

SB3633



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3633

Introduced 1/19/2022, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2.25 new

55 ILCS 5/5-1121

65 ILCS 5/11-31-1

415 ILCS 5/21

from Ch. 24, par. 11-31-1

from Ch. 111 1/2, par. 1021

Amends the Counties Code. Provides that counties must maintain documentation on the disposal of any demolition debris, clean or general, or uncontaminated soil generated during the demolition, repair, or enclosure of a building for a period of 3 years identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. Amends the Municipal Code. Makes similar changes for municipalities. Amends the Freedom of Information Act and the Environmental Protection Act. Makes conforming changes. Effective immediately.

LRB102 22600 AWJ 31743 b

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 Freedom of Information Act is amended by
5 adding Section 2.25 as follows:

6 (5 ILCS 140/2.25 new)

7 Sec. 2.25. Demolition, repair, enclosure, or remediation
8 records. Demolition, repair, enclosure, or remediation records
9 submitted to a county under Section 5-1121 of the Counties
10 Code or a municipality under Section 11-31-1 of the Illinois
11 Municipal Code are public records subject to inspection and
12 copying in accordance with the provisions of this Act; except
13 that contractors' employees' addresses, telephone numbers, and
14 social security numbers must be redacted by the public body
15 prior to disclosure.

16 Section 10. The Counties Code is amended by changing
17 Section 5-1121 as follows:

18 (55 ILCS 5/5-1121)

19 (Text of Section before amendment by P.A. 102-363)

20 Sec. 5-1121. Demolition, repair, or enclosure.

21 (a) The county board of each county may demolish, repair,

1 or enclose or cause the demolition, repair, or enclosure of
2 dangerous and unsafe buildings or uncompleted and abandoned
3 buildings within the territory of the county, but outside the
4 territory of any municipality, and may remove or cause the
5 removal of garbage, debris, and other hazardous, noxious, or
6 unhealthy substances or materials from those buildings. If a
7 township within the county makes a formal request to the
8 county board as provided in Section 85-50 of the Township Code
9 that the county board commence specified proceedings under
10 this Section with respect to property located within the
11 township but outside the territory of any municipality, then,
12 at the next regular county board meeting occurring at least 10
13 days after the formal request is made to the county board, the
14 county board shall either commence the requested proceedings
15 or decline to do so (either formally or by failing to commence
16 the proceedings within 60 days after the request) and shall
17 notify the township board making the request of the county
18 board's decision. In any county having adopted, by referendum
19 or otherwise, a county health department as provided by
20 Division 5-25 of the Counties Code or its predecessor, the
21 county board of any such county may upon a formal request by
22 the city, village, or incorporated town demolish, repair or
23 cause the demolition or repair of dangerous and unsafe
24 buildings or uncompleted and abandoned buildings within the
25 territory of any city, village, or incorporated town having a
26 population of less than 50,000.

1 The county board shall apply to the circuit court of the
2 county in which the building is located (i) for an order
3 authorizing action to be taken with respect to a building if
4 the owner or owners of the building, including the lien
5 holders of record, after at least 15 days' written notice by
6 mail to do so, have failed to commence proceedings to put the
7 building in a safe condition or to demolish it or (ii) for an
8 order requiring the owner or owners of record to demolish,
9 repair, or enclose the building or to remove garbage, debris,
10 and other hazardous, noxious, or unhealthy substances or
11 materials from the building. It is not a defense to the cause
12 of action that the building is boarded up or otherwise
13 enclosed, although the court may order the defendant to have
14 the building boarded up or otherwise enclosed. Where, upon
15 diligent search, the identity or whereabouts of the owner or
16 owners of the building, including the lien holders of record,
17 is not ascertainable, notice mailed to the person or persons
18 in whose name the real estate was last assessed and the posting
19 of such notice upon the premises sought to be demolished or
20 repaired is sufficient notice under this Section.

21 The hearing upon the application to the circuit court
22 shall be expedited by the court and shall be given precedence
23 over all other suits.

24 The cost of the demolition, repair, enclosure, or removal
25 incurred by the county, by an intervenor, or by a lien holder
26 of record, including court costs, attorney's fees, and other

1 costs related to the enforcement of this Section, is
2 recoverable from the owner or owners of the real estate or the
3 previous owner or both if the property was transferred during
4 the 15 day notice period and is a lien on the real estate; the
5 lien is superior to all prior existing liens and encumbrances,
6 except taxes, if, within 180 days after the repair,
7 demolition, enclosure, or removal, the county, the lien holder
8 of record, or the intervenor who incurred the cost and expense
9 shall file a notice of lien for the cost and expense incurred
10 in the office of the recorder in the county in which the real
11 estate is located or in the office of the registrar of titles
12 of the county if the real estate affected is registered under
13 the Registered Titles (Torrens) Act.

14 The notice must consist of a sworn statement setting out
15 (1) a description of the real estate sufficient for its
16 identification, (2) the amount of money representing the cost
17 and expense incurred, and (3) the date or dates when the cost
18 and expense was incurred by the county, the lien holder of
19 record, or the intervenor. Upon payment of the cost and
20 expense by the owner or persons interested in the property
21 after the notice of lien has been filed, the lien shall be
22 released by the county, the person in whose name the lien has
23 been filed, or the assignee of the lien, and the release may be
24 filed of record as in the case of filing notice of lien. Unless
25 the lien is enforced under subsection (b), the lien may be
26 enforced by foreclosure proceedings as in the case of mortgage

1 foreclosures under Article XV of the Code of Civil Procedure
2 or mechanics' lien foreclosures. An action to foreclose this
3 lien may be commenced at any time after the date of filing of
4 the notice of lien. The costs of foreclosure incurred by the
5 county, including court costs, reasonable attorney's fees,
6 advances to preserve the property, and other costs related to
7 the enforcement of this subsection, plus statutory interest,
8 are a lien on the real estate and are recoverable by the county
9 from the owner or owners of the real estate.

10 All liens arising under this subsection (a) shall be
11 assignable. The assignee of the lien shall have the same power
12 to enforce the lien as the assigning party, except that the
13 lien may not be enforced under subsection (b).

14 If the appropriate official of any county determines that
15 any dangerous and unsafe building or uncompleted and abandoned
16 building within its territory fulfills the requirements for an
17 action by the county under the Abandoned Housing
18 Rehabilitation Act, the county may petition under that Act in
19 a proceeding brought under this subsection.

20 (b) In any case where a county has obtained a lien under
21 subsection (a), the county may enforce the lien under this
22 subsection (b) in the same proceeding in which the lien is
23 authorized.

24 A county desiring to enforce a lien under this subsection
25 (b) shall petition the court to retain jurisdiction for
26 foreclosure proceedings under this subsection. Notice of the

1 petition shall be served, by certified or registered mail, on
2 all persons who were served notice under subsection (a). The
3 court shall conduct a hearing on the petition not less than 15
4 days after the notice is served. If the court determines that
5 the requirements of this subsection (b) have been satisfied,
6 it shall grant the petition and retain jurisdiction over the
7 matter until the foreclosure proceeding is completed. The
8 costs of foreclosure incurred by the county, including court
9 costs, reasonable attorneys' fees, advances to preserve the
10 property, and other costs related to the enforcement of this
11 subsection, plus statutory interest, are a lien on the real
12 estate and are recoverable by the county from the owner or
13 owners of the real estate. If the court denies the petition,
14 the county may enforce the lien in a separate action as
15 provided in subsection (a).

16 All persons designated in Section 15-1501 of the Code of
17 Civil Procedure as necessary parties in a mortgage foreclosure
18 action shall be joined as parties before issuance of an order
19 of foreclosure. Persons designated in Section 15-1501 of the
20 Code of Civil Procedure as permissible parties may also be
21 joined as parties in the action.

22 The provisions of Article XV of the Code of Civil
23 Procedure applicable to mortgage foreclosures shall apply to
24 the foreclosure of a lien under this subsection (b), except to
25 the extent that those provisions are inconsistent with this
26 subsection. For purposes of foreclosures of liens under this

1 subsection, however, the redemption period described in
2 subsection (b) of Section 15-1603 of the Code of Civil
3 Procedure shall end 60 days after the date of entry of the
4 order of foreclosure.

5 (c) In addition to any other remedy provided by law, the
6 county board of any county may petition the circuit court to
7 have property declared abandoned under this subsection (c) if:

8 (1) the property has been tax delinquent for 2 or more
9 years or bills for water service for the property have
10 been outstanding for 2 or more years;

11 (2) the property is unoccupied by persons legally in
12 possession; and

13 (3) the property contains a dangerous or unsafe
14 building.

