

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 5. The Code of Civil Procedure is amended by adding
5 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
17 determine whether the decision of the hearing officer was
18 arbitrary and capricious.

19 (b) The court may award the municipality reasonable costs,
20 including court costs and attorney's fees, if the court finds
21 that the plaintiff's action under Article III of this Code for
22 administrative review of a decision by the municipal code
23 hearing officer is not reasonably well grounded in fact, is not

1 warranted by existing law, or is not accompanied by a
2 reasonable argument for the extension, modification, or
3 reversal of existing law.

4 (c) This Section applies only to the decision of a code
5 hearing officer that imposes a fine or penalty against the
6 owner of a single-family or multi-family residential dwelling
7 for a violation related to the condition or use of that
8 residential property. This Section does not apply to any
9 administrative decision of a municipality with a population of
10 more than 500,000.

11 (d) The provisions of this Section are mutually dependent
12 and inseverable; if any provision is held invalid, then the
13 entire Section is invalid.