~~ or to put the property ~~building~~ in safe
24 condition, or unless the owner of record enters an appearance
25 and proves that the owner does not intend to abandon the
26 property.

1 If the owner of record enters an appearance in the action
2 within the 30 day period, but does not at that time file with
3 the court a request to demolish any ~~the~~ dangerous or unsafe
4 building or to put the property ~~building~~ in safe condition, or
5 specifically waive his or her rights under this subsection (d),
6 the court shall vacate its order declaring the property
7 abandoned if it determines that the owner of record does not
8 intend to abandon the property. In that case, the municipality
9 or public agency may amend its complaint in order to initiate
10 proceedings under subsection (a), or it may request that the
11 court order the owner to demolish any unsafe or dangerous ~~the~~
12 building or repair any ~~the~~ dangerous or unsafe conditions of
13 the property ~~building~~ alleged in the petition or seek the
14 appointment of a receiver or other equitable relief to correct
15 the conditions at the property. The powers and rights of a
16 receiver appointed under this subsection (d) shall include all
17 of the powers and rights of a receiver appointed under Section
18 11-31-2 of this Code.

19 If a request to demolish a building or repair the property
20 ~~building~~ is filed within the 30 day period, the court shall
21 grant permission to the requesting party to demolish the
22 building or repair the property within ~~30 days or to restore~~
23 ~~the building to safe condition within~~ 60 days after the request
24 is granted. An extension of that period for up to 60 additional
25 days may be given for good cause. If more than one person with
26 an interest in the property files a timely request, preference

1 shall be given to the owner of record if the owner filed a
2 request or, if the owner did not, the person with the lien or
3 other interest of the highest priority.

4 If the requesting party (other than the owner of record)
5 proves to the court that the building has been demolished or
6 put in a safe condition in accordance with the local property
7 maintenance and building ~~safety~~ codes within the period of time
8 granted by the court, the court shall issue a quitclaim
9 judicial deed for the property to the requesting party,
10 conveying only the interest of the owner of record, upon proof
11 of payment to the municipality of all costs incurred by the
12 municipality in connection with the action, including but not
13 limited to court costs, attorney's fees, administrative costs,
14 the costs, if any, associated with any property maintenance
15 ~~building enclosure or removal~~, and receiver's certificates.
16 The interest in the property so conveyed shall be subject to
17 all liens and encumbrances on the property. In addition, if the
18 interest is conveyed to a person holding a certificate of
19 purchase for the property under the Property Tax Code, the
20 conveyance shall be subject to the rights of redemption of all
21 persons entitled to redeem under that Act, including the
22 original owner of record. If the requesting party is the owner
23 of record and proves to the court that the building has been
24 demolished or put in a safe condition in accordance with the
25 local safety codes within the period of time granted by the
26 court, the court shall dismiss the proceeding under this

1 subsection (d).

2 If the owner of record has not entered an appearance and
3 proven that the owner did not intend to abandon the property,
4 and if no person with an interest in the property files a
5 timely request or if the requesting party fails to demolish the
6 building or put the property building in safe condition within
7 the time specified by the court, the municipality or public
8 agency may petition the court to issue a judicial deed for the
9 property to the municipality or public agency. A conveyance by
10 judicial deed shall operate to extinguish all existing
11 ownership interests in, liens on, and other interest in the
12 property, including tax liens, and shall extinguish the rights
13 and interests of any and all holders of a bona fide certificate
14 of purchase of the property for delinquent taxes. Any such bona
15 fide certificate of purchase holder shall be entitled to a sale
16 in error as prescribed under Section 21-310 of the Property Tax
17 Code.

18 (e) Each municipality may use the provisions of this
19 subsection to expedite the removal of certain buildings that
20 are a continuing hazard to the community in which the buildings
21 ~~they~~ are located.

22 If a residential or commercial building is 3 stories or
23 less in height as defined by the municipality's building code,
24 and the corporate official designated to be in charge of
25 enforcing the municipality's building code determines that the
26 building is open and vacant and an immediate and continuing

1 hazard to the community in which the building is located, then
2 the official shall be authorized to post a notice not less than
3 2 feet by 2 feet in size on the front of the building. The
4 notice shall be dated as of the date of the posting and shall
5 state that unless the building is demolished, repaired, or
6 enclosed, and unless any garbage, debris, and other hazardous,
7 noxious, or unhealthy substances or materials are removed so
8 that an immediate and continuing hazard to the community no
9 longer exists, then the building may be demolished, repaired,
10 or enclosed, or any garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials may be removed,
12 by the municipality.