15 All persons having an interest of record in the property,
16 including tax purchasers and beneficial owners of any Illinois
17 land trust having title to the property, shall be named as
18 defendants in the petition and shall be served with process.
19 In addition, service shall be had under Section 2-206 of the
20 Code of Civil Procedure as in other cases affecting property.

21 The county, however, may proceed under this subsection in
22 a proceeding brought under subsection (a). Notice of the
23 petition shall be served by certified or registered mail on
24 all persons who were served notice under subsection (a).

25 If the county proves that the conditions described in this
26 subsection exist and the owner of record of the property does

1 not enter an appearance in the action, or, if title to the
2 property is held by an Illinois land trust, if neither the
3 owner of record nor the owner of the beneficial interest of the
4 trust enters an appearance, the court shall declare the
5 property abandoned.

6 If that determination is made, notice shall be sent by
7 certified or registered mail to all persons having an interest
8 of record in the property, including tax purchasers and
9 beneficial owners of any Illinois land trust having title to
10 the property, stating that title to the property will be
11 transferred to the county unless, within 30 days of the
12 notice, the owner of record enters an appearance in the
13 action, or unless any other person having an interest in the
14 property files with the court a request to demolish the
15 dangerous or unsafe building or to put the building in safe
16 condition.

17 If the owner of record enters an appearance in the action
18 within the 30 day period, the court shall vacate its order
19 declaring the property abandoned. In that case, the county may
20 amend its complaint in order to initiate proceedings under
21 subsection (a).

22 If a request to demolish or repair the building is filed
23 within the 30 day period, the court shall grant permission to
24 the requesting party to demolish the building within 30 days
25 or to restore the building to safe condition within 60 days
26 after the request is granted. An extension of that period for

1 up to 60 additional days may be given for good cause. If more
2 than one person with an interest in the property files a timely
3 request, preference shall be given to the person with the lien
4 or other interest of the highest priority.

5 If the requesting party proves to the court that the
6 building has been demolished or put in a safe condition within
7 the period of time granted by the court, the court shall issue
8 a quitclaim judicial deed for the property to the requesting
9 party, conveying only the interest of the owner of record,
10 upon proof of payment to the county of all costs incurred by
11 the county in connection with the action, including but not
12 limited to court costs, attorney's fees, administrative costs,
13 the costs, if any, associated with building enclosure or
14 removal, and receiver's certificates. The interest in the
15 property so conveyed shall be subject to all liens and
16 encumbrances on the property. In addition, if the interest is
17 conveyed to a person holding a certificate of purchase for the
18 property under the Property Tax Code, the conveyance shall be
19 subject to the rights of redemption of all persons entitled to
20 redeem under that Act, including the original owner of record.

21 If no person with an interest in the property files a
22 timely request or if the requesting party fails to demolish
23 the building or put the building in safe condition within the
24 time specified by the court, the county may petition the court
25 to issue a judicial deed for the property to the county. A
26 conveyance by judicial deed shall operate to extinguish all

1 existing ownership interests in, liens on, and other interest
2 in the property, including tax liens.

3 (d) Each county may use the provisions of this subsection
4 to expedite the removal of certain buildings that are a
5 continuing hazard to the community in which they are located.

6 If the official designated to be in charge of enforcing
7 the county's building code determines that a building is open
8 and vacant and an immediate and continuing hazard to the
9 community in which the building is located, then the official
10 shall be authorized to post a notice not less than 2 feet by 2
11 feet in size on the front of the building. The notice shall be
12 dated as of the date of the posting and shall state that unless
13 the building is demolished, repaired, or enclosed, and unless
14 any garbage, debris, and other hazardous, noxious, or
15 unhealthy substances or materials are removed so that an
16 immediate and continuing hazard to the community no longer
17 exists, then the building may be demolished, repaired, or
18 enclosed, or any garbage, debris, and other hazardous,
19 noxious, or unhealthy substances or materials may be removed,
20 by the county.

21 Not later than 30 days following the posting of the
22 notice, the county shall do both of the following:

23 (1) Cause to be sent, by certified mail, return
24 receipt requested, a notice to all owners of record of the
25 property, the beneficial owners of any Illinois land trust
26 having title to the property, and all lienholders of

1 record in the property, stating the intent of the county
2 to demolish, repair, or enclose the building or remove any
3 garbage, debris, or other hazardous, noxious, or unhealthy
4 substances or materials if that action is not taken by the
5 owner or owners.

6 (2) Cause to be published, in a newspaper published or
7 circulated in the county where the building is located, a
8 notice setting forth (i) the permanent tax index number
9 and the address of the building, (ii) a statement that the
10 property is open and vacant and constitutes an immediate
11 and continuing hazard to the community, and (iii) a
12 statement that the county intends to demolish, repair, or
13 enclose the building or remove any garbage, debris, or
14 other hazardous, noxious, or unhealthy substances or
15 materials if the owner or owners or lienholders of record
16 fail to do so. This notice shall be published for 3
17 consecutive days.

18 A person objecting to the proposed actions of the county
19 board may file his or her objection in an appropriate form in a
20 court of competent jurisdiction.

21 If the building is not demolished, repaired, or enclosed,
22 or the garbage, debris, or other hazardous, noxious, or
23 unhealthy substances or materials are not removed, within 30
24 days of mailing the notice to the owners of record, the
25 beneficial owners of any Illinois land trust having title to
26 the property, and all lienholders of record in the property,

1 or within 30 days of the last day of publication of the notice,
2 whichever is later, the county board shall have the power to
3 demolish, repair, or enclose the building or to remove any
4 garbage, debris, or other hazardous, noxious, or unhealthy
5 substances or materials.

6 The county may proceed to demolish, repair, or enclose a
7 building or remove any garbage, debris, or other hazardous,
8 noxious, or unhealthy substances or materials under this
9 subsection within a 120-day period following the date of the
10 mailing of the notice if the appropriate official determines
11 that the demolition, repair, enclosure, or removal of any
12 garbage, debris, or other hazardous, noxious, or unhealthy
13 substances or materials is necessary to remedy the immediate
14 and continuing hazard. If, however, before the county proceeds
15 with any of the actions authorized by this subsection, any
16 person has sought a hearing under this subsection before a
17 court and has served a copy of the complaint on the chief
18 executive officer of the county, then the county shall not
19 proceed with the demolition, repair, enclosure, or removal of
20 garbage, debris, or other substances until the court
21 determines that that action is necessary to remedy the hazard
22 and issues an order authorizing the county to do so.

23 The county must maintain documentation on the disposal of
24 any demolition debris, clean or general, or uncontaminated
25 soil generated during the demolition, repair, or enclosure of
26 a building for a period of 3 years identifying the hauler,

1 generator, place of origin of the debris or soil, the weight or
2 volume of the debris or soil, and the location, owner, and
3 operator of the facility where the debris or soil was
4 transferred, disposed, recycled, or treated.

5 Following the demolition, repair, or enclosure of a
6 building, or the removal of garbage, debris, or other
7 hazardous, noxious, or unhealthy substances or materials under
8 this subsection, the county may file a notice of lien against
9 the real estate for the cost of the demolition, repair,
10 enclosure, or removal within 180 days after the repair,
11 demolition, enclosure, or removal occurred, for the cost and
12 expense incurred, in the office of the recorder in the county
13 in which the real estate is located or in the office of the
14 registrar of titles of the county if the real estate affected
15 is registered under the Registered Titles (Torrens) Act. The
16 notice of lien shall consist of a sworn statement setting
17 forth (i) a description of the real estate, such as the address
18 or other description of the property, sufficient for its
19 identification; (ii) the expenses incurred by the county in
20 undertaking the remedial actions authorized under this
21 subsection; (iii) the date or dates the expenses were incurred
22 by the county; (iv) a statement by the official responsible
23 for enforcing the building code that the building was open and
24 vacant and constituted an immediate and continuing hazard to
25 the community; (v) a statement by the official that the
26 required sign was posted on the building, that notice was sent

1 by certified mail to the owners of record, and that notice was
2 published in accordance with this subsection; and (vi) a
3 statement as to when and where the notice was published. The
4 lien authorized by this subsection may thereafter be released
5 or enforced by the county as provided in subsection (a).

6 (e) In any case where a county has obtained a lien under
7 subsection (a), the county may also bring an action for a money
8 judgment against the owner or owners of the real estate in the
9 amount of the lien in the same manner as provided for bringing
10 causes of action in Article II of the Code of Civil Procedure
11 and, upon obtaining a judgment, file a judgment lien against
12 all of the real estate of the owner or owners and enforce that
13 lien as provided for in Article XII of the Code of Civil
14 Procedure.

