



Rep. Michael J. Zalewski

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09800SB2829ham001

LRB098 17209 HEP 59414 a

1 AMENDMENT TO SENATE BILL 2829

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2829 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 adding Section 5-120.5 as follows:

6 (735 ILCS 5/5-120.5 new)

7 Sec. 5-120.5. Administrative review, code compliance.

8 (a) In an administrative review action under Article III of  
9 this Code, if the court reverses the decision of a municipal  
10 code hearing officer in an action set forth under subsection  
11 (c) of this Section, then the court may award the plaintiff all  
12 reasonable costs, including court costs and attorney's fees,  
13 associated with the action if the court finds that: (i) the  
14 decision of the hearing officer was arbitrary and capricious;  
15 or (ii) the defendant failed to file a record under Section  
16 3-108 of this Code that is sufficient to allow the court to

1 determine whether the decision of the hearing officer was  
2 arbitrary and capricious.

3 (b) The court may award the municipality reasonable costs,  
4 including court costs and attorney's fees, if the court finds  
5 that the plaintiff's action under Article III of this Code for  
6 administrative review of a decision by the municipal code  
7 hearing officer is not reasonably well grounded in fact, is not  
8 warranted by existing law, or is not accompanied by a  
9 reasonable argument for the extension, modification, or  
10 reversal of existing law.

11 (c) This Section applies only to the decision of a code  
12 hearing officer that imposes a fine or penalty against the  
13 owner of a single-family or multi-family residential dwelling  
14 for a violation related to the condition or use of that  
15 residential property. This Section does not apply to any  
16 administrative decision of a municipality with a population of  
17 more than 500,000.

18 (d) The provisions of this Section are mutually dependent  
19 and inseverable; if any provision is held invalid, then the  
20 entire Section is invalid."