



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5454

Introduced 2/15/2012, by Rep. Luis Arroyo

#### SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.811 new

815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Vacant Residential Building Database Act. Provides that a Vacant Residential Building Database Program shall be established and administered by the Department of Financial and Professional Regulation. Provides that within 10 days after obtaining information that a residential building is vacant, a lender, real estate broker, title insurance company, municipality, or county shall report that building and that the United States Postal Service and the Department of Housing and Urban Development may also submit information online to the Department's database of vacant residential buildings. Provides that the Department shall send regular periodic reports concerning vacant residential buildings to those municipalities and counties within whose jurisdiction any newly reported vacant residential buildings are located, but that no building need be reported to a county in which the building is located if the Department knows that the building is located within the jurisdiction of a municipality. Provides that the Department shall organize and maintain the database and report a summary of the data, by county, to the General Assembly and the Governor semi-annually. Contains provisions regarding confidentiality, violations, and other matters. Creates the Vacant Residential Building Database Fund. Amends the State Finance Act and the Consumer Fraud and Deceptive Business Practices Act to make conforming changes.

LRB097 14126 AJO 58816 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

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

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

7 "Department" means the Department of Financial and  
8 Professional Regulation.

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

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

14 "Real estate broker" has the meaning ascribed to the terms  
15 real estate broker, real estate salesperson, or leasing agent  
16 in Section 1-10 of the Real Estate License Act of 2000.

17 "Residential building" means any type of permanent  
18 residential dwelling unit, including detached single family  
19 structures, townhouses, condominium units, multifamily rental  
20 apartments, and manufactured homes treated under Illinois law  
21 as real estate and not as personal property.

22 "Title insurance company" means any domestic company  
23 organized under the laws of this State for the purpose of

1 conducting the business of guaranteeing or insuring titles to  
2 real estate and any title insurance company organized under the  
3 laws of another state, the District of Columbia, or a foreign  
4 government and authorized to transact the business of  
5 guaranteeing or insuring titles to real estate in this State.

6 "Vacant residential building" means a residential building  
7 at which substantially all lawful construction operations or  
8 residential occupancy has ceased, or which is substantially  
9 devoid of content. In determining whether a structure is a  
10 vacant residential building, it is relevant to consider, among  
11 other factors, if known: the percentage of the overall  
12 residential square footage of the building compared to the  
13 occupied residential space; the condition and value of any  
14 items in the residential space; and the presence of rental or  
15 for sale signs on the property on which the building is  
16 located. A multiple unit residential building shall be  
17 considered vacant when 80% or more of the dwelling units are  
18 unoccupied.

19 Section 10. Vacant Residential Building Database Program.

20 (a) A Vacant Residential Building Database Program shall be  
21 established and administered in accordance with this Act. The  
22 inception date of the program shall be July 1, 2013. Until the  
23 inception date, none of the duties, obligations,  
24 contingencies, or consequences of or from the program shall be  
25 imposed. The program shall apply to all vacant residential

1 buildings that are subject to this Act and that are or become  
2 vacant after the inception of the program.

3 (b) The database created under the program shall be  
4 maintained and administered by the Department. The database  
5 shall be designed to allow the United States Postal Service,  
6 the Department of Housing and Urban Development, and any  
7 lender, real estate broker, title insurance company,  
8 municipality, or county to submit information to the database  
9 online. The database shall not be designed to allow those  
10 entities to retrieve information from the database, except as  
11 to avoid duplicate entries for the same vacant residential  
12 building or as otherwise provided in this Act.

13 (c) Within 10 days after obtaining information that a  
14 residential building is vacant, a lender, real estate broker,  
15 title insurance company, municipality, or county must submit  
16 online or by other means to the vacant residential building  
17 database so much of the information listed under Section 15  
18 that the person or entity has, along with any other information  
19 required by the Department by rule.

20 (d) All information provided to the vacant residential  
21 building database under the program is confidential and is not  
22 subject to disclosure under the Freedom of Information Act,  
23 except as otherwise provided in this Act. Information or  
24 documents obtained by employees of the Department in the course  
25 of maintaining and administering the program are deemed  
26 confidential. Employees are prohibited from making disclosure

