



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3477

Introduced 2/24/2011, by Rep. Kay Hatcher

SYNOPSIS AS INTRODUCED:

65 ILCS 5/9-2-4.5

Amends the Illinois Municipal Code. Provides that if a nuisance lien has been filed against a property, then those costs associated with the lien may be treated as an existing, judicially-approved special assessment, as though an assessment warrant had been issued. Further provides that the municipality may collect the costs as a special assessment if it complies with applicable procedures. Requires that the owner of record or persons interested in the property shall pay the costs incurred by the municipality for collecting the costs associated with the lien. Defines "nuisance lien." Effective immediately.

LRB097 10976 KMW 51601 b

FISCAL 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 Illinois Municipal Code is amended by
5 changing Section 9-2-4.5 as follows:

6 (65 ILCS 5/9-2-4.5)

7 Sec. 9-2-4.5. Special assessment for payment of costs
8 associated with certain ordinance violations.

9 (a) For purposes of this Section, "Code" means any
10 municipal ordinance that requires, after notice, the cutting of
11 grass and weeds, the removal of garbage and debris, the removal
12 of inoperable motor vehicles, and rodent and vermin abatement.

13 (b) In addition to any other method authorized by law, if a
14 nuisance lien has been filed against a property ~~(i) a property~~
15 ~~owner is cited with a Code violation, (ii) non compliance is~~
16 ~~found upon reinspection of the property after the due date for~~
17 ~~compliance with an order to correct the Code violation or with~~
18 ~~an order for abatement, (iii) costs for services rendered by~~
19 ~~the municipality to correct the Code violation remain unpaid at~~
20 ~~the point in time that they would become a debt due and owing~~
21 ~~the municipality, as provided in Division 31.1 of Article 11 of~~
22 ~~the Illinois Municipal Code, and (iv) a lien has been filed of~~
23 ~~record by the municipality in the office of the recorder in the~~

1 ~~county in which the property is located,~~ then those costs
2 associated with the lien may be treated ~~collected~~ as an
3 existing, judicially-approved ~~a~~ special assessment, as though
4 an assessment warrant had been issued and all conditions
5 precedent had been satisfied. The municipality may collect
6 those costs as a special assessment on the property if it
7 complies with the applicable procedures set forth under Section
8 9-2-80 through Section 9-2-98. In such cases, the county
9 recorder or other officer of the county in which the
10 municipality is located that has the authority to receive State
11 and county taxes and the court rendering judgment and ordering
12 sale of the delinquent special assessment shall exempt the
13 municipality from the otherwise applicable special assessment
14 warrant and certified assessment roll requirements because the
15 same will be deemed to have occurred by operation of law ~~under~~
16 ~~this Division.~~ Upon payment of the costs by the owner of record
17 or persons interested in the property, including any cost
18 incurred by the municipality for collecting the costs under
19 this Section, the lien shall be released by the municipality
20 and the release shall be filed of record in the same manner as
21 the filing of notice of the lien.

22 (c) For the purposes of this Section, the term "nuisance
23 lien" means:

24 (1) a lien filed under Division 20 of Article 11; or

25 (2) a situation in which (i) a property owner is cited
26 with a Code violation, (ii) non-compliance is found upon

1 reinspection of the property after the due date for
2 compliance with an order to correct the Code violation or
3 with an order for abatement, (iii) costs for services
4 rendered by the municipality to correct the Code violation
5 remain unpaid at the point in time that they would become a
6 debt due and owing the municipality, as provided in
7 Division 31.1 of Article 11, and (iv) a lien has been filed
8 of record by the municipality in the office of the recorder
9 in the county in which the property is located.

10 (Source: P.A. 93-993, eff. 1-1-05.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.