



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO SENATE BILL 2101

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2101 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Land Banking Act.

6 Section 5. Findings. There is a continuing need to  
7 strengthen and revitalize the economy of this State. Vacant and  
8 abandoned properties threaten communities around the State  
9 because those properties diminish property values, enable  
10 crime, and create health hazards. Municipalities are often  
11 unaware of which properties are at risk of becoming vacant and  
12 abandoned. Municipalities have an interest in knowing the  
13 status of the housing stock located in their jurisdictions.  
14 Local governments should be empowered to acquire, develop,  
15 maintain, and dispose of vacant and abandoned properties that  
16 present a threat to communities around the State.

1 Municipalities lack many of the tools necessary to ensure  
2 adequate property maintenance. Municipalities are unable to  
3 recover the reasonable costs of their property maintenance  
4 activity.

5 Section 10. Definitions.

6 "Authority" means a land bank authority created by one or  
7 more municipalities pursuant to this Act.

8 "Intergovernmental agreement" means a contractual  
9 agreement between one or more governmental agencies,  
10 including, but not limited to, an agreement to jointly exercise  
11 any power, privilege, or authority that agencies share in  
12 common and that each might exercise separately under this Act.

13 Section 15. Authorization. A municipality or several  
14 municipalities may create a land bank authority with any or all  
15 of the powers and restrictions specified in this Act. In  
16 creating an authority, the municipality shall provide for all  
17 of the following:

18 (1) The incorporation of the authority as a public  
19 body, corporate and politic.

20 (2) Articles of incorporation for the authority, which  
21 must specify a list of permissible purposes for authority  
22 activity under this Act.

23 (3) The size of the board of directors for the  
24 authority.

1           (4) The qualifications, methods of selection, and  
2           terms of office of the board members.

3           Section 20. Election of tax remittance. A municipality may  
4           authorize the remittance of a portion of taxes collected on  
5           real property, pursuant to the Property Tax Code, to the  
6           authority that sold or conveyed real property in order to  
7           further the purposes of this Act. The municipality may elect to  
8           have up to 50% of those taxes remitted to the authority for up  
9           to 5 years after the land bank has completed the sale or  
10          conveyance of the property.

11          Section 25. Board of directors. An authority shall be  
12          governed by a board of directors, the board shall consist of 3  
13          or more directors. The board of directors shall be composed of  
14          an odd number of members.

15          Notwithstanding any law to the contrary, any public officer  
16          shall be eligible to serve as a board member and the acceptance  
17          of the appointment shall neither terminate nor impair such  
18          public office. For the purposes of this Section, "public  
19          officer" means a person who is elected to a State or local  
20          government office.

21          Any State or local government employee shall be eligible to  
22          serve as a board member.

23          The board of the authority shall meet from time to time as  
24          required, and the presence of a majority of the board of

1 directors shall constitute a quorum. A chairperson shall be  
2 elected from among the members, and he or she shall execute all  
3 deeds, leases, and contracts of the authority when authorized  
4 by the board. The board of the authority shall conduct meetings  
5 in accordance with the Open Meetings Act. The board of the  
6 authority shall adopt a code of ethics for its directors,  
7 officers, and employees. The board of the authority shall  
8 establish policies and procedures requiring the disclosure of  
9 relationships that may give rise to a conflict of interest. The  
10 board of the authority shall require that any member of the  
11 board with a direct or indirect interest in any matter disclose  
12 the member's interest to the board before the board takes any  
13 action on that matter. Members of the board of directors of an  
14 authority shall serve without compensation.

15 Section 30. Powers. A municipality or several  
16 municipalities may grant an authority any or all of the powers  
17 enumerated in this Section, subject to any conditions,  
18 restrictions, or limitations of the municipality, including  
19 the power to:

20 (a) Acquire property pursuant to Section 35 of this  
21 Act.

22 (b) Extinguish taxes pursuant to Section 40 of this  
23 Act.

24 (c) Adopt, amend, and repeal bylaws for the regulation  
25 of its affairs and the conduct of its business.

1           (d) Sue and be sued in its own name and plead and be  
2           impleaded, including, but not limited to, defending the  
3           authority in an action to clear title to property conveyed  
4           by the authority.

5           (e) Take any action, provide any notice, or instate any  
6           proceeding required to clear or quiet title to property  
7           held by the authority in order to establish ownership by  
8           and vest title to property in the authority.

9           (f) Be made party to and defend any action or  
10          proceeding concerning title claims against property held  
11          by the authority.

12          (g) Subject to the written approval of the board of  
13          directors, borrow money and issue bonds and notes according  
14          to the provisions of this Act.

15          (h) Enter into contracts and other instruments  
16          necessary, incidental, or convenient to the performance of  
17          its duties and the exercise of its powers, including, but  
18          not limited to, intergovernmental agreements, for the  
19          joint exercise of power under this Act.

20          (i) Enter into contracts for the management of, the  
21          collection of rent from, and the sale of real property held  
22          by an authority.

23          (j) Enter into contracts with other entities, public or  
24          private, for the provision of all or a portion of the  
25          services necessary for the management and operation of the  
26          authority.

1           (k) Solicit and accept gifts, grants, labor, loans, and  
2 other aid from any person, the federal government, this  
3 State, a political subdivision of this State or any agency  
4 of the federal government, or an intergovernmental entity  
5 created under the laws of this State or participate in any  
6 other way in a program of the federal government, this  
7 State, a political subdivision of this State, or an  
8 intergovernmental entity created under the laws of this  
9 State.

10           (l) Procure insurance against loss in connection with  
11 the property, assets, or activities of the authority.

