

HB3270



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3270

by Rep. Sheri Jesiel

SYNOPSIS AS INTRODUCED:

35 ILCS 200/22-15
35 ILCS 200/22-20

Amends the Property Tax Code. Provides that, in the case of vacant property, notice of sale of tax liens can be given by registered or certified mail (currently, notice is given by publication in a newspaper and registered or certified mail). Effective immediately.

LRB100 08280 HLH 18382 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing
5 Sections 22-15 and 22-20 as follows:

6 (35 ILCS 200/22-15)

7 Sec. 22-15. Service of notice. The purchaser or his or her
8 assignee shall give the notice required by Section 22-10 by
9 causing it to be published in a newspaper as set forth in
10 Section 22-20, except in the case of a vacant property. In
11 addition, the notice shall be served by a sheriff (or if he or
12 she is disqualified, by a coroner) of the county in which the
13 property, or any part thereof, is located or, except in Cook
14 County, by a person who is licensed or registered as a private
15 detective under the Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Act of 2004 upon
17 owners who reside on any part of the property sold by leaving a
18 copy of the notice with those owners personally. In the case of
19 a vacant property, the person making the service shall cause a
20 copy of the notice to be sent by registered or certified mail
21 before having to serve any owner or party interested in-person.

22 In counties of 3,000,000 or more inhabitants where a taxing
23 district is a petitioner for tax deed pursuant to Section

1 21-90, in lieu of service by the sheriff or coroner the notice
2 may be served by a special process server appointed by the
3 circuit court as provided in this Section. The taxing district
4 may move prior to filing one or more petitions for tax deed for
5 appointment of such a special process server. The court, upon
6 being satisfied that the person named in the motion is at least
7 18 years of age and is capable of serving notice as required
8 under this Code, shall enter an order appointing such person as
9 a special process server for a period of one year. The
10 appointment may be renewed for successive periods of one year
11 each by motion and order, and a copy of the original and any
12 subsequent order shall be filed in each tax deed case in which
13 a notice is served by the appointed person. Delivery of the
14 notice to and service of the notice by the special process
15 server shall have the same force and effect as its delivery to
16 and service by the sheriff or coroner.

17 The same form of notice shall also be served, in the manner
18 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
19 2-211 of the Code of Civil Procedure, upon all other owners and
20 parties interested in the property, if upon diligent inquiry
21 they can be found in the county, and upon the occupants of the
22 property.

23 If the property sold has more than 4 dwellings or other
24 rental units, and has a managing agent or party who collects
25 rents, that person shall be deemed the occupant and shall be
26 served with notice instead of the occupants of the individual

1 units. If the property has no dwellings or rental units, but
2 economic or recreational activities are carried on therein, the
3 person directing such activities shall be deemed the occupant.
4 Holders of rights of entry and possibilities of reverter shall
5 not be deemed parties interested in the property.

6 When a party interested in the property is a trustee,
7 notice served upon the trustee shall be deemed to have been
8 served upon any beneficiary or note holder thereunder unless
9 the holder of the note is disclosed of record.

10 When a judgment is a lien upon the property sold, the
11 holder of the lien shall be served with notice if the name of
12 the judgment debtor as shown in the transcript, certified copy
13 or memorandum of judgment filed of record is identical, as to
14 given name and surname, with the name of the party interested
15 as it appears of record.

16 If any owner or party interested, upon diligent inquiry and
17 effort, cannot be found or served with notice in the county as
18 provided in this Section, and the person in actual occupancy
19 and possession is tenant to, or in possession under the owners
20 or the parties interested in the property, then service of
21 notice upon the tenant, occupant or person in possession shall
22 be deemed service upon the owners or parties interested.

23 If any owner or party interested, upon diligent inquiry and
24 effort cannot be found or served with notice in the county,
25 then the person making the service shall cause a copy of the
26 notice to be sent by registered or certified mail, return

1 receipt requested, to that party at his or her residence, if
2 ascertainable.

3 The changes to this Section made by Public Act 95-477 apply
4 only to matters in which a petition for tax deed is filed on or
5 after June 1, 2008 (the effective date of Public Act 95-477).

6 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,
7 eff. 8-21-08.)

8 (35 ILCS 200/22-20)

9 Sec. 22-20. Proof of service of notice; publication of
10 notice. The sheriff or coroner serving notice under Section
11 22-15 shall endorse his or her return thereon and file it with
12 the Clerk of the Circuit Court and it shall be a part of the
13 court record. A private detective or a special process server
14 appointed under Section 22-15 shall make his or her return by
15 affidavit and shall file it with the Clerk of the Circuit
16 Court, where it shall be a part of the court record. If a
17 sheriff, private detective, special process server, or coroner
18 to whom any notice is delivered for service, neglects or
19 refuses to make the return, the purchaser or his or her
20 assignee may petition the court to enter a rule requiring the
21 sheriff, private detective, special process server, or coroner
22 to make return of the notice on a day to be fixed by the court,
23 or to show cause on that day why he or she should not be
24 attached for contempt of the court. The purchaser or assignee
25 shall cause a written notice of the rule to be served upon the

1 sheriff, private detective, special process server, or
2 coroner. If good and sufficient cause to excuse the sheriff,
3 private detective, special process server, or coroner is not
4 shown, the court shall adjudge him or her guilty of a contempt,
5 and shall proceed to punish him as in other cases of contempt.

6 If the property is located in a municipality in a county
7 with less than 3,000,000 inhabitants, the purchaser or his or
8 her assignee shall also publish a notice as to the owner or
9 party interested, in some newspaper published in the
10 municipality, except in the case of a vacant property. If the
11 property is not in a municipality in a county with less than
12 3,000,000 inhabitants, or if no newspaper is published therein,
13 or if the property is in a county with 3,000,000 or more
14 inhabitants, the notice shall be published in some newspaper in
15 the county. If no newspaper is published in the county, then
16 the notice shall be published in the newspaper that is
17 published nearest the county seat of the county in which the
18 property is located. If the owners and parties interested in
19 the property upon diligent inquiry are unknown to the purchaser
20 or his or her assignee, the publication as to such owner or
21 party interested, may be made to unknown owners or parties
22 interested. Any notice by publication given under this Section
23 shall be given 3 times at any time after filing a petition for
24 tax deed, but not less than 3 months nor more than 6 months
25 prior to the expiration of the period of redemption. The
26 publication shall contain (a) notice of the filing of the

1 petition for tax deed, (b) the date on which the petitioner
2 intends to make application for an order on the petition that a
3 tax deed issue, (c) a description of the property, (d) the date
4 upon which the property was sold, (e) the taxes or special
5 assessments for which it was sold and (f) the date on which the
6 period of redemption will expire. The publication shall not
7 include more than one property listed and sold in one
8 description, except as provided in Section 21-90, and except
9 that when more than one property is owned by one person, all of
10 the parcels owned by that person may be included in one notice.

11 The changes to this Section made by Public Act 95-477 apply
12 only to matters in which a petition for tax deed is filed on or
13 after June 1, 2008 (the effective date of Public Act 95-477).

14 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,
15 eff. 8-21-08.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.