15 (f) In addition to any other remedy provided by law, if a
16 county finds that within a residential property of 1 acre or
17 less there is an accumulation or concentration of: garbage;
18 organic materials in an active state of decomposition
19 including, but not limited to, carcasses, food waste, or other
20 spoiled or rotting materials; human or animal waste; debris;
21 or other hazardous, noxious, or unhealthy substances or
22 materials, which present an immediate threat to the public
23 health or safety or the health and safety of the occupants of
24 the property, the county may, without any administrative
25 procedure to bond, petition the court for immediate injunctive
26 relief to abate or cause the abatement of the condition that is

1 causing the threat to health or safety, including an order
2 causing the removal of any unhealthy or unsafe accumulations
3 or concentrations of the material or items listed in this
4 subsection from the structure or property. The county shall
5 file with the circuit court in which the property is located a
6 petition for an order authorizing the abatement of the
7 condition that is causing the threat to health or safety. A
8 hearing on the petition shall be set within 5 days, not
9 including weekends or holidays, from the date of filing. To
10 provide notice of such hearing, the county shall make every
11 effort to serve the property's owners of record with the
12 petition and summons and, if such service cannot be had, shall
13 provide an affidavit to the court at the hearing showing the
14 service could not be had and the efforts taken to locate and
15 serve the owners of record. The county shall also post a sign
16 at the property notifying all persons of the court proceeding.
17 Following the abatement actions, the county may file a notice
18 of lien for the cost and expense of actions taken under this
19 subsection as provided in subsection (a).

20 (Source: P.A. 101-200, eff. 1-1-20.)

21 (Text of Section after amendment by P.A. 102-363)

22 Sec. 5-1121. Demolition, repair, or enclosure.

23 (a) The county board of each county may demolish, repair,
24 or enclose or cause the demolition, repair, or enclosure of
25 dangerous and unsafe buildings or uncompleted and abandoned

1 buildings within the territory of the county, but outside the
2 territory of any municipality, and may remove or cause the
3 removal of garbage, debris, and other hazardous, noxious, or
4 unhealthy substances or materials from those buildings. If a
5 township within the county makes a formal request to the
6 county board as provided in Section 85-50 of the Township Code
7 that the county board commence specified proceedings under
8 this Section with respect to property located within the
9 township but outside the territory of any municipality, then,
10 at the next regular county board meeting occurring at least 10
11 days after the formal request is made to the county board, the
12 county board shall either commence the requested proceedings
13 or decline to do so (either formally or by failing to commence
14 the proceedings within 60 days after the request) and shall
15 notify the township board making the request of the county
16 board's decision. In any county having adopted, by referendum
17 or otherwise, a county health department as provided by
18 Division 5-25 of the Counties Code or its predecessor, the
19 county board of any such county may upon a formal request by
20 the city, village, or incorporated town demolish, repair or
21 cause the demolition or repair of dangerous and unsafe
22 buildings or uncompleted and abandoned buildings within the
23 territory of any city, village, or incorporated town having a
24 population of less than 50,000.

25 The county board shall apply to the circuit court of the
26 county in which the building is located (i) for an order

1 authorizing action to be taken with respect to a building if
2 the owner or owners of the building, including the lien
3 holders of record, after at least 15 days' written notice by
4 mail to do so, have failed to commence proceedings to put the
5 building in a safe condition or to demolish it or (ii) for an
6 order requiring the owner or owners of record to demolish,
7 repair, or enclose the building or to remove garbage, debris,
8 and other hazardous, noxious, or unhealthy substances or
9 materials from the building. It is not a defense to the cause
10 of action that the building is boarded up or otherwise
11 enclosed, although the court may order the defendant to have
12 the building boarded up or otherwise enclosed. Where, upon
13 diligent search, the identity or whereabouts of the owner or
14 owners of the building, including the lien holders of record,
15 is not ascertainable, notice mailed to the person or persons
16 in whose name the real estate was last assessed and the posting
17 of such notice upon the premises sought to be demolished or
18 repaired is sufficient notice under this Section.

19 The hearing upon the application to the circuit court
20 shall be expedited by the court and shall be given precedence
21 over all other suits.

22 The cost of the demolition, repair, enclosure, or removal
23 incurred by the county, by an intervenor, or by a lien holder
24 of record, including court costs, attorney's fees, and other
25 costs related to the enforcement of this Section, is
26 recoverable from the owner or owners of the real estate or the

1 previous owner or both if the property was transferred during
2 the 15 day notice period and is a lien on the real estate; the
3 lien is superior to all prior existing liens and encumbrances,
4 except taxes, if, within 180 days after the repair,
5 demolition, enclosure, or removal, the county, the lien holder
6 of record, or the intervenor who incurred the cost and expense
7 shall file a notice of lien for the cost and expense incurred
8 in the office of the recorder in the county in which the real
9 estate is located or in the office of the registrar of titles
10 of the county if the real estate affected is registered under
11 the Registered Titles (Torrens) Act.

12 The notice must consist of a sworn statement setting out
13 (1) a description of the real estate sufficient for its
14 identification, (2) the amount of money representing the cost
15 and expense incurred, and (3) the date or dates when the cost
16 and expense was incurred by the county, the lien holder of
17 record, or the intervenor. Upon payment of the cost and
18 expense by the owner of or persons interested in the property
19 after the notice of lien has been filed, the lien shall be
20 released by the county, the person in whose name the lien has
21 been filed, or the assignee of the lien, and the release may be
22 filed of record as in the case of filing notice of lien. Unless
23 the lien is enforced under subsection (b), the lien may be
24 enforced by foreclosure proceedings as in the case of mortgage
25 foreclosures under Article XV of the Code of Civil Procedure
26 or mechanics' lien foreclosures. An action to foreclose this

1 lien may be commenced at any time after the date of filing of
2 the notice of lien. The costs of foreclosure incurred by the
3 county, including court costs, reasonable attorney's fees,
4 advances to preserve the property, and other costs related to
5 the enforcement of this subsection, plus statutory interest,
6 are a lien on the real estate and are recoverable by the county
7 from the owner or owners of the real estate.

8 All liens arising under this subsection (a) shall be
9 assignable. The assignee of the lien shall have the same power
10 to enforce the lien as the assigning party, except that the
11 lien may not be enforced under subsection (b).

12 If the appropriate official of any county determines that
13 any dangerous and unsafe building or uncompleted and abandoned
14 building within its territory fulfills the requirements for an
15 action by the county under the Abandoned Housing
16 Rehabilitation Act, the county may petition under that Act in
17 a proceeding brought under this subsection.

18 (b) In any case where a county has obtained a lien under
19 subsection (a), the county may enforce the lien under this
20 subsection (b) in the same proceeding in which the lien is
21 authorized.

22 A county desiring to enforce a lien under this subsection
23 (b) shall petition the court to retain jurisdiction for
24 foreclosure proceedings under this subsection. Notice of the
25 petition shall be served, by certified or registered mail, on
26 all persons who were served notice under subsection (a). The

1 court shall conduct a hearing on the petition not less than 15
2 days after the notice is served. If the court determines that
3 the requirements of this subsection (b) have been satisfied,
4 it shall grant the petition and retain jurisdiction over the
5 matter until the foreclosure proceeding is completed. The
6 costs of foreclosure incurred by the county, including court
7 costs, reasonable attorneys' fees, advances to preserve the
8 property, and other costs related to the enforcement of this
9 subsection, plus statutory interest, are a lien on the real
10 estate and are recoverable by the county from the owner or
11 owners of the real estate. If the court denies the petition,
12 the county may enforce the lien in a separate action as
13 provided in subsection (a).

14 All persons designated in Section 15-1501 of the Code of
15 Civil Procedure as necessary parties in a mortgage foreclosure
16 action shall be joined as parties before issuance of an order
17 of foreclosure. Persons designated in Section 15-1501 of the
18 Code of Civil Procedure as permissible parties may also be
19 joined as parties in the action.