12           (m) Control, hold, manage, maintain, operate, repair,  
13 lease as lessor, secure, prevent the waste or deterioration  
14 of, demolish, and take all other actions necessary to  
15 preserve the value of the property it holds or owns.

16           (n) Remediate environmental contamination on any  
17 property held by the authority.

18           (o) Fix, charge, and collect rents, fees, and charges  
19 for use of property under the control of the authority or  
20 for services provided by the authority.

21           (p) Grant or acquire a license, easement, or option  
22 with respect to property as the authority determines is  
23 reasonably necessary to achieve the purposes of the Act.

24           (q) Convey, sell, transfer, exchange, lease as lessor,  
25 or otherwise dispose of property, rights, or interests in  
26 property to which the authority holds a legal interest to

1 any public or private person for value determined by the  
2 authority.

3 (r) Pay any tax or special assessment due on property  
4 acquired or owned by the authority.

5 (s) Subject to the Public Funds Investment Act, invest  
6 money of the authority, at the discretion of the board of  
7 directors of the authority, in instruments, obligations,  
8 securities, or property determined proper by the board of  
9 directors of the authority, and name and use depositories  
10 for its money.

11 (t) Employ its own employees or use employees of the  
12 authorizing municipality or employees of the parties to  
13 intergovernmental agreements.

14 (u) Employ legal and technical experts, other  
15 officers, agents, or employees and pay them from the funds  
16 of the authority and determine the qualifications, duties,  
17 and compensation of those it employs.

18 (v) The board of directors of an authority may delegate  
19 to one or more of its members, officers, agents, or  
20 employees any powers or duties it considers proper.

21 (w) Reimburse members of the board of directors of the  
22 authority for actual and necessary expenses subject to  
23 available appropriations.

24 (x) Contract for goods and services and engage  
25 personnel as necessary and engage the services of private  
26 consultants, managers, legal counsel, engineers, accounts,

1           and auditors for rendering professional financial  
2           assistance and advice payable out of any money available to  
3           the authority.

4           (y) Prepare the reports or plans the authority  
5           considers necessary to assist it in the exercise of its  
6           powers under this Act and to monitor and evaluate progress  
7           under this Act.

8           The powers granted by this Act are in addition to the  
9           powers granted by any other law, statute, or charter.

10          Section 35. Acquisition of property. An authority may  
11          acquire by gift, devise, transfer, exchange, foreclosure,  
12          purchase, or otherwise on terms and conditions and in a manner  
13          the authority considers proper, real property within the  
14          authority's jurisdiction, or rights or interests in real  
15          property within the authority's jurisdiction.

16          An authority may acquire by gift, devise, transfer,  
17          exchange, foreclosure, purchase, or otherwise on terms and  
18          conditions and in a manner the authority considers proper, real  
19          property outside of the authority's jurisdiction pursuant to an  
20          intergovernmental agreement, or rights or interests in real  
21          property outside of the authority's jurisdiction pursuant to an  
22          intergovernmental agreement.

23          An authority may acquire by gift, devise, transfer,  
24          exchange, foreclosure, purchase, or otherwise on terms and  
25          conditions and in a manner the authority considers proper,



1 personal property, or rights or interests in personal property.

2 Real property acquired by an authority by purchase may be  
3 by purchase contract, lease purchase agreement, installment  
4 sales contract, land contract, or otherwise.

5 An authority may hold and own in its name any property  
6 acquired by it or conveyed to it by this State, a foreclosing  
7 governmental unit, a unit of local government, an  
8 intergovernmental entity created under the laws of this State,  
9 or any other public or private person, including, but not  
10 limited to, property without clear title.

11 All deeds, mortgages, contracts, leases, purchases, or  
12 other agreements regarding property of an authority, including  
13 agreements to acquire or dispose of real property, shall be  
14 approved by and executed in the name of the authority.

15 An authority shall have the right to purchase properties at  
16 tax sales conducted in accordance with Division 3.5 of the  
17 Property Tax Code.

18 (a) The authority may tender a bid at a tax sale that  
19 is a credit bid, consisting of the obligation of the  
20 authority to satisfy the component parts of the bid by  
21 payments to the respective political subdivisions.

22 (b) A bid by the authority at a tax sale for the  
23 minimum amount shall take priority over all other bids for  
24 the same property.

25 Section 40. Taxes. When a property is acquired by the

1 authority, the authority shall have the power to extinguish all  
2 outstanding county and city or consolidated government taxes,  
3 including school district taxes, at the time it sells or  
4 otherwise disposes of property.

5 Property of an authority is public property devoted to an  
6 essential public and governmental function and purpose. Income  
7 of the authority is considered to be for a public and  
8 governmental purpose. The property of the authority and its  
9 income and operation are exempt from all taxes and special  
10 assessments of this State and all units of local government.  
11 Bonds or notes issued by the authority, and the interest on and  
12 income from those bonds and notes, are exempt from all taxation  
13 of this State or a unit of local government.

14 Section 45. Receipt of taxes. All moneys received by an  
15 authority as payment of taxes, penalties, or interest, or from  
16 the redemption or sale of property subject to a tax lien of any  
17 taxing unit shall be returned to the appropriate local tax  
18 collecting unit in which the property is located.

19 Section 50. Proceeds. Except as otherwise provided in this  
20 Act, as required by other law, as required under the provisions  
21 of a deed, or as an authority otherwise agrees, any proceeds  
22 received by the authority may be retained by the authority for  
23 the purposes of this Act.

1           Section 55. Record maintenance. The authority shall  
2 maintain a written inventory of all property held by the  
3 authority. The property shall be inventoried and classified by  
4 the authority according to title status and suitability for  
5 use. The inventory shall be available for public inspection  
6 during regular business hours.