13 Not later than 30 days following the posting of the notice,
14 the municipality shall do all of the following:

15 (1) Cause to be sent, by certified mail, return receipt
16 requested, a Notice to Remediate to all owners of record of
17 the property, the beneficial owners of any Illinois land
18 trust having title to the property, and all lienholders of
19 record in the property, stating the intent of the
20 municipality to demolish, repair, or enclose the building
21 or remove any garbage, debris, or other hazardous, noxious,
22 or unhealthy substances or materials if that action is not
23 taken by the owner or owners.

24 (2) Cause to be published, in a newspaper published or
25 circulated in the municipality where the building is
26 located, a notice setting forth (i) the permanent tax index

1 number and the address of the building, (ii) a statement
2 that the property is open and vacant and constitutes an
3 immediate and continuing hazard to the community, and (iii)
4 a statement that the municipality intends to demolish,
5 repair, or enclose the building or remove any garbage,
6 debris, or other hazardous, noxious, or unhealthy
7 substances or materials if the owner or owners or
8 lienholders of record fail to do so. This notice shall be
9 published for 3 consecutive days.

10 (3) Cause to be recorded the Notice to Remediate mailed
11 under paragraph (1) in the office of the recorder in the
12 county in which the real estate is located or in the office
13 of the registrar of titles of the county if the real estate
14 is registered under the Registered Title (Torrens) Act.

15 Any person or persons with a current legal or equitable
16 interest in the property objecting to the proposed actions of
17 the corporate authorities may file his or her objection in an
18 appropriate form in a court of competent jurisdiction.

19 If the building is not demolished, repaired, or enclosed,
20 or the garbage, debris, or other hazardous, noxious, or
21 unhealthy substances or materials are not removed, within 30
22 days of mailing the notice to the owners of record, the
23 beneficial owners of any Illinois land trust having title to
24 the property, and all lienholders of record in the property, or
25 within 30 days of the last day of publication of the notice,
26 whichever is later, the corporate authorities shall have the

1 power to demolish, repair, or enclose the building or to remove
2 any garbage, debris, or other hazardous, noxious, or unhealthy
3 substances or materials.

4 The municipality may proceed to demolish, repair, or
5 enclose a building or remove any garbage, debris, or other
6 hazardous, noxious, or unhealthy substances or materials under
7 this subsection within a 180-day ~~120-day~~ period following the
8 date of the mailing of the notice if the appropriate official
9 determines that the demolition, repair, enclosure, or removal
10 of any garbage, debris, or other hazardous, noxious, or
11 unhealthy substances or materials is necessary to remedy the
12 immediate and continuing hazard. If, however, before the
13 municipality proceeds with any of the actions authorized by
14 this subsection, any person with a legal or equitable interest
15 in the property has sought a hearing under this subsection
16 before a court and has served a copy of the complaint on the
17 chief executive officer of the municipality, then the
18 municipality shall not proceed with the demolition, repair,
19 enclosure, or removal of garbage, debris, or other substances
20 until the court determines that that action is necessary to
21 remedy the hazard and issues an order authorizing the
22 municipality to do so. However, no hearing may be brought under
23 this Section after the municipality commences any demolition,
24 repair, or enclosure of the structure or causes the removal of
25 garbage, debris, or noxious material. If the court dismisses
26 the action for want of prosecution, the municipality must send

1 the objector a copy of the dismissal order and a letter stating
2 that the demolition, repair, enclosure, or removal of garbage,
3 debris, or other substances will proceed unless, within 30 days
4 after the copy of the order and the letter are mailed, the
5 objector moves to vacate the dismissal and serves a copy of the
6 motion on the chief executive officer of the municipality.
7 Notwithstanding any other law to the contrary, if the objector
8 does not file a motion and give the required notice, if the
9 motion is denied by the court, or if the action is again
10 dismissed for want of prosecution, then the dismissal is with
11 prejudice and the demolition, repair, enclosure, or removal may
12 proceed forthwith.

13 Following the demolition, repair, or enclosure of a
14 building, or the removal of garbage, debris, or other
15 hazardous, noxious, or unhealthy substances or materials under
16 this subsection, the municipality may file a notice of lien
17 against the real estate for the cost of the demolition, repair,
18 enclosure, or removal incurred by the municipality or its
19 agent, including court costs, attorney's fees, and other costs
20 related to the enforcement of this Section, including, but not
21 limited to: appraisals; environmental reviews; costs assessing
22 the risks; police and public safety costs; and building
23 inspector costs. The notice must be filed within 180 days after
24 the completion of the repair, demolition, enclosure, or removal
25 ~~occurred~~, for the cost and expense incurred, in the office of
26 the recorder in the county in which the real estate is located