20 The provisions of Article XV of the Code of Civil
21 Procedure applicable to mortgage foreclosures shall apply to
22 the foreclosure of a lien under this subsection (b), except to
23 the extent that those provisions are inconsistent with this
24 subsection. For purposes of foreclosures of liens under this
25 subsection, however, the redemption period described in
26 subsection (b) of Section 15-1603 of the Code of Civil

1 Procedure shall end 60 days after the date of entry of the
2 order of foreclosure.

3 (c) In addition to any other remedy provided by law, the
4 county board of any county may petition the circuit court to
5 have property declared abandoned under this subsection (c) if:

6 (1) the property has been tax delinquent for 2 or more
7 years or bills for water service for the property have
8 been outstanding for 2 or more years;

9 (2) the property is unoccupied by persons legally in
10 possession; and

11 (3) the property's condition impairs public health,
12 safety, or welfare for reasons specified in the petition.

13 All persons having an interest of record in the property,
14 including tax purchasers and beneficial owners of any Illinois
15 land trust having title to the property, shall be named as
16 defendants in the petition and shall be served with process.
17 In addition, service shall be had under Section 2-206 of the
18 Code of Civil Procedure as in other cases affecting property,
19 including publication in a newspaper that is in circulation in
20 the county in which the action is pending. At least 30 days
21 prior to any declaration of abandonment, the county or its
22 agent shall post a notice not less than 1 foot by 1 foot in
23 size on the front of the subject building or property. The
24 notice shall be dated as of the date of the posting and state
25 that the county is seeking a declaration of abandonment for
26 the property. The notice shall also include the case number

1 for the underlying circuit court petition filed pursuant to
2 this subsection and a notification that the owner should file
3 an appearance in the matter if the property is not abandoned.

4 The county, however, may proceed under this subsection in
5 a proceeding brought under subsection (a). Notice of the
6 petition shall be served by certified or registered mail on
7 all persons who were served notice under subsection (a).

8 If the county proves that the conditions described in this
9 subsection exist and the owner of record of the property does
10 not enter an appearance in the action, or, if title to the
11 property is held by an Illinois land trust, if neither the
12 owner of record nor the owner of the beneficial interest of the
13 trust enters an appearance, the court shall declare the
14 property abandoned.

15 If that determination is made, notice shall be sent by
16 certified or registered mail to all persons having an interest
17 of record in the property, including tax purchasers and
18 beneficial owners of any Illinois land trust having title to
19 the property, stating that title to the property will be
20 transferred to the county unless, within 30 days of the
21 notice, the owner of record enters an appearance in the
22 action, or unless any other person having an interest in the
23 property files with the court a request to demolish any or all
24 dangerous or unsafe buildings or to put the property in safe
25 condition.

26 If the owner of record enters an appearance in the action

1 within the 30 day period, the court shall vacate its order
2 declaring the property abandoned. In that case, the county may
3 amend its complaint in order to initiate proceedings under
4 subsection (a).

5 If a request to demolish any or all dangerous or unsafe
6 buildings or to otherwise put the property in safe condition
7 is filed within the 30 day period, the court shall grant
8 permission to the requesting party to demolish the building
9 within 30 days or to restore the property to safe condition
10 within 60 days after the request is granted. An extension of
11 that period for up to 60 additional days may be given for good
12 cause. If more than one person with an interest in the property
13 files a timely request, preference shall be given to the
14 person with the lien or other interest of the highest
15 priority.

16 If the requesting party proves to the court that the
17 building has been demolished or put in a safe condition within
18 the period of time granted by the court, the court shall issue
19 a quitclaim judicial deed for the property to the requesting
20 party, conveying only the interest of the owner of record,
21 upon proof of payment to the county of all costs incurred by
22 the county in connection with the action, including but not
23 limited to court costs, attorney's fees, administrative costs,
24 the costs, if any, associated with property maintenance, and
25 receiver's certificates. The interest in the property so
26 conveyed shall be subject to all liens and encumbrances on the

1 property. In addition, if the interest is conveyed to a person
2 holding a certificate of purchase for the property under the
3 Property Tax Code, the conveyance shall be subject to the
4 rights of redemption of all persons entitled to redeem under
5 that Act, including the original owner of record.

6 If no person with an interest in the property files a
7 timely request or if the requesting party fails to demolish
8 the building or put the property in safe condition within the
9 time specified by the court, the county may petition the court
10 to issue a judicial deed for the property to the county or
11 another governmental body designated by the county in the
12 petition. A conveyance by judicial deed shall operate to
13 extinguish all existing ownership interests in, liens on, and
14 other interest in the property, including tax liens.

15 (d) Each county may use the provisions of this subsection
16 to expedite the removal of certain buildings that are a
17 continuing hazard to the community in which they are located.

18 If the official designated to be in charge of enforcing
19 the county's building code determines that a building is open
20 and vacant and an immediate and continuing hazard to the
21 community in which the building is located, then the official
22 shall be authorized to post a notice not less than 2 feet by 2
23 feet in size on the front of the building. The notice shall be
24 dated as of the date of the posting and shall state that unless
25 the building is demolished, repaired, or enclosed, and unless
26 any garbage, debris, and other hazardous, noxious, or

1 unhealthy substances or materials are removed so that an
2 immediate and continuing hazard to the community no longer
3 exists, then the building may be demolished, repaired, or
4 enclosed, or any garbage, debris, and other hazardous,
5 noxious, or unhealthy substances or materials may be removed,
6 by the county.

7 Not later than 30 days following the posting of the
8 notice, the county shall do both of the following:

9 (1) Cause to be sent, by certified mail, return
10 receipt requested, a notice to all owners of record of the
11 property, the beneficial owners of any Illinois land trust
12 having title to the property, and all lienholders of
13 record in the property, stating the intent of the county
14 to demolish, repair, or enclose the building or remove any
15 garbage, debris, or other hazardous, noxious, or unhealthy
16 substances or materials if that action is not taken by the
17 owner or owners.

18 (2) Cause to be published, in a newspaper published or
19 circulated in the county where the building is located, a
20 notice setting forth (i) the permanent tax index number
21 and the address of the building, (ii) a statement that the
22 property is open and vacant and constitutes an immediate
23 and continuing hazard to the community, and (iii) a
24 statement that the county intends to demolish, repair, or
25 enclose the building or remove any garbage, debris, or
26 other hazardous, noxious, or unhealthy substances or

1 materials if the owner or owners or lienholders of record
2 fail to do so. This notice shall be published for 3
3 consecutive days.

4 A person objecting to the proposed actions of the county
5 board may file his or her objection in an appropriate form in a
6 court of competent jurisdiction.

7 If the building is not demolished, repaired, or enclosed,
8 or the garbage, debris, or other hazardous, noxious, or
9 unhealthy substances or materials are not removed, within 30
10 days of mailing the notice to the owners of record, the
11 beneficial owners of any Illinois land trust having title to
12 the property, and all lienholders of record in the property,
13 or within 30 days of the last day of publication of the notice,
14 whichever is later, the county board shall have the power to
15 demolish, repair, or enclose the building or to remove any
16 garbage, debris, or other hazardous, noxious, or unhealthy
17 substances or materials.

18 The county may proceed to demolish, repair, or enclose a
19 building or remove any garbage, debris, or other hazardous,
20 noxious, or unhealthy substances or materials under this
21 subsection within a 120-day period following the date of the
22 mailing of the notice if the appropriate official determines
23 that the demolition, repair, enclosure, or removal of any
24 garbage, debris, or other hazardous, noxious, or unhealthy
25 substances or materials is necessary to remedy the immediate
26 and continuing hazard. If, however, before the county proceeds

1 with any of the actions authorized by this subsection, any
2 person has sought a hearing under this subsection before a
3 court and has served a copy of the complaint on the chief
4 executive officer of the county, then the county shall not
5 proceed with the demolition, repair, enclosure, or removal of
6 garbage, debris, or other substances until the court
7 determines that that action is necessary to remedy the hazard
8 and issues an order authorizing the county to do so.

9 The county must maintain documentation on the disposal of
10 any demolition debris, clean or general, or uncontaminated
11 soil generated during the demolition, repair, or enclosure of
12 a building for a period of 3 years identifying the hauler,
13 generator, place of origin of the debris or soil, the weight or
14 volume of the debris or soil, and the location, owner, and
15 operator of the facility where the debris or soil was
16 transferred, disposed, recycled, or treated.

