

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 Township Code is amended by changing Section  
5 205-75 as follows:

6 (60 ILCS 1/205-75)

7 Sec. 205-75. Liens; recovery of money due.

8 (a) Charges or rates established under this Article are  
9 liens upon the real estate upon or for which a system is  
10 supplied. Liens do not attach to the real estate until the  
11 charges or rates have become delinquent as provided by an  
12 ordinance fixing a delinquency date.

13 (b) Nothing in this Section shall be construed to give the  
14 township board or the township utility board a preference over  
15 the rights of any purchaser, mortgagee, judgment creditor, or  
16 other lien holder arising before the filing of notice of the  
17 lien in the office of the recorder of the county in which the  
18 real estate is located or in the office of the registrar of  
19 titles of the county if the property is registered under the  
20 Registered Titles (Torrens) Act. The notice shall consist of a  
21 sworn statement setting forth (i) a description of the real  
22 estate, sufficient for its identification, upon or for which  
23 the system was supplied, (ii) the amount or amounts of money

1 due for services of the system, and (iii) the date or dates  
2 when the amount or amounts became delinquent.

3 (c) The township board or the township utility board may  
4 foreclose the lien in the same manner and with the same effect  
5 as the foreclosure of mortgages on real estate.

6 (d) The township board or the township utility board may  
7 file an action in the circuit court to recover money due for  
8 services of a system, plus a reasonable attorney's fee to be  
9 fixed by the court. Whenever a judgment is entered in a civil  
10 action, the provisions of this Section with respect to filing  
11 sworn statements of delinquencies in the office of the recorder  
12 and creating a lien against the real estate are not effective  
13 as to the charges sued upon, and no lien exists thereafter  
14 against the real estate for the delinquency. A judgment in a  
15 civil action operates as a release and waiver of the lien upon  
16 the real estate for the amount of judgement.

17 (e) The payment of delinquent charges for sewerage service  
18 to any premises may be enforced by discontinuing the water  
19 service, the sewerage service, or both to the premises. A rate  
20 or charge is delinquent if it is more than 30 days overdue. Any  
21 public or municipal corporation or political subdivision of the  
22 State furnishing water service to the premises (i) shall  
23 discontinue that service upon receiving written notice from the  
24 township board or the township utility board in which the  
25 premises lies that payment of the rate or charge for sewerage  
26 service to the premises has become delinquent and (ii) shall

1 not resume water service until it receives a similar notice  
2 that the delinquency has been removed. The provider of sewerage  
3 service shall not request discontinuation of water service  
4 pursuant to this subsection before sending a notice of the  
5 delinquency to the sewer user and affording the owner an  
6 opportunity to be heard. During any such hearing, the provider  
7 of sewerage service shall consider the financial ability of the  
8 user to make immediate full payment and consider the  
9 establishment of a deferred payment plan to recoup any  
10 delinquent charges. The township board or the township utility  
11 board shall reimburse the public or municipal corporation or  
12 political subdivision of the State for the reasonable cost of  
13 discontinuing and reestablishing water service to the  
14 premises. The township board or the township utility board may  
15 contract with any privately owned public utility for the  
16 discontinuance of water service to a premises with respect to  
17 which the payment for a rate or charge for sewerage service has  
18 become delinquent. The township board or township utility board  
19 shall reimburse the water service provider for any lost water  
20 service revenues due to discontinuing water service under this  
21 subsection, and shall indemnify the water service provider for  
22 any judgment and related attorney's fees resulting from an  
23 action based on any provision of this subsection.

24 (Source: P.A. 84-794; 88-62.)

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