7           For each property held, the authority shall establish and  
8 maintain itemized records and accounts reflecting all  
9 transactions, expenditures, and revenues relating to all  
10 property held by the authority.

11           Section 60. The Property Tax Code is amended by adding  
12 Sections 21-111 and 21-231 as follows:

13           (35 ILCS 200/21-111 new)

14           Sec. 21-111. Notice to municipalities and townships of  
15 annual application for judgment and sale; delinquent taxes. At  
16 any time after all taxes have become delinquent in any year,  
17 the county collector shall provide notice of the intended  
18 application for judgment and sale of delinquent properties to  
19 all municipal clerks in the county's jurisdiction and all  
20 township assessors responsible for unincorporated areas in the  
21 county's jurisdiction. The notice shall be provided at least 10  
22 days before the day on which judgment is to be applied for.

23           Unless otherwise requested by a municipal clerk or township  
24 assessor, notice shall include a list of the delinquent

1 properties upon which the taxes or any part thereof remain due  
2 and unpaid, the names of owners, if known, the total amount  
3 due, and the year or years for which they are due and such  
4 notices shall be printed and identify properties by property  
5 index number.

6 Properties upon which taxes have been paid in full under  
7 protest shall not be included in the list. In each such notice,  
8 the county collector shall inform the municipal clerk or  
9 township assessor of the clerk or assessor's ability to elect  
10 to receive such notices electronically, to limit the list of  
11 properties about which it receives notice to a list of  
12 properties identified by property index numbers provided by the  
13 municipal clerk or township assessor, and to elect not to  
14 receive notice under this Section.

15 At any time, a municipal clerk or township assessor may  
16 elect, by providing written notice to the county collector: (1)  
17 to receive such notice electronically, (2) to limit the list of  
18 properties about which it receives notice to a list identified  
19 by property index numbers provided by the municipal clerk or  
20 township assessor, and (3) to elect not to receive notice under  
21 this Section. A municipal clerk or township assessor may  
22 reverse any such election at any time by providing written  
23 notice to the county collector.

24 (35 ILCS 200/21-231 new)

25 Sec. 21-231. Notice of sales and redemptions. When any

1 property is sold, the county clerk shall send notice of the  
2 sale to the municipal clerk of the jurisdiction where the  
3 property is located of the name of the purchaser and the amount  
4 of the final bid. When any property is redeemed from sale, the  
5 county clerk shall send notice to the municipal clerk of the  
6 jurisdiction where the property is located of the name of the  
7 person redeeming and the redemption date. Notice must be sent  
8 by registered or certified mail within 30 days after sale or  
9 redemption.

10 Section 65. The Counties Code is amended by changing  
11 Sections 5-1099 and 5-1118 and by adding Section 5-1131 as  
12 follows:

13 (55 ILCS 5/5-1099) (from Ch. 34, par. 5-1099)

14 Sec. 5-1099. Weed cutting on residential subdivision lots.  
15 In counties of less than 3,000,000 inhabitants, a county board  
16 may provide for the cutting of weeds on lots in subdivisions in  
17 residential areas in the unincorporated area of the county or  
18 any part thereof, when the owners of the subdivision lot refuse  
19 or neglect to cut them, and may collect from the owners the  
20 reasonable cost thereof. Notice of intention to cut weeds shall  
21 be given to the owners of subdivision lot involved at least 15  
22 days before such action is intended to be taken, by mailing a  
23 written copy of such notice to the last known address of each  
24 such owner or owners. This cost, including any associated fees

1 and other costs related to the enforcement of this Section, is  
2 a lien upon the subdivision lot affected, superior to all prior  
3 existing ~~other~~ liens and encumbrances, except tax liens;  
4 provided that within 60 days after such cost and expense is  
5 incurred the county, or person performing the service by  
6 authority of the county in his or its own name, files notice of  
7 lien in the office of the recorder in the county in which such  
8 subdivision lot is located or in the office of the Registrar of  
9 Titles of the county if the subdivision lot affected is  
10 registered under the Torrens system. The notice shall consist  
11 of a sworn statement setting out (1) a description of the  
12 subdivision lot sufficient for identification thereof, (2) the  
13 amount of money representing the cost and expense incurred or  
14 payable for the service, and (3) the date or dates when such  
15 cost and expense was incurred by the county. However, the lien  
16 of such county shall not be valid as to any purchaser whose  
17 rights in and to such subdivision lot have arisen subsequent to  
18 the weed-cutting and prior to the filing of such notice ~~and~~  
19 ~~the lien of the county shall not be valid as to any mortgagee,~~  
20 ~~judgment creditor or other lienor whose rights in and to such~~  
21 ~~subdivision lot arise prior to the filing of such notice.~~ Upon  
22 payment of the cost and expense by the owner of or persons  
23 interested in such property after notice of lien has been  
24 filed, the lien shall be released by the county or person in  
25 whose name this lien has been filed and the release may be  
26 filed of record as in the case of filing notice of lien.

1 (Source: P.A. 86-962; 86-1028.)

2 (55 ILCS 5/5-1118) (from Ch. 34, par. 5-1118)

3 Sec. 5-1118. Garbage and debris removal. The county board  
4 of any county may provide for the removal of garbage and debris  
5 from unincorporated areas of the county if the owner of the  
6 property refuses or neglects to remove the garbage and debris  
7 and may collect the reasonable costs of removal from the owner.  
8 Notice of the county's intention to remove garbage and debris  
9 shall be given to the owner or owners of the property by  
10 mailing a written copy of the notice to the last known address  
11 of each owner or owners at least 15 days before the action is  
12 intended to be taken. This cost of removal, including any  
13 associated fees and other costs related to the enforcement of  
14 this Section, is a lien upon the real estate affected that is  
15 superior to all prior existing ~~other~~ liens and encumbrances,  
16 except tax liens, if within 60 days after the costs are  
17 incurred, the county or person performing the service by  
18 authority of the county, in his or its own name, files notice  
19 of lien in the office of the recorder in the county in which  
20 the real estate is located or files notice of the lien in the  
21 office of the Registrar of Titles of the county if the real  
22 estate affected is registered under the Registered Titles  
23 (Torrens) Act. The notice shall consist of a sworn statement  
24 setting out: (1) a description of the real estate sufficient  
25 for identification, (2) the amount of money representing the

1 cost and expense incurred or payable for the service, and (3)  
2 the date or dates when the costs were incurred by the county.

