



Rep. Luis Arroyo

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1 AMENDMENT TO HOUSE BILL 5454

2 AMENDMENT NO. _____. Amend House Bill 5454 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Vacant Residential Building Database Act.

6 Section 5. Definitions. As used in this Act:

7 "Assessor" means the county assessor, supervisor of
8 assessments, or board of assessors, as the case may be, for the
9 county.

10 "Lender" has the meaning that is ascribed to that term in
11 subsection (g) of Section 1-4 of the Residential Mortgage
12 License Act of 1987.

13 "Program" means the Vacant Residential Building Database
14 Program.

15 "Real estate broker" has the meaning ascribed to the terms
16 real estate broker, real estate salesperson, or leasing agent

1 in Section 1-10 of the Real Estate License Act of 2000.

2 "Residential building" means any type of permanent
3 residential dwelling unit, including detached single family
4 structures, townhouses, condominium units, multifamily rental
5 apartments, and manufactured homes treated under Illinois law
6 as real estate and not as personal property.

7 "Title insurance company" means any domestic company
8 organized under the laws of this State for the purpose of
9 conducting the business of guaranteeing or insuring titles to
10 real estate and any title insurance company organized under the
11 laws of another state, the District of Columbia, or a foreign
12 government and authorized to transact the business of
13 guaranteeing or insuring titles to real estate in this State.

14 "Vacant residential building" means a residential building
15 which is lacking the habitual presence of human beings who have
16 a legal right to be on the premises or at which substantially
17 all lawful construction operations or residential occupancy
18 has ceased, or which is substantially devoid of content. In
19 determining whether a structure is a vacant residential
20 building, it is relevant to consider, among other factors, if
21 known: the percentage of the overall residential square footage
22 of the building compared to the occupied residential space; the
23 condition and value of any items in the residential space; and
24 the presence of rental or for sale signs on the property on
25 which the building is located. A dwelling unit in a residential
26 building shall not be deemed vacant if it has been used as a

1 residence by a person entitled to possession for a period of at
2 least 3 months within the previous 9 months and a person
3 entitled to possession intends to resume residing in the
4 dwelling unit. A multiple unit residential building shall be
5 considered vacant when 90% or more of the dwelling units are
6 unoccupied.

7 Section 10. Vacant Residential Building Database Program.

8 (a) A Vacant Residential Building Database Program shall be
9 established and administered in accordance with this Act. The
10 inception date of the program shall be July 1, 2013. Until the
11 inception date, none of the duties, obligations,
12 contingencies, or consequences of or from the program shall be
13 imposed. The program shall apply to all vacant residential
14 buildings that are subject to this Act and that are or become
15 vacant after the inception of the program.

16 (b) Each assessor shall create, administer, and maintain a
17 database pursuant to this Act. The database shall be designed
18 to allow the United States Postal Service, the Department of
19 Housing and Urban Development, and any person, lender, real
20 estate broker, title insurance company, municipality, or
21 county to submit information to the database online. The
22 database shall not be designed to allow those entities to
23 retrieve information from the database, except as to avoid
24 duplicate entries for the same vacant residential building or
25 as otherwise provided in this Act.

1 (c) Within 10 days after obtaining information that a
2 residential building is vacant, the owner and the mortgagee
3 must submit online or by other means to the vacant residential
4 building database so much of the information listed under
5 Section 15 that the person or entity has, along with any other
6 information required by the assessor.

7 (d) All information provided to a vacant residential
8 building database under the program is confidential and is not
9 subject to disclosure under the Freedom of Information Act,
10 except as otherwise provided in this Act. Information or
11 documents obtained by employees of the assessor in the course
12 of maintaining and administering the program are deemed
13 confidential. Employees are prohibited from making disclosure
14 of such confidential information or documents. Any request for
15 production of information from the program, whether by
16 subpoena, notice, or any other source, shall be referred to the
17 State's Attorney. Any owner of property on which a vacant
18 residential building is located may authorize in writing the
19 release of database information. The assessor may use the
20 information in the database without the consent of the owner:

21 (i) for the purposes of administering and enforcing the
22 program; (ii) to provide relevant information to
23 municipalities and counties if a vacant residential building is
24 located in a place that is subject to the zoning jurisdiction
25 of the municipality or the jurisdiction of the county; or (iii)
26 to provide information to the appropriate law enforcement

1 agency or the applicable administrative agency if the database
2 information demonstrates criminal, fraudulent, or otherwise
3 illegal activity. There shall be regular periodic reports
4 furnished to each municipality and county about the existence
5 of any vacant residential building that has been reported since
6 the prior regular periodic report within the zoning
7 jurisdiction of the municipality or within the jurisdiction of
8 the county. If a vacant residential building is known to the
9 assessor to exist within the zoning jurisdiction of a
10 municipality, the assessor need not include that building in
11 the assessor's periodic report to the county in which the
12 building is located.