17 Following the demolition, repair, or enclosure of a
18 building, or the removal of garbage, debris, or other
19 hazardous, noxious, or unhealthy substances or materials under
20 this subsection, the county may file a notice of lien against
21 the real estate for the cost of the demolition, repair,
22 enclosure, or removal within 180 days after the repair,
23 demolition, enclosure, or removal occurred, for the cost and
24 expense incurred, in the office of the recorder in the county
25 in which the real estate is located or in the office of the
26 registrar of titles of the county if the real estate affected

1 is registered under the Registered Titles (Torrens) Act. The
2 notice of lien shall consist of a sworn statement setting
3 forth (i) a description of the real estate, such as the address
4 or other description of the property, sufficient for its
5 identification; (ii) the expenses incurred by the county in
6 undertaking the remedial actions authorized under this
7 subsection; (iii) the date or dates the expenses were incurred
8 by the county; (iv) a statement by the official responsible
9 for enforcing the building code that the building was open and
10 vacant and constituted an immediate and continuing hazard to
11 the community; (v) a statement by the official that the
12 required sign was posted on the building, that notice was sent
13 by certified mail to the owners of record, and that notice was
14 published in accordance with this subsection; and (vi) a
15 statement as to when and where the notice was published. The
16 lien authorized by this subsection may thereafter be released
17 or enforced by the county as provided in subsection (a).

18 (e) In any case where a county has obtained a lien under
19 subsection (a), the county may also bring an action for a money
20 judgment against the owner or owners of the real estate in the
21 amount of the lien in the same manner as provided for bringing
22 causes of action in Article II of the Code of Civil Procedure
23 and, upon obtaining a judgment, file a judgment lien against
24 all of the real estate of the owner or owners and enforce that
25 lien as provided for in Article XII of the Code of Civil
26 Procedure.

1 (f) In addition to any other remedy provided by law, if a
2 county finds that within a residential property of 1 acre or
3 less there is an accumulation or concentration of: garbage;
4 organic materials in an active state of decomposition
5 including, but not limited to, carcasses, food waste, or other
6 spoiled or rotting materials; human or animal waste; debris;
7 or other hazardous, noxious, or unhealthy substances or
8 materials, which present an immediate threat to the public
9 health or safety or the health and safety of the occupants of
10 the property, the county may, without any administrative
11 procedure to bond, petition the court for immediate injunctive
12 relief to abate or cause the abatement of the condition that is
13 causing the threat to health or safety, including an order
14 causing the removal of any unhealthy or unsafe accumulations
15 or concentrations of the material or items listed in this
16 subsection from the structure or property. The county shall
17 file with the circuit court in which the property is located a
18 petition for an order authorizing the abatement of the
19 condition that is causing the threat to health or safety. A
20 hearing on the petition shall be set within 5 days, not
21 including weekends or holidays, from the date of filing. To
22 provide notice of such hearing, the county shall make every
23 effort to serve the property's owners of record with the
24 petition and summons and, if such service cannot be had, shall
25 provide an affidavit to the court at the hearing showing the
26 service could not be had and the efforts taken to locate and

1 serve the owners of record. The county shall also post a sign
2 at the property notifying all persons of the court proceeding.
3 Following the abatement actions, the county may file a notice
4 of lien for the cost and expense of actions taken under this
5 subsection as provided in subsection (a).

6 (Source: P.A. 101-200, eff. 1-1-20; 102-363, eff. 1-1-22.)

7 Section 15. The Illinois Municipal Code is amended by
8 changing Section 11-31-1 as follows:

9 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

10 (Text of Section before amendment by P.A. 102-363)

11 Sec. 11-31-1. Demolition, repair, enclosure, or
12 remediation.

13 (a) The corporate authorities of each municipality may
14 demolish, repair, or enclose or cause the demolition, repair,
15 or enclosure of dangerous and unsafe buildings or uncompleted
16 and abandoned buildings within the territory of the
17 municipality and may remove or cause the removal of garbage,
18 debris, and other hazardous, noxious, or unhealthy substances
19 or materials from those buildings. In any county having
20 adopted by referendum or otherwise a county health department
21 as provided by Division 5-25 of the Counties Code or its
22 predecessor, the county board of that county may exercise
23 those powers with regard to dangerous and unsafe buildings or
24 uncompleted and abandoned buildings within the territory of

1 any city, village, or incorporated town having less than
2 50,000 population.

3 The corporate authorities shall apply to the circuit court
4 of the county in which the building is located (i) for an order
5 authorizing action to be taken with respect to a building if
6 the owner or owners of the building, including the lien
7 holders of record, after at least 15 days' written notice by
8 mail so to do, have failed to put the building in a safe
9 condition or to demolish it or (ii) for an order requiring the
10 owner or owners of record to demolish, repair, or enclose the
11 building or to remove garbage, debris, and other hazardous,
12 noxious, or unhealthy substances or materials from the
13 building. It is not a defense to the cause of action that the
14 building is boarded up or otherwise enclosed, although the
15 court may order the defendant to have the building boarded up
16 or otherwise enclosed. Where, upon diligent search, the
17 identity or whereabouts of the owner or owners of the
18 building, including the lien holders of record, is not
19 ascertainable, notice mailed to the person or persons in whose
20 name the real estate was last assessed is sufficient notice
21 under this Section.

22 The hearing upon the application to the circuit court
23 shall be expedited by the court and shall be given precedence
24 over all other suits. Any person entitled to bring an action
25 under subsection (b) shall have the right to intervene in an
26 action brought under this Section.

1 The cost of the demolition, repair, enclosure, or removal
2 incurred by the municipality, by an intervenor, or by a lien
3 holder of record, including court costs, attorney's fees, and
4 other costs related to the enforcement of this Section, is
5 recoverable from the owner or owners of the real estate or the
6 previous owner or both if the property was transferred during
7 the 15 day notice period and is a lien on the real estate; the
8 lien is superior to all prior existing liens and encumbrances,
9 except taxes, if, within 180 days after the repair,
10 demolition, enclosure, or removal, the municipality, the lien
11 holder of record, or the intervenor who incurred the cost and
12 expense shall file a notice of lien for the cost and expense
13 incurred in the office of the recorder in the county in which
14 the real estate is located or in the office of the registrar of
15 titles of the county if the real estate affected is registered
16 under the Registered Titles (Torrens) Act.

17 The notice must consist of a sworn statement setting out
18 (1) a description of the real estate sufficient for its
19 identification, (2) the amount of money representing the cost
20 and expense incurred, and (3) the date or dates when the cost
21 and expense was incurred by the municipality, the lien holder
22 of record, or the intervenor. Upon payment of the cost and
23 expense by the owner of or persons interested in the property
24 after the notice of lien has been filed, the lien shall be
25 released by the municipality, the person in whose name the
26 lien has been filed, or the assignee of the lien, and the

1 release may be filed of record as in the case of filing notice
2 of lien. Unless the lien is enforced under subsection (c), the
3 lien may be enforced by foreclosure proceedings as in the case
4 of mortgage foreclosures under Article XV of the Code of Civil
5 Procedure or mechanics' lien foreclosures. An action to
6 foreclose this lien may be commenced at any time after the date
7 of filing of the notice of lien. The costs of foreclosure
8 incurred by the municipality, including court costs,
9 reasonable attorney's fees, advances to preserve the property,
10 and other costs related to the enforcement of this subsection,
11 plus statutory interest, are a lien on the real estate and are
12 recoverable by the municipality from the owner or owners of
13 the real estate.

14 All liens arising under this subsection (a) shall be
15 assignable. The assignee of the lien shall have the same power
16 to enforce the lien as the assigning party, except that the
17 lien may not be enforced under subsection (c).

18 If the appropriate official of any municipality determines
19 that any dangerous and unsafe building or uncompleted and
20 abandoned building within its territory fulfills the
21 requirements for an action by the municipality under the
22 Abandoned Housing Rehabilitation Act, the municipality may
23 petition under that Act in a proceeding brought under this
24 subsection.