3 The lien of the county shall not be valid as to any  
4 purchaser whose rights in and to the real estate have arisen  
5 after the removal of the garbage and debris and before the  
6 filing of the notice. ~~The lien of the county shall not be valid~~  
7 ~~as to any mortgagee, judgment creditor, or other lienor whose~~  
8 ~~rights in and to the real estate arose before the filing of the~~  
9 ~~notice.~~ Upon payment of the removal costs by the property owner  
10 or persons interested in the property, the lien shall be  
11 released by the county or the person in whose name the lien has  
12 been filed, and the release may be filed of record as in the  
13 case of filing notice of lien. The lien may be enforced by  
14 proceedings to foreclose as in the case of mortgages or  
15 mechanics' liens. An action to foreclose this lien shall be  
16 commenced within 2 years after the date of filing notice of the  
17 lien.

18 (Source: P.A. 87-939.)

19 (55 ILCS 5/5-1131 new)

20 Sec. 5-1131. Vacant and abandoned property ordinances. For  
21 the purposes of minimizing the hazards to persons and property  
22 resulting from vacant and abandoned property, a county board  
23 may prescribe rules, regulations, or ordinances for the  
24 maintenance of vacant and abandoned property within the  
25 unincorporated territories of its jurisdiction. A county board



1 may impose registration fees for vacant and abandoned property  
2 and fines for failure to comply with the rules, regulations, or  
3 ordinances enacted pursuant to this Section.

4 Section 70. The Illinois Municipal Code is amended by  
5 changing Sections 11-20-7, 11-20-13, and 11-31.1-12 and by  
6 adding Sections 11-20-15, 11-20-16, and 11-20-17 as follows:

7 (65 ILCS 5/11-20-7) (from Ch. 24, par. 11-20-7)

8 Sec. 11-20-7. Cutting of weeds. The corporate authorities  
9 of each municipality may provide for the cutting of weeds or  
10 grass, the trimming of trees or bushes, and the removal of  
11 nuisance bushes or trees in the municipality, when the owners  
12 of real estate refuse or neglect to cut, trim, or remove them  
13 and to collect from the owners of private property the  
14 reasonable cost thereof. This cost, including any associated  
15 fees and other costs related to the enforcement of this  
16 Section, is a lien upon the real estate affected, superior to  
17 all prior existing ~~other~~ liens and encumbrances, except tax  
18 liens; provided that within 60 days after such cost and expense  
19 is incurred the municipality, or person performing the service  
20 by authority of the municipality, in his or its own name, files  
21 notice of lien in the office of the recorder in the county in  
22 which such real estate is located or in the office of the  
23 Registrar of Titles of such county if the real estate affected  
24 is registered under the Torrens system. The notice shall

1 consist of a sworn statement setting out (1) a description of  
2 the real estate sufficient for identification thereof, (2) the  
3 amount of money representing the cost and expense incurred or  
4 payable for the service, and (3) the date or dates when such  
5 cost and expense was incurred by the municipality. However, the  
6 lien of such municipality shall not be valid as to any  
7 purchaser whose rights in and to such real estate have arisen  
8 subsequent to the cutting of weeds or grass, the trimming of  
9 trees or bushes, or the removal of nuisance bushes or trees and  
10 prior to the filing of such notice, ~~and the lien of such~~  
11 ~~municipality shall not be valid as to any mortgagee, judgment~~  
12 ~~creditor or other lienor whose rights in and to such real~~  
13 ~~estate arise prior to the filing of such notice.~~ Upon payment  
14 of the cost and expense by the owner of or persons interested  
15 in such property after notice of lien has been filed, the lien  
16 shall be released by the municipality or person in whose name  
17 the lien has been filed and the release may be filed of record  
18 as in the case of filing notice of lien.

19 The cost of the cutting, trimming, or removal of weeds,  
20 grass, trees, or bushes shall not be lien on the real estate  
21 affected unless a notice is personally served on, or sent by  
22 certified mail to, the person to whom was sent the tax bill for  
23 the general taxes on the property for the last preceding year.  
24 The notice shall be delivered or sent after the cutting,  
25 trimming, or removal of weeds, grass, trees, or bushes on the  
26 property. The notice shall state the substance of this Section

1 and the substance of any ordinance of the municipality  
2 implementing this Section and shall identify the property, by  
3 common description, and the location of the weeds to be cut.

4 (Source: P.A. 95-183, eff. 8-14-07.)