1 or in the office of the registrar of titles of the county if
2 the real estate affected is registered under the Registered
3 Titles (Torrens) Act; the costs incurred by a municipality is a
4 lien on the real estate. A lien imposed under this Section is
5 superior to all prior existing liens and encumbrances if,
6 within 180 days after the completion of the repair, removal,
7 demolition, or enclosure, the municipality or the person or
8 persons who paid the costs of demolition, removal, or enclosure
9 file a notice of lien of the cost and expense incurred in the
10 office of the recorder in the county in which the real estate
11 is located. In addition, costs incurred under this subsection
12 (e) are recoverable from the owner or owners of the real
13 estate, or from the previous owner if the property is
14 transferred following the recording of the notice of intent to
15 demolish as provided for under this Section, in the manner as
16 provided for in subsection (g) ~~this lien has priority over the~~
17 interests of those parties named in the Notice to Remediate
18 mailed under paragraph (1), but not over the interests of third
19 party purchasers or encumbrancers for value who obtained their
20 interests in the property before obtaining actual or
21 constructive notice of the lien. The notice of lien shall
22 consist of a sworn statement setting forth (i) a description of
23 the real estate, such as the address or other description of
24 the property, sufficient for its identification; (ii) the
25 expenses incurred by the municipality in undertaking the
26 remedial actions authorized under this subsection; (iii) the

1 date or dates the expenses were incurred by the municipality;
2 (iv) a statement by the corporate official responsible for
3 enforcing the building code that the building was open and
4 vacant and constituted an immediate and continuing hazard to
5 the community; (v) a statement by the corporate official that
6 the required sign was posted on the building, that notice was
7 sent by certified mail to the owners of record, and that notice
8 was published in accordance with this subsection; and (vi) a
9 statement as to when and where the notice was published. The
10 lien authorized by this subsection may thereafter be released
11 or enforced by the municipality as provided in subsection (a).

12 (f) The corporate authorities of each municipality may
13 remove or cause the removal of, or otherwise environmentally
14 remediate hazardous substances and petroleum products on, in,
15 or under any abandoned and unsafe property within the territory
16 of a municipality. In addition, where preliminary evidence
17 indicates the presence or likely presence of a hazardous
18 substance or a petroleum product or a release or a substantial
19 threat of a release of a hazardous substance or a petroleum
20 product on, in, or under the property, the corporate
21 authorities of the municipality may inspect the property and
22 test for the presence or release of hazardous substances and
23 petroleum products. In any county having adopted by referendum
24 or otherwise a county health department as provided by Division
25 5-25 of the Counties Code or its predecessor, the county board
26 of that county may exercise the above-described powers with

1 regard to property within the territory of any city, village,
2 or incorporated town having less than 50,000 population.

3 For purposes of this subsection (f):

4 (1) "property" or "real estate" means all real
5 property, whether or not improved by a structure;

6 (2) "abandoned" means;

7 (A) the property has been tax delinquent for 2 or
8 more years;

9 (B) the property is unoccupied by persons legally
10 in possession; and

11 (3) "unsafe" means property that presents an actual or
12 imminent threat to public health and safety caused by the
13 release of hazardous substances; and

14 (4) "hazardous substances" means the same as in Section
15 3.215 of the Environmental Protection Act.

16 The corporate authorities shall apply to the circuit court
17 of the county in which the property is located (i) for an order
18 allowing the municipality to enter the property and inspect and
19 test substances on, in, or under the property; or (ii) for an
20 order authorizing the corporate authorities to take action with
21 respect to remediation of the property if conditions on the
22 property, based on the inspection and testing authorized in
23 paragraph (i), indicate the presence of hazardous substances or
24 petroleum products. Remediation shall be deemed complete for
25 purposes of paragraph (ii) above when the property satisfies
26 Tier I, II, or III remediation objectives for the property's

1 most recent usage, as established by the Environmental
2 Protection Act, and the rules and regulations promulgated
3 thereunder. Where, upon diligent search, the identity or
4 whereabouts of the owner or owners of the property, including
5 the lien holders of record, is not ascertainable, notice mailed
6 to the person or persons in whose name the real estate was last
7 assessed is sufficient notice under this Section.

8 The court shall grant an order authorizing testing under
9 paragraph (i) above upon a showing of preliminary evidence
10 indicating the presence or likely presence of a hazardous
11 substance or a petroleum product or a release of or a
12 substantial threat of a release of a hazardous substance or a
13 petroleum product on, in, or under abandoned property. The
14 preliminary evidence may include, but is not limited to,
15 evidence of prior use, visual site inspection, or records of
16 prior environmental investigations. The testing authorized by
17 paragraph (i) above shall include any type of investigation
18 which is necessary for an environmental professional to
19 determine the environmental condition of the property,
20 including but not limited to performance of soil borings and
21 groundwater monitoring. The court shall grant a remediation
22 order under paragraph (ii) above where testing of the property
23 indicates that it fails to meet the applicable remediation
24 objectives. The hearing upon the application to the circuit
25 court shall be expedited by the court and shall be given
26 precedence over all other suits.

