



Sen. Jason A. Barickman

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10100HB0250sam001

LRB101 04679 HLH 60028 a

1 AMENDMENT TO HOUSE BILL 250

2 AMENDMENT NO. _____. Amend House Bill 250 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 21-310 and 22-35 as follows:

6 (35 ILCS 200/21-310)

7 Sec. 21-310. Sales in error.

8 (a) When, upon application of the county collector, the
9 owner of the certificate of purchase, or a municipality which
10 owns or has owned the property ordered sold, it appears to the
11 satisfaction of the court which ordered the property sold that
12 any of the following subsections are applicable, the court
13 shall declare the sale to be a sale in error:

14 (1) the property was not subject to taxation, or all or
15 any part of the lien of taxes sold has become null and void
16 pursuant to Section 21-95 or unenforceable pursuant to

1 subsection (c) of Section 18-250 or subsection (b) of
2 Section 22-40,

3 (2) the taxes or special assessments had been paid
4 prior to the sale of the property,

5 (3) there is a double assessment,

6 (4) the description is void for uncertainty,

7 (5) the assessor, chief county assessment officer,
8 board of review, board of appeals, or other county official
9 has made an error (other than an error of judgment as to
10 the value of any property),

11 (5.5) the owner of the homestead property had tendered
12 timely and full payment to the county collector that the
13 owner reasonably believed was due and owing on the
14 homestead property, and the county collector did not apply
15 the payment to the homestead property; provided that this
16 provision applies only to homeowners, not their agents or
17 third-party payors,

18 (6) prior to the tax sale a voluntary or involuntary
19 petition has been filed by or against the legal or
20 beneficial owner of the property requesting relief under
21 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

22 (7) the property is owned by the United States, the
23 State of Illinois, a municipality, or a taxing district, or

24 (8) the owner of the property is a reservist or
25 guardsperson who is granted an extension of his or her due
26 date under Sections 21-15, 21-20, and 21-25 of this Act.

1 (b) When, upon application of the owner of the certificate
2 of purchase only, it appears to the satisfaction of the court
3 which ordered the property sold that any of the following
4 subsections are applicable, the court shall declare the sale to
5 be a sale in error:

6 (1) A voluntary or involuntary petition under the
7 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
8 filed subsequent to the tax sale and prior to the issuance
9 of the tax deed.

10 (2) The improvements upon the property sold have been
11 substantially destroyed or rendered uninhabitable or
12 otherwise unfit for occupancy subsequent to the tax sale
13 and prior to the issuance of the tax deed; however, if the
14 court declares a sale in error under this paragraph (2),
15 the court may order the holder of the certificate of
16 purchase to assign the certificate to the county collector
17 if requested by the county collector. The county collector
18 may, upon request of the county, as trustee, or upon
19 request of a taxing district having an interest in the
20 taxes sold, further assign any certificate of purchase
21 received pursuant to this paragraph (2) to the county
22 acting as trustee for taxing districts pursuant to Section
23 21-90 of this Code or to the taxing district having an
24 interest in the taxes sold.

25 (3) There is an interest held by the United States in
26 the property sold which could not be extinguished by the

1 tax deed.

2 (4) The real property contains a hazardous substance,
3 hazardous waste, or underground storage tank that would
4 require cleanup or other removal under any federal, State,
5 or local law, ordinance, or regulation, only if the tax
6 purchaser purchased the property without actual knowledge
7 of the hazardous substance, hazardous waste, or
8 underground storage tank. This paragraph (4) applies only
9 if the owner of the certificate of purchase has made
10 application for a sale in error at any time before the
11 issuance of a tax deed. If the court declares a sale in
12 error under this paragraph (4), the court may order the
13 holder of the certificate of purchase to assign the
14 certificate to the county collector if requested by the
15 county collector. The county collector may, upon request of
16 the county, as trustee, or upon request of a taxing
17 district having an interest in the taxes sold, further
18 assign any certificate of purchase received pursuant to
19 this paragraph (4) to the county acting as trustee for
20 taxing districts pursuant to Section 21-90 of this Code or
21 to the taxing district having an interest in the taxes
22 sold.

