

SB2767



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2767

Introduced 2/17/2016, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-43035

Amends the Counties Code. Provides that section concerning enforcement of judgments also applies to any tax or fee, or part of any tax or fee, unpaid after an administrative hearing are also a debt due and owing to the county (currently, only fines, other sanctions, or costs imposed in the administrative hearing).

LRB099 19302 AWJ 43694 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-43035 as follows:

6 (55 ILCS 5/5-43035)

7 Sec. 5-43035. Enforcement of judgment.

8 (a) Any tax, fee, fine, other sanction, or costs ~~imposed,~~
9 or part of any tax, fee, fine, other sanction, or costs
10 ~~imposed, remaining~~ unpaid after the exhaustion of or the
11 failure to exhaust judicial review procedures under the
12 Illinois Administrative Review Law are a debt due and owing the
13 county and may be collected in accordance with applicable law.

14 (b) After expiration of the period in which judicial review
15 under the Illinois Administrative Review Law may be sought for
16 a final determination of a code violation, unless stayed by a
17 court of competent jurisdiction, the findings, decision, and
18 order of the hearing officer may be enforced in the same manner
19 as a judgment entered by a court of competent jurisdiction.

20 (c) In any case in which a defendant has failed to comply
21 with a judgment ordering a defendant to correct a code
22 violation or imposing any tax, fee, fine, or other sanction as
23 a result of a code violation, any expenses incurred by a county

1 to enforce the judgment, including, but not limited to,
2 attorney's fees, court costs, and costs related to property
3 demolition or foreclosure, after they are fixed by a court of
4 competent jurisdiction or a hearing officer, shall be a debt
5 due and owing the county and may be collected in accordance
6 with applicable law. Prior to any expenses being fixed by a
7 hearing officer pursuant to this subsection (c), the county
8 shall provide notice to the defendant that states that the
9 defendant shall appear at a hearing before the administrative
10 hearing officer to determine whether the defendant has failed
11 to comply with the judgment. The notice shall set the date for
12 the hearing, which shall not be less than 7 days after the date
13 that notice is served. If notice is served by mail, the 7-day
14 period shall begin to run on the date that the notice was
15 deposited in the mail.

16 (c-5) A default in the payment of a tax, fee, fine, or
17 penalty or any installment of a tax, fee, fine, or penalty may
18 be collected by any means authorized for the collection of
19 monetary judgments. The State's Attorney ~~state's attorney~~ of
20 the county in which the tax, fee, fine, or penalty was imposed
21 may retain attorneys and private collection agents for the
22 purpose of collecting any default in payment of any tax, fee,
23 fine, or penalty or installment of that tax, fee, fine, or
24 penalty. Any fees or costs incurred by the county with respect
25 to attorneys or private collection agents retained by the
26 State's Attorney ~~state's attorney~~ under this Section shall be

1 charged to the offender.

2 (d) Upon being recorded in the manner required by Article
3 XII of the Code of Civil Procedure or by the Uniform Commercial
4 Code, a lien shall be imposed on the real estate or personal
5 estate, or both, of the defendant in the amount of any debt due
6 and owing the county under this Section. The lien may be
7 enforced in the same manner as a judgment lien pursuant to a
8 judgment of a court of competent jurisdiction.

9 (e) A hearing officer may set aside any judgment entered by
10 default and set a new hearing date, upon a petition filed
11 within 21 days after the issuance of the order of default, if
12 the hearing officer determines that the petitioner's failure to
13 appear at the hearing was for good cause or at any time if the
14 petitioner establishes that the county did not provide proper
15 service of process. If any judgment is set aside pursuant to
16 this subsection (e), the hearing officer shall have authority
17 to enter an order extinguishing any lien that has been recorded
18 for any debt due and owing the county as a result of the
19 vacated default judgment.

20 (Source: P.A. 99-18, eff. 1-1-16.)