25 (b) Any owner or tenant of real property within 1200 feet
26 in any direction of any dangerous or unsafe building located

1 within the territory of a municipality with a population of
2 500,000 or more may file with the appropriate municipal
3 authority a request that the municipality apply to the circuit
4 court of the county in which the building is located for an
5 order permitting the demolition, removal of garbage, debris,
6 and other noxious or unhealthy substances and materials from,
7 or repair or enclosure of the building in the manner
8 prescribed in subsection (a) of this Section. If the
9 municipality fails to institute an action in circuit court
10 within 90 days after the filing of the request, the owner or
11 tenant of real property within 1200 feet in any direction of
12 the building may institute an action in circuit court seeking
13 an order compelling the owner or owners of record to demolish,
14 remove garbage, debris, and other noxious or unhealthy
15 substances and materials from, repair or enclose or to cause
16 to be demolished, have garbage, debris, and other noxious or
17 unhealthy substances and materials removed from, repaired, or
18 enclosed the building in question. A private owner or tenant
19 who institutes an action under the preceding sentence shall
20 not be required to pay any fee to the clerk of the circuit
21 court. The cost of repair, removal, demolition, or enclosure
22 shall be borne by the owner or owners of record of the
23 building. In the event the owner or owners of record fail to
24 demolish, remove garbage, debris, and other noxious or
25 unhealthy substances and materials from, repair, or enclose
26 the building within 90 days of the date the court entered its

1 order, the owner or tenant who instituted the action may
2 request that the court join the municipality as a party to the
3 action. The court may order the municipality to demolish,
4 remove materials from, repair, or enclose the building, or
5 cause that action to be taken upon the request of any owner or
6 tenant who instituted the action or upon the municipality's
7 request. The municipality may file, and the court may approve,
8 a plan for rehabilitating the building in question. A court
9 order authorizing the municipality to demolish, remove
10 materials from, repair, or enclose a building, or cause that
11 action to be taken, shall not preclude the court from
12 adjudging the owner or owners of record of the building in
13 contempt of court due to the failure to comply with the order
14 to demolish, remove garbage, debris, and other noxious or
15 unhealthy substances and materials from, repair, or enclose
16 the building.

17 If a municipality or a person or persons other than the
18 owner or owners of record pay the cost of demolition, removal
19 of garbage, debris, and other noxious or unhealthy substances
20 and materials, repair, or enclosure pursuant to a court order,
21 the cost, including court costs, attorney's fees, and other
22 costs related to the enforcement of this subsection, is
23 recoverable from the owner or owners of the real estate and is
24 a lien on the real estate; the lien is superior to all prior
25 existing liens and encumbrances, except taxes, if, within 180
26 days after the repair, removal, demolition, or enclosure, the

1 municipality or the person or persons who paid the costs of
2 demolition, removal, repair, or enclosure shall file a notice
3 of lien of the cost and expense incurred in the office of the
4 recorder in the county in which the real estate is located or
5 in the office of the registrar of the county if the real estate
6 affected is registered under the Registered Titles (Torrens)
7 Act. The notice shall be in a form as is provided in subsection
8 (a). An owner or tenant who institutes an action in circuit
9 court seeking an order to compel the owner or owners of record
10 to demolish, remove materials from, repair, or enclose any
11 dangerous or unsafe building, or to cause that action to be
12 taken under this subsection may recover court costs and
13 reasonable attorney's fees for instituting the action from the
14 owner or owners of record of the building. Upon payment of the
15 costs and expenses by the owner of or a person interested in
16 the property after the notice of lien has been filed, the lien
17 shall be released by the municipality or the person in whose
18 name the lien has been filed or his or her assignee, and the
19 release may be filed of record as in the case of filing a
20 notice of lien. Unless the lien is enforced under subsection
21 (c), the lien may be enforced by foreclosure proceedings as in
22 the case of mortgage foreclosures under Article XV of the Code
23 of Civil Procedure or mechanics' lien foreclosures. An action
24 to foreclose this lien may be commenced at any time after the
25 date of filing of the notice of lien. The costs of foreclosure
26 incurred by the municipality, including court costs,

1 reasonable attorneys' fees, advances to preserve the property,
2 and other costs related to the enforcement of this subsection,
3 plus statutory interest, are a lien on the real estate and are
4 recoverable by the municipality from the owner or owners of
5 the real estate.

6 All liens arising under the terms of this subsection (b)
7 shall be assignable. The assignee of the lien shall have the
8 same power to enforce the lien as the assigning party, except
9 that the lien may not be enforced under subsection (c).

10 (c) In any case where a municipality has obtained a lien
11 under subsection (a), (b), or (f), the municipality may
12 enforce the lien under this subsection (c) in the same
13 proceeding in which the lien is authorized.

14 A municipality desiring to enforce a lien under this
15 subsection (c) shall petition the court to retain jurisdiction
16 for foreclosure proceedings under this subsection. Notice of
17 the petition shall be served, by certified or registered mail,
18 on all persons who were served notice under subsection (a),
19 (b), or (f). The court shall conduct a hearing on the petition
20 not less than 15 days after the notice is served. If the court
21 determines that the requirements of this subsection (c) have
22 been satisfied, it shall grant the petition and retain
23 jurisdiction over the matter until the foreclosure proceeding
24 is completed. The costs of foreclosure incurred by the
25 municipality, including court costs, reasonable attorneys'
26 fees, advances to preserve the property, and other costs

1 related to the enforcement of this subsection, plus statutory
2 interest, are a lien on the real estate and are recoverable by
3 the municipality from the owner or owners of the real estate.
4 If the court denies the petition, the municipality may enforce
5 the lien in a separate action as provided in subsection (a),
6 (b), or (f).

7 All persons designated in Section 15-1501 of the Code of
8 Civil Procedure as necessary parties in a mortgage foreclosure
9 action shall be joined as parties before issuance of an order
10 of foreclosure. Persons designated in Section 15-1501 of the
11 Code of Civil Procedure as permissible parties may also be
12 joined as parties in the action.

13 The provisions of Article XV of the Code of Civil
14 Procedure applicable to mortgage foreclosures shall apply to
15 the foreclosure of a lien under this subsection (c), except to
16 the extent that those provisions are inconsistent with this
17 subsection. For purposes of foreclosures of liens under this
18 subsection, however, the redemption period described in
19 subsection (b) of Section 15-1603 of the Code of Civil
20 Procedure shall end 60 days after the date of entry of the
21 order of foreclosure.

22 (d) In addition to any other remedy provided by law, the
23 corporate authorities of any municipality may petition the
24 circuit court to have property declared abandoned under this
25 subsection (d) if:

26 (1) the property has been tax delinquent for 2 or more

1 years or bills for water service for the property have
2 been outstanding for 2 or more years;

3 (2) the property is unoccupied by persons legally in
4 possession; and

5 (3) the property contains a dangerous or unsafe
6 building for reasons specified in the petition.

7 All persons having an interest of record in the property,
8 including tax purchasers and beneficial owners of any Illinois
9 land trust having title to the property, shall be named as
10 defendants in the petition and shall be served with process.
11 In addition, service shall be had under Section 2-206 of the
12 Code of Civil Procedure as in other cases affecting property.

13 The municipality, however, may proceed under this
14 subsection in a proceeding brought under subsection (a) or
15 (b). Notice of the petition shall be served in person or by
16 certified or registered mail on all persons who were served
17 notice under subsection (a) or (b).

18 If the municipality proves that the conditions described
19 in this subsection exist and (i) the owner of record of the
20 property does not enter an appearance in the action, or, if
21 title to the property is held by an Illinois land trust, if
22 neither the owner of record nor the owner of the beneficial
23 interest of the trust enters an appearance, or (ii) if the
24 owner of record or the beneficiary of a land trust, if title to
25 the property is held by an Illinois land trust, enters an
26 appearance and specifically waives his or her rights under

1 this subsection (d), the court shall declare the property
2 abandoned. Notwithstanding any waiver, the municipality may
3 move to dismiss its petition at any time. In addition, any
4 waiver in a proceeding under this subsection (d) does not
5 serve as a waiver for any other proceeding under law or equity.

6 If that determination is made, notice shall be sent in
7 person or by certified or registered mail to all persons
8 having an interest of record in the property, including tax
9 purchasers and beneficial owners of any Illinois land trust
10 having title to the property, stating that title to the
11 property will be transferred to the municipality unless,
12 within 30 days of the notice, the owner of record or any other
13 person having an interest in the property files with the court
14 a request to demolish the dangerous or unsafe building or to
15 put the building in safe condition, or unless the owner of
16 record enters an appearance and proves that the owner does not
17 intend to abandon the property.

18 If the owner of record enters an appearance in the action
19 within the 30 day period, but does not at that time file with
20 the court a request to demolish the dangerous or unsafe
21 building or to put the building in safe condition, or
22 specifically waive his or her rights under this subsection
23 (d), the court shall vacate its order declaring the property
24 abandoned if it determines that the owner of record does not
25 intend to abandon the property. In that case, the municipality
26 may amend its complaint in order to initiate proceedings under

1 subsection (a), or it may request that the court order the
2 owner to demolish the building or repair the dangerous or
3 unsafe conditions of the building alleged in the petition or
4 seek the appointment of a receiver or other equitable relief
5 to correct the conditions at the property. The powers and
6 rights of a receiver appointed under this subsection (d) shall
7 include all of the powers and rights of a receiver appointed
8 under Section 11-31-2 of this Code.

