



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1384

Introduced 2/14/2011, by Rep. Jehan A. Gordon

SYNOPSIS AS INTRODUCED:

65 ILCS 5/9-2-4.5

Amends the Illinois Municipal Code. Defines "compliance lien". Provides that if a compliance lien has been filed against a property, then those costs associated with the lien may be treated as an existing, judicially-approved special assessment, as though an assessment warrant had been issued. Further provides that the municipality may collect the costs as a special assessment if it complies with applicable procedures. Requires that the owner of record or persons interested in the property shall pay the costs incurred by the municipality for collecting the costs associated with the lien. Effective immediately.

LRB097 06171 KMW 50157 b

FISCAL NOTE ACT
MAY APPLY

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 Illinois Municipal Code is amended by
5 changing Section 9-2-4.5 as follows:

6 (65 ILCS 5/9-2-4.5)

7 Sec. 9-2-4.5. Special assessment for payment of costs
8 associated with certain ordinance violations.

9 (a) For the purposes of this Section, the term "compliance
10 lien" means: ~~For purposes of this Section, "Code" means any~~
11 ~~municipal ordinance that requires, after notice, the cutting of~~
12 ~~grass and weeds, the removal of garbage and debris, the removal~~
13 ~~of inoperable motor vehicles, and rodent and vermin abatement.~~

14 (1) a lien filed under Division 20 of Article 11;
15 (2) a situation in which (i) a property owner is cited
16 with a Code violation under Division 31.1 of Article 11,
17 (ii) non-compliance is found upon reinspection of the
18 property after the due date for compliance with an order to
19 correct the Code violation or with an order for abatement,
20 (iii) costs for services rendered by the municipality to
21 correct the Code violation remain unpaid at the point in
22 time that they would become a debt due and owing the
23 municipality, as provided in Division 31.1 of Article 11,

1 and (iv) a lien has been filed of record by the
2 municipality in the office of the recorder in the county in
3 which the property is located; or

4 (3) a lien filed by the municipality with respect to
5 any unpaid utility bills.

6 (b) In addition to any other method authorized by law, if a
7 compliance lien has been filed against a property ~~(i) a~~
8 ~~property owner is cited with a Code violation, (ii)~~
9 ~~non compliance is found upon reinspection of the property after~~
10 ~~the due date for compliance with an order to correct the Code~~
11 ~~violation or with an order for abatement, (iii) costs for~~
12 ~~services rendered by the municipality to correct the Code~~
13 ~~violation remain unpaid at the point in time that they would~~
14 ~~become a debt due and owing the municipality, as provided in~~
15 ~~Division 31.1 of Article 11 of the Illinois Municipal Code, and~~
16 ~~(iv) a lien has been filed of record by the municipality in the~~
17 ~~office of the recorder in the county in which the property is~~
18 ~~located,~~ then those costs associated with the lien may be
19 treated collected as an existing, judicially-approved a
20 special assessment, as though an assessment warrant had been
21 issued and all conditions precedent had been satisfied. The
22 municipality may collect those costs as a special assessment on
23 the property if it complies with the applicable procedures set
24 forth under Section 9-2-80 through Section 9-2-98. In such
25 cases, the county recorder or other officer of the county in
26 which the municipality is located that has the authority to

1 receive State and county taxes and the court rendering judgment
2 and ordering sale of the delinquent special assessment shall
3 exempt the municipality from the otherwise applicable special
4 assessment warrant and certified assessment roll requirements
5 because the same will be deemed to have occurred by operation
6 of law ~~under this Division~~. Upon payment of the costs by the
7 owner of record or persons interested in the property,
8 including any cost incurred by the municipality for collecting
9 the costs under this Section, the lien shall be released by the
10 municipality and the release shall be filed of record in the
11 same manner as the filing of notice of the lien.

12 (Source: P.A. 93-993, eff. 1-1-05.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.