



Sen. Linda Holmes

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09700SB3250sam001

LRB097 16916 HLH 65883 a

1 AMENDMENT TO SENATE BILL 3250

2 AMENDMENT NO. _____. Amend Senate Bill 3250 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 21-15 as follows:

6 (35 ILCS 200/21-15)

7 Sec. 21-15. General tax due dates; default by mortgage
8 lender. Except as otherwise provided in this Section or Section
9 21-40, all property upon which the first installment of taxes
10 remains unpaid on the later of (i) June 1 or (ii) the day after
11 the date specified on the real estate tax bill as the first
12 installment due date annually shall be deemed delinquent and
13 shall bear interest after that date ~~June 1~~ at the rate of 1
14 1/2% per month or portion thereof. Except as otherwise provided
15 in this Section or Section 21-40, all property upon which the
16 second installment of taxes remains due and unpaid on the later

1 of (i) September 1 or (ii) the day after the date specified on
2 the real estate tax bill as the second installment due date,
3 annually, shall be deemed delinquent and shall bear interest
4 after that date ~~September 1~~ at the same interest rate. All
5 interest collected shall be paid into the general fund of the
6 county. Payment received by mail and postmarked on or before
7 the required due date is not delinquent.

8 Property not subject to the interest charge in Section
9 9-260 or Section 9-265 shall also not be subject to the
10 interest charge imposed by this Section until such time as the
11 owner of the property receives actual notice of and is billed
12 for the principal amount of back taxes due and owing.

13 If an Illinois resident who is a member of the Illinois
14 National Guard or a reserve component of the armed forces of
15 the United States and who has an ownership interest in property
16 taxed under this Act is called to active duty for deployment
17 outside the continental United States and is on active duty on
18 the due date of any installment of taxes due under this Act, he
19 or she shall not be deemed delinquent in the payment of the
20 installment and no interest shall accrue or be charged as a
21 penalty on the installment until 180 days after that member
22 returns from active duty. To be deemed not delinquent in the
23 payment of an installment of taxes and any interest on that
24 installment, the reservist or guardsperson must make a
25 reasonable effort to notify the county clerk and the county
26 collector of his or her activation to active duty and must

1 notify the county clerk and the county collector within 180
2 days after his or her deactivation and provide verification of
3 the date of his or her deactivation. An installment of property
4 taxes on the property of any reservist or guardsperson who
5 fails to provide timely notice and verification of deactivation
6 to the county clerk is subject to interest and penalties as
7 delinquent taxes under this Code from the date of deactivation.

8 Notwithstanding any other provision of law, when any unpaid
9 taxes become delinquent under this Section through the fault of
10 the mortgage lender, (i) the interest assessed under this
11 Section for delinquent taxes shall be charged against the
12 mortgage lender and not the mortgagor and (ii) the mortgage
13 lender shall pay the taxes, redeem the property and take all
14 necessary steps to remove any liens accruing against the
15 property because of the delinquency. In the event that more
16 than one entity meets the definition of mortgage lender with
17 respect to any mortgage, the interest shall be assessed against
18 the mortgage lender responsible for servicing the mortgage.
19 Unpaid taxes shall be deemed delinquent through the fault of
20 the mortgage lender only if: (a) the mortgage lender has
21 received all payments due the mortgage lender for the property
22 being taxed under the written terms of the mortgage or
23 promissory note secured by the mortgage, (b) the mortgage
24 lender holds funds in escrow to pay the taxes, and (c) the
25 funds are sufficient to pay the taxes after deducting all
26 amounts reasonably anticipated to become due for all hazard

1 insurance premiums and mortgage insurance premiums and any
2 other assessments to be paid from the escrow under the terms of
3 the mortgage. For purposes of this Section, an amount is
4 reasonably anticipated to become due if it is payable within 12
5 months from the time of determining the sufficiency of funds
6 held in escrow. Unpaid taxes shall not be deemed delinquent
7 through the fault of the mortgage lender if the mortgage lender
8 was directed in writing by the mortgagor not to pay the
9 property taxes, or if the failure to pay the taxes when due
10 resulted from inadequate or inaccurate parcel information
11 provided by the mortgagor, a title or abstract company, or by
12 the agency or unit of government assessing the tax.

13 (Source: P.A. 93-560, eff. 8-20-03; 94-312, eff. 7-25-05.)

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