9 If a request to demolish or repair the building is filed
10 within the 30 day period, the court shall grant permission to
11 the requesting party to demolish the building within 30 days
12 or to restore the building to safe condition within 60 days
13 after the request is granted. An extension of that period for
14 up to 60 additional days may be given for good cause. If more
15 than one person with an interest in the property files a timely
16 request, preference shall be given to the owner of record if
17 the owner filed a request or, if the owner did not, the person
18 with the lien or other interest of the highest priority.

19 If the requesting party (other than the owner of record)
20 proves to the court that the building has been demolished or
21 put in a safe condition in accordance with the local safety
22 codes within the period of time granted by the court, the court
23 shall issue a quitclaim judicial deed for the property to the
24 requesting party, conveying only the interest of the owner of
25 record, upon proof of payment to the municipality of all costs
26 incurred by the municipality in connection with the action,

1 including but not limited to court costs, attorney's fees,
2 administrative costs, the costs, if any, associated with
3 building enclosure or removal, and receiver's certificates.
4 The interest in the property so conveyed shall be subject to
5 all liens and encumbrances on the property. In addition, if
6 the interest is conveyed to a person holding a certificate of
7 purchase for the property under the Property Tax Code, the
8 conveyance shall be subject to the rights of redemption of all
9 persons entitled to redeem under that Act, including the
10 original owner of record. If the requesting party is the owner
11 of record and proves to the court that the building has been
12 demolished or put in a safe condition in accordance with the
13 local safety codes within the period of time granted by the
14 court, the court shall dismiss the proceeding under this
15 subsection (d).

16 If the owner of record has not entered an appearance and
17 proven that the owner did not intend to abandon the property,
18 and if no person with an interest in the property files a
19 timely request or if the requesting party fails to demolish
20 the building or put the building in safe condition within the
21 time specified by the court, the municipality may petition the
22 court to issue a judicial deed for the property to the
23 municipality. A conveyance by judicial deed shall operate to
24 extinguish all existing ownership interests in, liens on, and
25 other interest in the property, including tax liens, and shall
26 extinguish the rights and interests of any and all holders of a

1 bona fide certificate of purchase of the property for
2 delinquent taxes. Any such bona fide certificate of purchase
3 holder shall be entitled to a sale in error as prescribed under
4 Section 21-310 of the Property Tax Code.

5 (e) Each municipality may use the provisions of this
6 subsection to expedite the removal of certain buildings that
7 are a continuing hazard to the community in which they are
8 located.

9 If a residential or commercial building is 3 stories or
10 less in height as defined by the municipality's building code,
11 and the corporate official designated to be in charge of
12 enforcing the municipality's building code determines that the
13 building is open and vacant and an immediate and continuing
14 hazard to the community in which the building is located, then
15 the official shall be authorized to post a notice not less than
16 2 feet by 2 feet in size on the front of the building. The
17 notice shall be dated as of the date of the posting and shall
18 state that unless the building is demolished, repaired, or
19 enclosed, and unless any garbage, debris, and other hazardous,
20 noxious, or unhealthy substances or materials are removed so
21 that an immediate and continuing hazard to the community no
22 longer exists, then the building may be demolished, repaired,
23 or enclosed, or any garbage, debris, and other hazardous,
24 noxious, or unhealthy substances or materials may be removed,
25 by the municipality.

26 Not later than 30 days following the posting of the

1 notice, the municipality shall do all of the following:

2 (1) Cause to be sent, by certified mail, return
3 receipt requested, a Notice to Remediate to all owners of
4 record of the property, the beneficial owners of any
5 Illinois land trust having title to the property, and all
6 lienholders of record in the property, stating the intent
7 of the municipality to demolish, repair, or enclose the
8 building or remove any garbage, debris, or other
9 hazardous, noxious, or unhealthy substances or materials
10 if that action is not taken by the owner or owners.

11 (2) Cause to be published, in a newspaper published or
12 circulated in the municipality where the building is
13 located, a notice setting forth (i) the permanent tax
14 index number and the address of the building, (ii) a
15 statement that the property is open and vacant and
16 constitutes an immediate and continuing hazard to the
17 community, and (iii) a statement that the municipality
18 intends to demolish, repair, or enclose the building or
19 remove any garbage, debris, or other hazardous, noxious,
20 or unhealthy substances or materials if the owner or
21 owners or lienholders of record fail to do so. This notice
22 shall be published for 3 consecutive days.

23 (3) Cause to be recorded the Notice to Remediate
24 mailed under paragraph (1) in the office of the recorder
25 in the county in which the real estate is located or in the
26 office of the registrar of titles of the county if the real

1 estate is registered under the Registered Title (Torrens)
2 Act.

3 Any person or persons with a current legal or equitable
4 interest in the property objecting to the proposed actions of
5 the corporate authorities may file his or her objection in an
6 appropriate form in a court of competent jurisdiction.

7 If the building is not demolished, repaired, or enclosed,
8 or the garbage, debris, or other hazardous, noxious, or
9 unhealthy substances or materials are not removed, within 30
10 days of mailing the notice to the owners of record, the
11 beneficial owners of any Illinois land trust having title to
12 the property, and all lienholders of record in the property,
13 or within 30 days of the last day of publication of the notice,
14 whichever is later, the corporate authorities shall have the
15 power to demolish, repair, or enclose the building or to
16 remove any garbage, debris, or other hazardous, noxious, or
17 unhealthy substances or materials.

18 The municipality may proceed to demolish, repair, or
19 enclose a building or remove any garbage, debris, or other
20 hazardous, noxious, or unhealthy substances or materials under
21 this subsection within a 120-day period following the date of
22 the mailing of the notice if the appropriate official
23 determines that the demolition, repair, enclosure, or removal
24 of any garbage, debris, or other hazardous, noxious, or
25 unhealthy substances or materials is necessary to remedy the
26 immediate and continuing hazard. If, however, before the

1 municipality proceeds with any of the actions authorized by
2 this subsection, any person with a legal or equitable interest
3 in the property has sought a hearing under this subsection
4 before a court and has served a copy of the complaint on the
5 chief executive officer of the municipality, then the
6 municipality shall not proceed with the demolition, repair,
7 enclosure, or removal of garbage, debris, or other substances
8 until the court determines that that action is necessary to
9 remedy the hazard and issues an order authorizing the
10 municipality to do so. If the court dismisses the action for
11 want of prosecution, the municipality must send the objector a
12 copy of the dismissal order and a letter stating that the
13 demolition, repair, enclosure, or removal of garbage, debris,
14 or other substances will proceed unless, within 30 days after
15 the copy of the order and the letter are mailed, the objector
16 moves to vacate the dismissal and serves a copy of the motion
17 on the chief executive officer of the municipality.
18 Notwithstanding any other law to the contrary, if the objector
19 does not file a motion and give the required notice, if the
20 motion is denied by the court, or if the action is again
21 dismissed for want of prosecution, then the dismissal is with
22 prejudice and the demolition, repair, enclosure, or removal
23 may proceed forthwith.

24 The municipality must maintain documentation on the
25 disposal of any demolition debris, clean or general, or
26 uncontaminated soil generated during the demolition, repair,

1 or enclosure of a building for a period of 3 years identifying
2 the hauler, generator, place of origin of the debris or soil,
3 the weight or volume of the debris or soil, and the location,
4 owner, and operator of the facility where the debris or soil
5 was transferred, disposed, recycled, or treated.

6 Following the demolition, repair, or enclosure of a
7 building, or the removal of garbage, debris, or other
8 hazardous, noxious, or unhealthy substances or materials under
9 this subsection, the municipality may file a notice of lien
10 against the real estate for the cost of the demolition,
11 repair, enclosure, or removal within 180 days after the
12 repair, demolition, enclosure, or removal occurred, for the
13 cost and expense incurred, in the office of the recorder in the
14 county in which the real estate is located or in the office of
15 the registrar of titles of the county if the real estate
16 affected is registered under the Registered Titles (Torrens)
17 Act; this lien has priority over the interests of those
18 parties named in the Notice to Remediate mailed under
19 paragraph (1), but not over the interests of third party
20 purchasers or encumbrancers for value who obtained their
21 interests in the property before obtaining actual or
22 constructive notice of the lien. The notice of lien shall
23 consist of a sworn statement setting forth (i) a description
24 of the real estate, such as the address or other description of
25 the property, sufficient for its identification; (ii) the
26 expenses incurred by the municipality in undertaking the

1 remedial actions authorized under this subsection; (iii) the
2 date or dates the expenses were incurred by the municipality;
3 (iv) a statement by the corporate official responsible for
4 enforcing the building code that the building was open and
5 vacant and constituted an immediate and continuing hazard to
6 the community; (v) a statement by the corporate official that
7 the required sign was posted on the building, that notice was
8 sent by certified mail to the owners of record, and that notice
9 was published in accordance with this subsection; and (vi) a
10 statement as to when and where the notice was published. The
11 lien authorized by this subsection may thereafter be released
12 or enforced by the municipality as provided in subsection (a).