5 (65 ILCS 5/11-20-13) (from Ch. 24, par. 11-20-13)

6 Sec. 11-20-13. Removal of garbage, debris, and graffiti.

7 The corporate authorities of each municipality may provide for  
8 the removal of garbage, debris, and graffiti from private  
9 property when the owner of such property, after reasonable  
10 notice, refuses or neglects to remove such garbage, debris, and  
11 graffiti and may collect from such owner the reasonable cost  
12 thereof except in the case of graffiti. This cost, including  
13 any associated fees and other costs related to the enforcement  
14 of this Section, is a lien upon the real estate affected,  
15 superior to all prior existing ~~subsequent~~ liens and  
16 encumbrances, except tax liens, if within 60 days after such  
17 cost and expense is incurred the municipality, or person  
18 performing the service by authority of the municipality, in his  
19 or its own name, files notice of lien in the office of the  
20 recorder in the county in which such real estate is located or  
21 in the office of the Registrar of Titles of such county if the  
22 real estate affected is registered under "An Act concerning  
23 land titles", approved May 1, 1897, as amended. The notice  
24 shall consist of a sworn statement setting out (1) a  
25 description of the real estate sufficient for identification

1       thereof, (2) the amount of money representing the cost and  
2       expense incurred or payable for the service, and (3) the date  
3       or dates when such cost and expense was incurred by the  
4       municipality. However, the lien of such municipality shall not  
5       be valid as to any purchaser whose rights in and to such real  
6       estate have arisen subsequent to removal of the garbage and  
7       debris and prior to the filing of such notice, ~~and the lien of~~  
8       ~~such municipality shall not be valid as to any mortgagee,~~  
9       ~~judgment creditor or other lienor whose rights in and to such~~  
10      ~~real estate arise prior to the filing of such notice.~~ Upon  
11      payment of the cost and expense by the owner of or persons  
12      interested in such property after notice of lien has been  
13      filed, the lien shall be released by the municipality or person  
14      in whose name the lien has been filed and the release may be  
15      filed of record as in the case of filing notice of lien. The  
16      lien may be enforced by proceedings to foreclose as in case of  
17      mortgages or mechanics' liens. An action to foreclose this lien  
18      shall be commenced within 2 years after the date of filing  
19      notice of lien.

20           This amendatory Act of 1973 does not apply to any  
21      municipality which is a home rule unit.

22      (Source: P.A. 90-292, eff. 1-1-98.)

23           (65 ILCS 5/11-20-15 new)

24           Sec. 11-20-15. Vacant and abandoned property ordinances.  
25      For the purposes of minimizing the hazards to persons and

1 property resulting from vacant and abandoned property, the  
2 corporate authority of each municipality may prescribe rules,  
3 regulations, or ordinances for the maintenance of vacant and  
4 abandoned property. The corporate authorities of a  
5 municipality may impose registration fees for vacant and  
6 abandoned property and fines for failure to comply with the  
7 rules, regulations, or ordinances enacted pursuant to this  
8 Section.

9 (65 ILCS 5/11-20-16 new)

10 Sec. 11-20-16. Mortgage beneficiary responsibility.  
11 Municipalities may hold responsible for any failure to comply  
12 with rules, regulations, or ordinances for the maintenance of  
13 vacant and abandoned property (i) any beneficiary or trustee,  
14 who holds a deed of trust on a neglected property located  
15 within the municipality, or (ii) any mortgagee who holds a  
16 mortgage on a neglected property located within the  
17 municipality, and has filed a notice of default under Section  
18 15-1503 of the Code of Civil Procedure.

19 If a beneficiary or trustee, who holds a deed of trust on a  
20 neglected property, or a mortgagee who holds a mortgage on a  
21 neglected property, is held responsible for any failure to  
22 comply with municipal law, that beneficiary, trustee, or  
23 mortgagee may enter the property, after proper notice, to  
24 remedy any violation of the rules, regulations, or ordinances  
25 for the maintenance of vacant and abandoned property. The

1 beneficiary, trustee, or mortgagee may enter the property only  
2 if, 15 days after the beneficiary, trustee, or mortgagee sent  
3 proper notice, the property owners and occupants have failed to  
4 comply with the rules, regulations, or ordinances at issue.

5 For the purpose of this Section, "neglected" means that  
6 there has been no occupant in the property for a period of 6  
7 months and 2 or more of the following criteria have been met:

8 (a) Construction was initiated on the property and was  
9 discontinued prior to completion, leaving the building  
10 unsuitable for occupancy, and no construction has taken  
11 place for at least 6 months.

12 (b) At least one installment of property tax is unpaid  
13 and delinquent.

14 (c) The property has had more than one uncorrected  
15 municipal code violation over the past year.

16 (d) Gas, electric, or water service to the premises has  
17 been terminated.

18 (e) Windows or entrances to the premises are boarded up  
19 or closed off, or multiple window panes are broken and  
20 unrepaired.

21 (f) Doors to the premises are smashed through, broken  
22 off, unhinged, or continuously unlocked.

23 (g) Rubbish, trash, or debris has accumulated on the  
24 premises.

25 (h) The police or sheriff's office has received at  
26 least 2 reports of trespassers on the premises, or of

1 vandalism or other illegal acts being committed on the  
2 premises in the past 6 months.

3 (i) The property is a nuisance.

4 For the purpose of this Section, "mortgagee" means (i) the  
5 holder of an indebtedness, obligee of a non-monetary obligation  
6 secured by a mortgage, or any person designated or authorized  
7 to act on behalf of such holder and (ii) any person claiming  
8 through a mortgagee as successor.

9 For the purpose of this Section, "proper notice" means  
10 notice to all property owners and occupants by certified or  
11 registered mail stating the intent of the beneficiary, trustee,  
12 or mortgagee to enter the property; the notice must be sent at  
13 least 15 days before the beneficiary, trustee, or mortgagee  
14 enters the property. The notice shall also be posted on all  
15 entrances to the property at least 15 days before the  
16 beneficiary, trustee, or mortgagee enters the property. The  
17 beneficiary, trustee, or mortgagee shall make a diligent inquiry  
18 to determine the identities and addresses of all occupants of  
19 the property. The notice shall include the name, address, and  
20 phone number of the individual or entity whom the owner or  
21 occupant may contact to inform that the property is not  
22 neglected. The notice must specify the municipal law violations  
23 the beneficiary, trustee, or mortgagee has been held  
24 responsible for by a municipality.

