



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Robert S. Molaro

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2.1-8
65 ILCS 5/1-2.1-10

Amends the Illinois Municipal Code. Provides that a municipality with a population of 2,000,000 or more is prohibited from enforcing judgments for ordinance violations by imposing or enforcing liens or by obtaining or enforcing garnishments or wage deductions. Preempts home rule powers.

LRB093 15790 MKM 41402 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning municipalities.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 1-2.1-8 and 1-2.1-10 as follows:

6 (65 ILCS 5/1-2.1-8)

7 Sec. 1-2.1-8. Enforcement of judgment.

8 (a) Any fine, other sanction, or costs imposed, or part of
9 any fine, other sanction, or costs imposed, remaining unpaid
10 after the exhaustion of or the failure to exhaust judicial
11 review procedures under the Illinois Administrative Review Law
12 are a debt due and owing the municipality and may be collected
13 in accordance with applicable law.

14 (b) After expiration of the period in which judicial review
15 under the Illinois Administrative Review Law may be sought for
16 a final determination of a code violation, unless stayed by a
17 court of competent jurisdiction, the findings, decision, and
18 order of the hearing officer may be enforced in the same manner
19 as a judgment entered by a court of competent jurisdiction.

20 (c) In any case in which a defendant has failed to comply
21 with a judgment ordering a defendant to correct a code
22 violation or imposing any fine or other sanction as a result of
23 a code violation, any expenses incurred by a municipality to
24 enforce the judgment, including, but not limited to, attorney's
25 fees, court costs, and costs related to property demolition or
26 foreclosure, after they are fixed by a court of competent
27 jurisdiction or a hearing officer, shall be a debt due and
28 owing the municipality and may be collected in accordance with
29 applicable law. Prior to any expenses being fixed by a hearing
30 officer pursuant to this subsection (c), the municipality shall
31 provide notice to the defendant that states that the defendant
32 shall appear at a hearing before the administrative hearing

1 officer to determine whether the defendant has failed to comply
2 with the judgment. The notice shall set the date for such a
3 hearing, which shall not be less than 7 days from the date that
4 notice is served. If notice is served by mail, the 7-day period
5 shall begin to run on the date that the notice was deposited in
6 the mail.

7 (d) Upon being recorded in the manner required by Article
8 XII of the Code of Civil Procedure or by the Uniform Commercial
9 Code, a lien shall be imposed on the real estate or personal
10 estate, or both, of the defendant in the amount of any debt due
11 and owing the municipality under this Section. The lien may be
12 enforced in the same manner as a judgment lien pursuant to a
13 judgment of a court of competent jurisdiction.

14 (d-5) Notwithstanding the provisions of subsection (d) or
15 any other law to the contrary, if a debt due and owing is for
16 any violation of any municipal ordinance, including, without
17 limitation, parking violations, building code violations, and
18 housing code violations, then a municipality with a population
19 of 2,000,000 or more shall not collect that debt by attempting
20 to (i) impose or enforce a lien on the real estate or personal
21 estate of the defendant or (ii) obtain or enforce a garnishment
22 or wage deduction on the defendant. A home rule unit may not
23 enforce a judgment for an ordinance violation in a manner
24 inconsistent with this subsection (d-5). This subsection is a
25 limitation under subsection (i) of Section 6 of Article VII of
26 the Illinois Constitution on the concurrent exercise by home
27 rule units of powers and functions exercised by the State.

28 (e) A hearing officer may set aside any judgment entered by
29 default and set a new hearing date, upon a petition filed
30 within 21 days after the issuance of the order of default, if
31 the hearing officer determines that the petitioner's failure to
32 appear at the hearing was for good cause or at any time if the
33 petitioner establishes that the municipality did not provide
34 proper service of process. If any judgment is set aside
35 pursuant to this subsection (e), the hearing officer shall have
36 authority to enter an order extinguishing any lien which has

1 been recorded for any debt due and owing the municipality as a
2 result of the vacated default judgment.

3 (Source: P.A. 90-516, eff. 1-1-98.)

4 (65 ILCS 5/1-2.1-10)

5 Sec. 1-2.1-10. Impact on home rule authority. Except as
6 provided in Section 1-2.1-8, this Division shall not preempt
7 municipalities from adopting other systems of administrative
8 adjudication pursuant to their home rule powers.

9 (Source: P.A. 90-516, eff. 1-1-98.)