1 of such confidential information or documents. Any request for  
2 production of information from the program, whether by  
3 subpoena, notice, or any other source, shall be referred to the  
4 Department of Financial and Professional Regulation. Any owner  
5 of property on which a vacant residential building is located  
6 may authorize in writing the release of database information.  
7 The Department may use the information in the database without  
8 the consent of the owner: (i) for the purposes of administering  
9 and enforcing the program; (ii) to provide relevant information  
10 to municipalities and counties if a vacant residential building  
11 is located in a place that is subject to the zoning  
12 jurisdiction of the municipality or the jurisdiction of the  
13 county; or (iii) to provide information to the appropriate law  
14 enforcement agency or the applicable administrative agency if  
15 the database information demonstrates criminal, fraudulent, or  
16 otherwise illegal activity. There shall be regular periodic  
17 reports furnished to each municipality and county about the  
18 existence of any vacant residential building that has been  
19 reported since the prior regular periodic report within the  
20 zoning jurisdiction of the municipality or within the  
21 jurisdiction of the county. If a vacant residential building is  
22 known to the Department to exist within the zoning jurisdiction  
23 of a municipality, the Department need not include that  
24 building in the Department's periodic report to the county in  
25 which the building is located.

26 (e) Any person who violates any provision of this Act

1 commits an unlawful practice within the meaning of the Consumer  
2 Fraud and Deceptive Business Practices Act.

3 (f) During the existence of the program, the Department  
4 shall submit semi-annual reports to the Governor and to the  
5 General Assembly by May 1 and November 1 of each year detailing  
6 its findings regarding the program. Each report shall include,  
7 by county, at least the following information for each  
8 reporting period:

9 (1) the number of vacant residential buildings  
10 registered with the program;

11 (2) the number of vacant residential buildings removed  
12 from the database since the last report because the  
13 residential buildings are occupied by residents, the  
14 buildings no longer exist, or the buildings can no longer  
15 be characterized as vacant residential buildings;

16 (3) the number of lenders, real estate brokers, title  
17 insurance companies, municipalities, and counties entering  
18 information into the database;

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

21 (5) a summary of how the Department, municipalities,  
22 and counties are actively utilizing the program to combat  
23 the existence of vacant residential buildings.

24 Section 15. Required information. As part of the program,  
25 the Department must gather from the reporting person or entity

1 so much of the following information that is available about a  
2 vacant residential building for inclusion in the database:

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

5 (2) The owner's name, present address, social security  
6 number or taxpayer identification number, date of birth,  
7 and present location.

8 (3) Information about the vacant residential building  
9 including the condition of doors, windows, and fencing; the  
10 status of utility services; and the presence and condition  
11 of electrical, plumbing, and heating and air conditioning  
12 systems.

13 (4) Information about the mortgagor, or title holder,  
14 affiliated or third party service provider, including the  
15 applicable name, address, and telephone number.

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

19 (6) Information concerning any notices issued as to the  
20 building or any foreclosure proceedings initiated or  
21 concluded as to the property on which the building is  
22 located.

23 Section 20. Vacant Residential Building Database Program  
24 Fund. The Vacant Residential Building Program Fund is created  
25 as a special fund in the State treasury. Subject to

1 appropriation, moneys in the Fund shall be appropriated to the  
2 Department of Financial and Professional Regulation for the  
3 purpose of the implementation and development of the program.

4 Section 900. The State Finance Act is amended by adding  
5 Section 5.811 as follows:

6 (30 ILCS 105/5.811 new)

7 Sec. 5.811. The Vacant Residential Building Program Fund.

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

10 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

11 Sec. 2Z. Violations of other Acts. Any person who knowingly  
12 violates the Automotive Repair Act, the Automotive Collision  
13 Repair Act, the Home Repair and Remodeling Act, the Dance  
14 Studio Act, the Physical Fitness Services Act, the Hearing  
15 Instrument Consumer Protection Act, the Illinois Union Label  
16 Act, the Job Referral and Job Listing Services Consumer  
17 Protection Act, the Travel Promotion Consumer Protection Act,  
18 the Credit Services Organizations Act, the Automatic Telephone  
19 Dialers Act, the Pay-Per-Call Services Consumer Protection  
20 Act, the Telephone Solicitations Act, the Illinois Funeral or  
21 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care  
22 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales



1 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,  
2 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section  
3 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section  
4 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the  
5 Internet Caller Identification Act, paragraph (6) of  
6 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
7 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,  
8 or 18d-153 of the Illinois Vehicle Code, Article 3 of the  
9 Residential Real Property Disclosure Act, the Automatic  
10 Contract Renewal Act, the Vacant Residential Building Database  
11 Act, or the Personal Information Protection Act commits an  
12 unlawful practice within the meaning of this Act.

13 (Source: P.A. 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;  
14 96-1376, eff. 7-29-10; 97-333, eff. 8-12-11.)