



Sen. Randall M. Hultgren

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1 AMENDMENT TO HOUSE BILL 621

2 AMENDMENT NO. _____. Amend House Bill 621 as follows:

3 on page 1, lines 4 and 5, by replacing "Section 105-15" with
4 "Sections 105-15 and 205-75"; and

5 on page 3, immediately below line 6, by inserting the
6 following:

7 "(60 ILCS 1/205-75)

8 Sec. 205-75. Liens; recovery of money due.

9 (a) Charges or rates established under this Article are
10 liens upon the real estate upon or for which a system is
11 supplied. Liens do not attach to the real estate until the
12 charges or rates have become delinquent as provided by an
13 ordinance fixing a delinquency date.

14 (b) Nothing in this Section shall be construed to give the
15 township board or the township utility board a preference over

1 the rights of any purchaser, mortgagee, judgment creditor, or
2 other lien holder arising before the filing of notice of the
3 lien in the office of the recorder of the county in which the
4 real estate is located or in the office of the registrar of
5 titles of the county if the property is registered under the
6 Registered Titles (Torrens) Act. The notice shall consist of a
7 sworn statement setting forth (i) a description of the real
8 estate, sufficient for its identification, upon or for which
9 the system was supplied, (ii) the amount or amounts of money
10 due for services of the system, and (iii) the date or dates
11 when the amount or amounts became delinquent.

12 (c) The township board or the township utility board may
13 foreclose the lien in the same manner and with the same effect
14 as the foreclosure of mortgages on real estate.

15 (d) The township board or the township utility board may
16 file an action in the circuit court to recover money due for
17 services of a system, plus a reasonable attorney's fee to be
18 fixed by the court. Whenever a judgment is entered in a civil
19 action, the provisions of this Section with respect to filing
20 sworn statements of delinquencies in the office of the recorder
21 and creating a lien against the real estate are not effective
22 as to the charges sued upon, and no lien exists thereafter
23 against the real estate for the delinquency. A judgment in a
24 civil action operates as a release and waiver of the lien upon
25 the real estate for the amount of judgement.

26 (e) The payment of delinquent charges for sewerage service

1 to any premises may be enforced by discontinuing the water
2 service, the sewerage service, or both to the premises. A rate
3 or charge is delinquent if it is more than 30 days overdue. Any
4 public or municipal corporation or political subdivision of the
5 State furnishing water service to the premises (i) shall
6 discontinue that service upon receiving written notice from the
7 township board or the township utility board in which the
8 premises lies that payment of the rate or charge for sewerage
9 service to the premises has become delinquent and (ii) shall
10 not resume water service until it receives a similar notice
11 that the delinquency has been removed. The provider of sewerage
12 service shall not request discontinuation of water service
13 pursuant to this subsection before sending a notice of the
14 delinquency to the owner of record of the premises and
15 affording the owner an opportunity to be heard. During any such
16 hearing, the provider of sewerage service shall consider the
17 financial ability of the owner to make immediate full payment
18 and consider the establishment of a deferred payment plan to
19 recoup any delinquent charges. The township board or the
20 township utility board shall reimburse the public or municipal
21 corporation or political subdivision of the State for the
22 reasonable cost of discontinuing and reestablishing water
23 service to the premises. The township board or the township
24 utility board may contract with any privately owned public
25 utility for the discontinuance of water service to a premises
26 with respect to which the payment for a rate or charge for

1 sewerage service has become delinquent. The township board or
2 township utility board shall reimburse the water service
3 provider for any lost water service revenues due to
4 discontinuing water service under this subsection, and shall
5 indemnify the water service provider for any judgment and
6 related attorney's fees resulting from an action based on any
7 provision of this subsection.

8 (Source: P.A. 84-794; 88-62.)".