23 Whenever a court declares a sale in error under this
24 subsection (b), the court shall promptly notify the county
25 collector in writing. Every such declaration pursuant to any
26 provision of this subsection (b) shall be made within the

1 proceeding in which the tax sale was authorized.

2 (c) When the county collector discovers, prior to the
3 expiration of the period of redemption, that a tax sale should
4 not have occurred for one or more of the reasons set forth in
5 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,
6 the county collector shall notify the last known owner of the
7 certificate of purchase by certified and regular mail, or other
8 means reasonably calculated to provide actual notice, that the
9 county collector intends to declare an administrative sale in
10 error and of the reasons therefor, including documentation
11 sufficient to establish the reason why the sale should not have
12 occurred. The owner of the certificate of purchase may object
13 in writing within 28 days after the date of the mailing by the
14 county collector. If an objection is filed, the county
15 collector shall not administratively declare a sale in error,
16 but may apply to the circuit court for a sale in error as
17 provided in subsection (a) of this Section. Thirty days
18 following the receipt of notice by the last known owner of the
19 certificate of purchase, or within a reasonable time
20 thereafter, the county collector shall make a written
21 declaration, based upon clear and convincing evidence, that the
22 taxes were sold in error and shall deliver a copy thereof to
23 the county clerk within 30 days after the date the declaration
24 is made for entry in the tax judgment, sale, redemption, and
25 forfeiture record pursuant to subsection (d) of this Section.
26 The county collector shall promptly notify the last known owner

1 of the certificate of purchase of the declaration by regular
2 mail and shall promptly pay the amount of the tax sale,
3 together with interest and costs as provided in Section 21-315,
4 upon surrender of the original certificate of purchase.

5 (d) If a sale is declared to be a sale in error, the county
6 clerk shall make entry in the tax judgment, sale, redemption
7 and forfeiture record, that the property was erroneously sold,
8 and the county collector shall, on demand of the owner of the
9 certificate of purchase, refund the amount paid, pay any
10 interest and costs as may be ordered under Sections 21-315
11 through 21-335, and cancel the certificate so far as it relates
12 to the property. The county collector shall deduct from the
13 accounts of the appropriate taxing bodies their pro rata
14 amounts paid. Alternatively, for sales in error declared under
15 subsection (b) (2) or (b) (4), the county collector may request
16 the circuit court to direct the county clerk to record any
17 assignment of the tax certificate to or from the county
18 collector without charging a fee for the assignment. The owner
19 of the certificate of purchase shall receive all statutory
20 refunds and payments. The county collector shall deduct costs
21 and payments in the same manner as if a sale in error had
22 occurred.

23 (Source: P.A. 100-890, eff. 1-1-19.)

24 (35 ILCS 200/22-35)

25 Sec. 22-35. Reimbursement of a county or municipality

1 before issuance of tax deed. Except in any proceeding in which
2 the tax purchaser is a county acting as a trustee for taxing
3 districts as provided in Section 21-90, an order for the
4 issuance of a tax deed under this Code shall not be entered
5 affecting the title to or interest in any property in which a
6 county, city, village or incorporated town has an interest
7 under the police and welfare power by advancements made from
8 public funds, until the purchaser or assignee makes
9 reimbursement to the county, city, village or incorporated town
10 of the money so advanced or the county, city, village, or town
11 waives its lien on the property for the money so advanced.
12 However, in lieu of reimbursement or waiver, the purchaser or
13 his or her assignee may make application for and the court
14 shall order that the tax purchase be set aside as a sale in
15 error. A sale in error may not be granted under this Section if
16 the lien has been released, satisfied, discharged, or waived. A
17 filing or appearance fee shall not be required of a county,
18 city, village or incorporated town seeking to enforce its claim
19 under this Section in a tax deed proceeding.
20 (Source: P.A. 98-1162, eff. 6-1-15.)".