25 For the purpose of this Section, "occupant" means a person  
26 in lawful physical possession of all or part of the mortgaged

1 real estate.

2 For the purpose of this Section, "nuisance" means any  
3 property that because of its physical condition or use is a  
4 public nuisance, or any property that constitutes a blight on  
5 the surrounding area, or any property that is not fit for human  
6 habitation under the applicable fire, building, and housing  
7 codes. "Nuisance" also means any property on which any illegal  
8 activity involving controlled substances, methamphetamine, or  
9 cannabis takes place or any property on which any  
10 streetgang-related activity takes place.

11 (65 ILCS 5/11-20-17 new)

12 Sec. 11-20-17. Care for vacant and abandoned buildings. The  
13 corporate authorities of each municipality may (i) provide for  
14 property maintenance required to correct violations of  
15 municipal vacant and abandoned property rules, regulations,  
16 and ordinances that would fall within those rules, regulations,  
17 and ordinances contemplated by Section 11-20-15, when the  
18 owners of real estate refuse or neglect to correct such  
19 violations and (ii) collect from the owners of private property  
20 the reasonable cost thereof. This cost, including any  
21 associated fees and other costs related to the enforcement of  
22 this Section, is a lien upon the real estate affected, superior  
23 to all prior existing liens and encumbrances, except tax liens;  
24 provided that within 60 days after such cost and expense is  
25 incurred the municipality, or person performing the service by



1 authority of the municipality, in that person's own name, file  
2 notice of lien in the office of the recorder in the county in  
3 which the real estate is located or in the office of the  
4 Registrar of Titles of the county if the real estate affected  
5 is registered under the Torrens system. The notice shall  
6 consist of a sworn statement setting out (i) a description of  
7 the real estate sufficient for identification thereof, (ii) the  
8 amount of money representing the cost and expense incurred or  
9 payable for the service, and (iii) the date or dates when the  
10 cost and expense was incurred by the municipality. However, the  
11 lien of the municipality shall not be valid as to any purchaser  
12 whose rights in and to the real estate have arisen subsequent  
13 to the property maintenance and prior to the filing of such  
14 notice. Upon payment of the cost and expense by the owner of or  
15 persons interested in the property after notice of lien has  
16 been filed, the lien shall be released by the municipality or  
17 person in whose name the lien has been filed and the release  
18 may be filed of record as in the case of filing notice of lien.  
19 The lien may be enforced by proceedings to foreclose as in case  
20 of mortgages or mechanics' liens. An action to foreclose this  
21 lien shall be commenced within 2 years after the date of filing  
22 notice of lien.

23 (65 ILCS 5/11-31.1-12) (from Ch. 24, par. 11-31.1-12)

24 Sec. 11-31.1-12. Sanctions applicable to owner - Property.

25 The order to correct a code violation and the sanctions imposed

1 by a municipality as the result of a finding of a code  
2 violation under this Division shall attach to the property as  
3 well as to the owner of the property, so that a finding of a  
4 code violation against one owner cannot be avoided by conveying  
5 or transferring the property to another owner. Any subsequent  
6 transferee or owner of property takes subject to a civil fine  
7 and the findings, decision and order of a hearing officer under  
8 this Division.

9 (Source: Laws 1967, p. 1905.)

10 Section 75. The Code of Civil Procedure is amended by  
11 changing Sections 15-1508 and 15-1509 and by adding Section  
12 15-1503.5 as follows:

13 (735 ILCS 5/15-1503.5 new)

14 Sec. 15-1503.5. Notice of foreclosure to municipalities  
15 and townships; servicer duties.

16 (a) Notice of foreclosure shall be provided to the  
17 municipality within the boundaries of which the property is  
18 located or to the township assessor if the property is located  
19 within an unincorporated territory. All notices must be sent by  
20 registered or certified mail. The municipality or township  
21 shall not be joined as a party unless the municipality or  
22 township is joined as a party under other provisions of this  
23 Section.

24 When notice of foreclosure is sent to a municipality or

1 township, it shall include (i) the names of all plaintiffs and  
2 the case number, (ii) the court in which the action was  
3 brought, (iii) the names of title holders of record, (iv) a  
4 legal description of the real estate sufficient to identify it  
5 with reasonable certainty, (v) a common address or description  
6 of the location of the real estate, (vi) identification of the  
7 mortgage sought to be foreclosed, (vii) the name, address, and  
8 phone number of the servicer, servicer's agent, or servicer's  
9 representative, and (viii) the property index number of the  
10 property. The notice must be sent within 10 days after the  
11 filing of a notice of foreclosure under Section 15-1503 with  
12 the county in which the mortgaged real estate is located.

13 If, before a foreclosure sale is completed, there is a  
14 change in any of the relevant required information, such as  
15 name, phone number, agent, or local representative, then new  
16 notice must be sent to the municipality or township informing  
17 the municipality or township of the change. The notice must be  
18 sent within 30 days of the change.

19 (b) Servicers have the following duties in replying to  
20 municipal or township inquiries:

21 (1) In general. If any servicer of a loan receives a  
22 qualified written request from a municipality or township  
23 for information relating to the maintenance of the property  
24 covered by the loan, the servicer shall provide a written  
25 response acknowledging the receipt of the correspondence  
26 within 20 days (excluding public holidays, Saturdays, and

1        Sundays) unless the action requested is taken within that  
2        period.

3        (2) Qualified written request. For the purposes of this  
4        subsection, a qualified written request shall be a written  
5        correspondence that includes, or otherwise enables the  
6        servicer to identify, the name and account of the borrower.