1 The cost of the inspection, testing, or remediation
2 incurred by the municipality or by a lien holder of record,
3 including court costs, attorney's fees, and other costs related
4 to the enforcement of this Section, is a lien on the real
5 estate; except that in any instances where a municipality
6 incurs costs of inspection and testing but finds no hazardous
7 substances or petroleum products on the property that present
8 an actual or imminent threat to public health and safety, such
9 costs are not recoverable from the owners nor are such costs a
10 lien on the real estate. The lien is superior to all prior
11 existing liens and encumbrances, except taxes and any lien
12 obtained under subsection (a) or (e), if, within 180 days after
13 the completion of the inspection, testing, or remediation, the
14 municipality or the lien holder of record who incurred the cost
15 and expense shall file a notice of lien for the cost and
16 expense incurred in the office of the recorder in the county in
17 which the real estate is located or in the office of the
18 registrar of titles of the county if the real estate affected
19 is registered under the Registered Titles (Torrens) Act.

20 The notice must consist of a sworn statement setting out
21 (i) a description of the real estate sufficient for its
22 identification, (ii) the amount of money representing the cost
23 and expense incurred, and (iii) the date or dates when the cost
24 and expense was incurred by the municipality or the lien holder
25 of record. Upon payment of the lien amount by the owner of or
26 persons interested in the property after the notice of lien has

1 been filed, a release of lien shall be issued by the
2 municipality, the person in whose name the lien has been filed,
3 or the assignee of the lien, and the release may be filed of
4 record as in the case of filing notice of lien.

5 The lien may be enforced under subsection (c) or by
6 foreclosure proceedings as in the case of mortgage foreclosures
7 under Article XV of the Code of Civil Procedure or mechanics'
8 lien foreclosures; provided that where the lien is enforced by
9 foreclosure under subsection (c) or under either statute, the
10 municipality may not proceed against the other assets of the
11 owner or owners of the real estate for any costs that otherwise
12 would be recoverable under this Section but that remain
13 unsatisfied after foreclosure except where such additional
14 recovery is authorized by separate environmental laws. An
15 action to foreclose this lien may be commenced at any time
16 after the date of filing of the notice of lien. The costs of
17 foreclosure incurred by the municipality, including court
18 costs, reasonable attorney's fees, advances to preserve the
19 property, and other costs related to the enforcement of this
20 subsection, plus statutory interest, are a lien on the real
21 estate.

22 All liens arising under this subsection (f) shall be
23 assignable. The assignee of the lien shall have the same power
24 to enforce the lien as the assigning party, except that the
25 lien may not be enforced under subsection (c).

26 (g) In any case where a municipality has obtained a lien

1 under subsection (a) or (e), the municipality may also bring an
2 action for a money judgment against the owner or owners of the
3 real estate in the amount of the lien in the same manner as
4 provided for bringing causes of action in Article II of the
5 Code of Civil Procedure and, upon obtaining a judgment, file a
6 judgment lien against all of the real estate of the owner or
7 owners and enforce that lien as provided for in Article XII of
8 the Code of Civil Procedure.

9 (h) Under this Section:

10 "Demolition" includes, but is not limited to: the
11 destruction and removal of structures on a certain parcel,
12 including accessory structures and any foundation,
13 disconnection of any utilities, repair of the soils to grade
14 level and installation of grass or other greenery on the
15 parcel.

16 "Public agency" means a municipality or county of the State
17 of Illinois and any combination of municipalities and counties
18 pursuant to an intergovernmental agreement that includes
19 provisions for a governing body of the agency created by the
20 agreement.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-931, eff. 1-1-09.)

22 Section 15. The Criminal Code of 2012 is amended by
23 changing Section 12-5.1a as follows:

24 (720 ILCS 5/12-5.1a) (was 720 ILCS 5/12-5.15)

1 Sec. 12-5.1a. Aggravated criminal housing management.

2 (a) A person commits aggravated criminal housing
3 management when he or she commits criminal housing management
4 and:

5 (1) the condition endangering the health or safety of a
6 person other than the defendant is determined to be a
7 contributing factor in the injury or death of a public
8 worker or contractor, or an employee of a contractor, when
9 performing his or her official duties on, at, or about the
10 property, including, but not limited to, a peace officer,
11 community policing volunteer, firefighter, emergency
12 medical services personnel, utility worker, code
13 enforcement officer, or building inspector; or ~~death of~~
14 that person; and

15 (2) the person recklessly conceals or attempts to
16 conceal the condition that endangered the health or safety
17 of the person other than the defendant that is found to be
18 a contributing factor in that death.

19 (b) Sentence. Aggravated criminal housing management is a
20 Class 4 felony.

21 (Source: P.A. 96-1551, eff. 7-1-11.)