13 (e) Any person who violates any provision of this Act
14 commits an unlawful practice within the meaning of the Consumer
15 Fraud and Deceptive Business Practices Act.

16 (f) During the existence of the program, each assessor
17 shall submit semi-annual reports to the Governor and to the
18 General Assembly by May 1 and November 1 of each year detailing
19 the assessor's findings regarding the program. Each county
20 report shall include at least the following information for
21 each reporting period:

22 (1) the number of vacant residential buildings
23 registered with the program;

24 (2) the number of vacant residential buildings removed
25 from the database since the last report because the
26 residential buildings are occupied by residents, the

1 buildings no longer exist, or the buildings can no longer
2 be characterized as vacant residential buildings;

3 (3) the number of persons, lenders, real estate
4 brokers, title insurance companies, municipalities, and
5 counties entering information into the database;

6 (4) a summary of the types of vacant residential
7 buildings listed on the database; and

8 (5) a summary of how the assessor, municipalities, and
9 counties are actively utilizing the program to combat the
10 existence of vacant residential buildings.

11 Section 15. Required information. As part of the program,
12 the assessor must gather from the reporting person or entity so
13 much of the following information that is available about a
14 vacant residential building for inclusion in the database:

15 (1) The address, permanent index number, and a
16 description of the building.

17 (2) The owner's name, present address, social security
18 number or taxpayer identification number, date of birth,
19 and present location.

20 (3) Information about the vacant residential building
21 including the condition of doors, windows, and fencing; the
22 status of utility services; and the presence and condition
23 of electrical, plumbing, and heating and air conditioning
24 systems.

25 (4) Information about the mortgagor, or title holder,

1 affiliated or third party service provider, including the
2 applicable name, address, and telephone number.

3 (5) Annual real estate taxes for the property on which
4 the building is located, together with any assessments
5 payable in connection with the property.

6 (6) Information concerning any notices issued as to the
7 building or any foreclosure proceedings initiated or
8 concluded as to the property on which the building is
9 located.

10 Section 20. Vacant Residential Building Database Program
11 Fund. Each assessor shall create a Vacant Residential Building
12 Database Program Fund as a fund in the county treasury. Subject
13 to appropriation, moneys in this county fund shall be
14 appropriated to the assessor for the purpose of the
15 implementation and development of the program.

16 Section 905. The Consumer Fraud and Deceptive Business
17 Practices Act is amended by changing Section 2Z as follows:

18 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

19 Sec. 2Z. Violations of other Acts. Any person who knowingly
20 violates the Automotive Repair Act, the Automotive Collision
21 Repair Act, the Home Repair and Remodeling Act, the Dance
22 Studio Act, the Physical Fitness Services Act, the Hearing
23 Instrument Consumer Protection Act, the Illinois Union Label

1 Act, the Job Referral and Job Listing Services Consumer
2 Protection Act, the Travel Promotion Consumer Protection Act,
3 the Credit Services Organizations Act, the Automatic Telephone
4 Dialers Act, the Pay-Per-Call Services Consumer Protection
5 Act, the Telephone Solicitations Act, the Illinois Funeral or
6 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
7 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
8 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
9 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
10 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
11 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
12 Internet Caller Identification Act, paragraph (6) of
13 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
14 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
15 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
16 Residential Real Property Disclosure Act, the Automatic
17 Contract Renewal Act, the Vacant Residential Building Database
18 Act, or the Personal Information Protection Act commits an
19 unlawful practice within the meaning of this Act.

20 (Source: P.A. 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;
21 96-1376, eff. 7-29-10; 97-333, eff. 8-12-11.)

22 Section 999. Effective date. This Act takes effect upon
23 becoming law."