7        (3) Action with respect to inquiry. Not later than 60  
8        days (excluding legal public holidays, Saturdays, and  
9        Sundays) after the receipt from any municipality or  
10       township of any qualified written request the servicer  
11       shall provide the information requested.

12       Any person, partnership, association, corporation, or  
13       other entity that violates any provision of this subsection  
14       commits a business offense and shall be fined an amount not to  
15       exceed \$25,000 by the Commissioner of Banks and Real Estate or  
16       a person authorized by the Commissioner, the Office of Banks  
17       and Real Estate Act, or this Act to act in the Commissioner's  
18       stead.

19       (c) For the purposes of this Section, the term "servicer"  
20       means the person responsible for servicing of a loan. The term  
21       includes the person who makes or holds a loan if that person  
22       also services the loan.

23       For the purposes of this Section, the term "servicing"  
24       means the collection or remittance or the right or obligation  
25       to collect or remit for any lender, noteowner, noteholder, or  
26       for a licensee's own account, of payments, interest, principal,

1 and trust items such as hazard insurance and taxes on a  
2 residential mortgage loan in accordance with the terms of the  
3 residential mortgage loan; and includes loan payment  
4 follow-up, delinquency loan follow-up, loan analysis, and any  
5 notifications to the borrower that are necessary to enable the  
6 borrower to keep the loan current and in good standing.

7 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

8 Sec. 15-1508. Report of Sale and Confirmation of Sale.

9 (a) Report.

10 (1) The person conducting the sale shall promptly make  
11 a report to the court, which report shall include a copy of  
12 all receipts and, if any, certificate of sale.

13 (2) The person conducting the sale shall promptly make  
14 a report to the municipality or the township if the  
15 property is located in an unincorporated territory, which  
16 report shall include the name of the party purchasing the  
17 property if the property is sold, or the name of the  
18 resulting property-holding entity if there is no sale. Such  
19 a report must be sent by registered or certified mail  
20 within 30 days after the sale proceeding.

21 (b) Hearing. Upon motion and notice in accordance with  
22 court rules applicable to motions generally, which motion shall  
23 not be made prior to sale, the court shall conduct a hearing to  
24 confirm the sale. Unless the court finds that (i) a notice  
25 required in accordance with subsection (c) of Section 15-1507

1 was not given, (ii) the terms of sale were unconscionable,  
2 (iii) the sale was conducted fraudulently or (iv) that justice  
3 was otherwise not done, the court shall then enter an order  
4 confirming the sale. The confirmation order may also:

5 (1) approve the mortgagee's fees and costs arising  
6 between the entry of the judgment of foreclosure and the  
7 confirmation hearing, those costs and fees to be allowable  
8 to the same extent as provided in the note and mortgage and  
9 in Section 15-1504;

10 (2) provide for a personal judgment against any party  
11 for a deficiency; and

12 (3) determine the priority of the judgments of parties  
13 who deferred proving the priority pursuant to subsection  
14 (h) of Section 15-1506, but the court shall not defer  
15 confirming the sale pending the determination of such  
16 priority.

17 (b-5) Notice with respect to residential real estate. With  
18 respect to residential real estate, the notice required under  
19 subsection (b) of this Section shall be sent to the mortgagor  
20 even if the mortgagor has previously been held in default. In  
21 the event the mortgagor has filed an appearance, the notice  
22 shall be sent to the address indicated on the appearance. In  
23 all other cases, the notice shall be sent to the mortgagor at  
24 the common address of the foreclosed property. The notice shall  
25 be sent by first class mail. Unless the right to possession has  
26 been previously terminated by the court, the notice shall

1 include the following language in 12-point boldface  
2 capitalized type:

3 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO  
4 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF  
5 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE  
6 ILLINOIS MORTGAGE FORECLOSURE LAW.

7 (c) Failure to Give Notice. If any sale is held without  
8 compliance with subsection (c) of Section 15-1507 of this  
9 Article, any party entitled to the notice provided for in  
10 paragraph (3) of that subsection (c) who was not so notified  
11 may, by motion supported by affidavit made prior to  
12 confirmation of such sale, ask the court which entered the  
13 judgment to set aside the sale, provided that such party shall  
14 guarantee or secure by bond a bid equal to the successful bid  
15 at the prior sale. Any subsequent sale is subject to the same  
16 notice requirement as the original sale.

17 (d) Validity of Sale. Except as provided in subsection (c)  
18 of Section 15-1508, no sale under this Article shall be held  
19 invalid or be set aside because of any defect in the notice  
20 thereof or in the publication of the same, or in the  
21 proceedings of the officer conducting the sale, except upon  
22 good cause shown in a hearing pursuant to subsection (b) of  
23 Section 15-1508. At any time after a sale has occurred, any  
24 party entitled to notice under paragraph (3) of subsection (c)  
25 of Section 15-1507 may recover from the mortgagee any damages  
26 caused by the mortgagee's failure to comply with such paragraph

1 (3). Any party who recovers damages in a judicial proceeding  
2 brought under this subsection may also recover from the  
3 mortgagee the reasonable expenses of litigation, including  
4 reasonable attorney's fees.

5 (e) Deficiency Judgment. In any order confirming a sale  
6 pursuant to the judgment of foreclosure, the court shall also  
7 enter a personal judgment for deficiency against any party (i)  
8 if otherwise authorized and (ii) to the extent requested in the  
9 complaint and proven upon presentation of the report of sale in  
10 accordance with Section 15-1508. Except as otherwise provided  
11 in this Article, a judgment may be entered for any balance of  
12 money that may be found due to the plaintiff, over and above  
13 the proceeds of the sale or sales, and enforcement may be had  
14 for the collection of such balance, the same as when the  
15 judgment is solely for the payment of money. Such judgment may  
16 be entered, or enforcement had, only in cases where personal  
17 service has been had upon the persons personally liable for the  
18 mortgage indebtedness, unless they have entered their  
19 appearance in the foreclosure action.

