

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.)