20 (f) Satisfaction. Upon confirmation of the sale, the  
21 judgment stands satisfied to the extent of the sale price less  
22 expenses and costs. If the order confirming the sale includes a  
23 deficiency judgment, the judgment shall become a lien in the  
24 manner of any other judgment for the payment of money.

25 (g) The order confirming the sale shall include,  
26 notwithstanding any previous orders awarding possession during



1 the pendency of the foreclosure, an award to the purchaser of  
2 possession of the mortgaged real estate, as of the date 30 days  
3 after the entry of the order, against the parties to the  
4 foreclosure whose interests have been terminated.

5 An order of possession authorizing the removal of a person  
6 from possession of the mortgaged real estate shall be entered  
7 and enforced only against those persons personally named as  
8 individuals in the complaint or the petition under subsection  
9 (h) of Section 15-1701 and in the order of possession and shall  
10 not be entered and enforced against any person who is only  
11 generically described as an unknown owner or nonrecord claimant  
12 or by another generic designation in the complaint.

13 Notwithstanding the preceding paragraph, the failure to  
14 personally name, include, or seek an award of possession of the  
15 mortgaged real estate against a person in the confirmation  
16 order shall not abrogate any right that the purchaser may have  
17 to possession of the mortgaged real estate and to maintain a  
18 proceeding against that person for possession under Article 9  
19 of this Code or subsection (h) of Section 15-1701; and  
20 possession against a person who (1) has not been personally  
21 named as a party to the foreclosure and (2) has not been  
22 provided an opportunity to be heard in the foreclosure  
23 proceeding may be sought only by maintaining a proceeding under  
24 Article 9 of this Code or subsection (h) of Section 15-1701.

25 (Source: P.A. 95-826, eff. 8-14-08.)

1 (735 ILCS 5/15-1509) (from Ch. 110, par. 15-1509)

2 Sec. 15-1509. Transfer of Title and Title Acquired.

3 (a) Deed. After (i) confirmation of the sale, and (ii)  
4 payment of the purchase price and any other amounts required to  
5 be paid by the purchaser at sale, the court (or, if the court  
6 shall so order, the person who conducted the sale or such  
7 person's successor or some persons specifically appointed by  
8 the court for that purpose), shall upon the request of the  
9 holder of the certificate of sale (or the purchaser if no  
10 certificate of sale was issued), promptly execute a deed to the  
11 holder or purchaser sufficient to convey title. Such deed shall  
12 identify the court and the caption of the case in which  
13 judgment was entered authorizing issuance of the deed.  
14 Signature and the recital in the deed of the title or authority  
15 of the person signing the deed as grantor, of authority  
16 pursuant to the judgment and of the giving of the notices  
17 required by this Article is sufficient proof of the facts  
18 recited and of such authority to execute the deed, but such  
19 deed shall not be construed to contain any covenant on the part  
20 of the person executing it. If the deed issues to a grantee  
21 prior to the expiration of the period for appealing the  
22 confirmation of sale, and the grantee conveys title to another  
23 party within that period, that other party will not be deemed a  
24 bona fide purchaser unless and until such period expires  
25 without an appeal having been filed or, an appeal having been  
26 filed, such appeal is denied or withdrawn.

1       If a mortgagee, mortgage beneficiary, or trustee receives  
2 title to real estate under this Section, the mortgagee,  
3 mortgage beneficiary, or trustee shall provide notice to the  
4 municipality within the boundary of which the property is  
5 located, or, if the property is located in an unincorporated  
6 territory, notice to the township assessor. Notice shall  
7 include the name, address, and phone number of a person  
8 responsible for maintaining the real estate. Notice must be  
9 sent by registered or certified mail. The notice must be sent  
10 within 10 days after the grantee receives title under this  
11 Section. If there is a change in any of the information  
12 required under this Section, then new notice must be sent to  
13 the municipality or township informing the municipality or  
14 township of the change. The notice must be sent within 10 days  
15 of the change.

16       Any person, partnership, association, corporation, or  
17 other entity that violates any of the notice requirements set  
18 forth in this subsection commits a business offense and shall  
19 be fined an amount not to exceed \$25,000 by the Commissioner of  
20 Banks and Real Estate or a person authorized by the  
21 Commissioner, the Office of Banks and Real Estate Act, or this  
22 Act to act in the Commissioner's stead.

23       (b) Effect Upon Delivery of Deed. Delivery of the deed  
24 executed on the sale of the real estate, even if the purchaser  
25 or holder of the certificate of sale is a party to the  
26 foreclosure, shall be sufficient to pass the title thereto.

1           (c) Claims Barred. Any vesting of title by a consent  
2 foreclosure pursuant to Section 15-1402 or by deed pursuant to  
3 subsection (b) of Section 15-1509, unless otherwise specified  
4 in the judgment of foreclosure, shall be an entire bar of (i)  
5 all claims of parties to the foreclosure and (ii) all claims of  
6 any nonrecord claimant who is given notice of the foreclosure  
7 in accordance with paragraph (2) of subsection (c) of Section  
8 15-1502, notwithstanding the provisions of subsection (g) of  
9 Section 2-1301 to the contrary. Any person seeking relief from  
10 any judgment or order entered in the foreclosure in accordance  
11 with subsection (g) of Section 2-1301 of the Code of Civil  
12 Procedure may claim only an interest in the proceeds of sale.  
13 (Source: P.A. 86-974.)

14           Section 99. Effective date. This Act takes effect upon  
15 becoming law."