13 (f) The corporate authorities of each municipality may
14 remove or cause the removal of, or otherwise environmentally
15 remediate hazardous substances and petroleum products on, in,
16 or under any abandoned and unsafe property within the
17 territory of a municipality. In addition, where preliminary
18 evidence indicates the presence or likely presence of a
19 hazardous substance or a petroleum product or a release or a
20 substantial threat of a release of a hazardous substance or a
21 petroleum product on, in, or under the property, the corporate
22 authorities of the municipality may inspect the property and
23 test for the presence or release of hazardous substances and
24 petroleum products. In any county having adopted by referendum
25 or otherwise a county health department as provided by
26 Division 5-25 of the Counties Code or its predecessor, the

1 county board of that county may exercise the above-described
2 powers with regard to property within the territory of any
3 city, village, or incorporated town having less than 50,000
4 population.

5 For purposes of this subsection (f):

6 (1) "property" or "real estate" means all real
7 property, whether or not improved by a structure;

8 (2) "abandoned" means;

9 (A) the property has been tax delinquent for 2 or
10 more years;

11 (B) the property is unoccupied by persons legally
12 in possession; and

13 (3) "unsafe" means property that presents an actual or
14 imminent threat to public health and safety caused by the
15 release of hazardous substances; and

16 (4) "hazardous substances" means the same as in
17 Section 3.215 of the Environmental Protection Act.

18 The corporate authorities shall apply to the circuit court
19 of the county in which the property is located (i) for an order
20 allowing the municipality to enter the property and inspect
21 and test substances on, in, or under the property; or (ii) for
22 an order authorizing the corporate authorities to take action
23 with respect to remediation of the property if conditions on
24 the property, based on the inspection and testing authorized
25 in paragraph (i), indicate the presence of hazardous
26 substances or petroleum products. Remediation shall be deemed

1 complete for purposes of paragraph (ii) above when the
2 property satisfies Tier I, II, or III remediation objectives
3 for the property's most recent usage, as established by the
4 Environmental Protection Act, and the rules and regulations
5 promulgated thereunder. Where, upon diligent search, the
6 identity or whereabouts of the owner or owners of the
7 property, including the lien holders of record, is not
8 ascertainable, notice mailed to the person or persons in whose
9 name the real estate was last assessed is sufficient notice
10 under this Section.

11 The court shall grant an order authorizing testing under
12 paragraph (i) above upon a showing of preliminary evidence
13 indicating the presence or likely presence of a hazardous
14 substance or a petroleum product or a release of or a
15 substantial threat of a release of a hazardous substance or a
16 petroleum product on, in, or under abandoned property. The
17 preliminary evidence may include, but is not limited to,
18 evidence of prior use, visual site inspection, or records of
19 prior environmental investigations. The testing authorized by
20 paragraph (i) above shall include any type of investigation
21 which is necessary for an environmental professional to
22 determine the environmental condition of the property,
23 including but not limited to performance of soil borings and
24 groundwater monitoring. The court shall grant a remediation
25 order under paragraph (ii) above where testing of the property
26 indicates that it fails to meet the applicable remediation

1 objectives. The hearing upon the application to the circuit
2 court shall be expedited by the court and shall be given
3 precedence over all other suits.

4 The cost of the inspection, testing, or remediation
5 incurred by the municipality or by a lien holder of record,
6 including court costs, attorney's fees, and other costs
7 related to the enforcement of this Section, is a lien on the
8 real estate; except that in any instances where a municipality
9 incurs costs of inspection and testing but finds no hazardous
10 substances or petroleum products on the property that present
11 an actual or imminent threat to public health and safety, such
12 costs are not recoverable from the owners nor are such costs a
13 lien on the real estate. The lien is superior to all prior
14 existing liens and encumbrances, except taxes and any lien
15 obtained under subsection (a) or (e), if, within 180 days
16 after the completion of the inspection, testing, or
17 remediation, the municipality or the lien holder of record who
18 incurred the cost and expense shall file a notice of lien for
19 the cost and expense incurred in the office of the recorder in
20 the county in which the real estate is located or in the office
21 of the registrar of titles of the county if the real estate
22 affected is registered under the Registered Titles (Torrens)
23 Act.

24 The notice must consist of a sworn statement setting out
25 (i) a description of the real estate sufficient for its
26 identification, (ii) the amount of money representing the cost

1 and expense incurred, and (iii) the date or dates when the cost
2 and expense was incurred by the municipality or the lien
3 holder of record. Upon payment of the lien amount by the owner
4 of or persons interested in the property after the notice of
5 lien has been filed, a release of lien shall be issued by the
6 municipality, the person in whose name the lien has been
7 filed, or the assignee of the lien, and the release may be
8 filed of record as in the case of filing notice of lien.

9 The lien may be enforced under subsection (c) or by
10 foreclosure proceedings as in the case of mortgage
11 foreclosures under Article XV of the Code of Civil Procedure
12 or mechanics' lien foreclosures; provided that where the lien
13 is enforced by foreclosure under subsection (c) or under
14 either statute, the municipality may not proceed against the
15 other assets of the owner or owners of the real estate for any
16 costs that otherwise would be recoverable under this Section
17 but that remain unsatisfied after foreclosure except where
18 such additional recovery is authorized by separate
19 environmental laws. An action to foreclose this lien may be
20 commenced at any time after the date of filing of the notice of
21 lien. The costs of foreclosure incurred by the municipality,
22 including court costs, reasonable attorney's fees, advances to
23 preserve the property, and other costs related to the
24 enforcement of this subsection, plus statutory interest, are a
25 lien on the real estate.

26 All liens arising under this subsection (f) shall be

1 assignable. The assignee of the lien shall have the same power
2 to enforce the lien as the assigning party, except that the
3 lien may not be enforced under subsection (c).

4 (g) In any case where a municipality has obtained a lien
5 under subsection (a), the municipality may also bring an
6 action for a money judgment against the owner or owners of the
7 real estate in the amount of the lien in the same manner as
8 provided for bringing causes of action in Article II of the
9 Code of Civil Procedure and, upon obtaining a judgment, file a
10 judgment lien against all of the real estate of the owner or
11 owners and enforce that lien as provided for in Article XII of
12 the Code of Civil Procedure.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-931, eff. 1-1-09.)

14 (Text of Section after amendment by P.A. 102-363)

15 Sec. 11-31-1. Demolition, repair, enclosure, or
16 remediation.

17 (a) The corporate authorities of each municipality may
18 demolish, repair, or enclose or cause the demolition, repair,
19 or enclosure of dangerous and unsafe buildings or uncompleted
20 and abandoned buildings within the territory of the
21 municipality and may remove or cause the removal of garbage,
22 debris, and other hazardous, noxious, or unhealthy substances
23 or materials from those buildings. In any county having
24 adopted by referendum or otherwise a county health department
25 as provided by Division 5-25 of the Counties Code or its

1 predecessor, the county board of that county may exercise
2 those powers with regard to dangerous and unsafe buildings or
3 uncompleted and abandoned buildings within the territory of
4 any city, village, or incorporated town having less than
5 50,000 population.

6 The corporate authorities shall apply to the circuit court
7 of the county in which the building is located (i) for an order
8 authorizing action to be taken with respect to a building if
9 the owner or owners of the building, including the lien
10 holders of record, after at least 15 days' written notice by
11 mail so to do, have failed to put the building in a safe
12 condition or to demolish it or (ii) for an order requiring the
13 owner or owners of record to demolish, repair, or enclose the
14 building or to remove garbage, debris, and other hazardous,
15 noxious, or unhealthy substances or materials from the
16 building. It is not a defense to the cause of action that the
17 building is boarded up or otherwise enclosed, although the
18 court may order the defendant to have the building boarded up
19 or otherwise enclosed. Where, upon diligent search, the
20 identity or whereabouts of the owner or owners of the
21 building, including the lien holders of record, is not
22 ascertainable, notice mailed to the person or persons in whose
23 name the real estate was last assessed is sufficient notice
24 under this Section.

25 The hearing upon the application to the circuit court
26 shall be expedited by the court and shall be given precedence

1 over all other suits. Any person entitled to bring an action
2 under subsection (b) shall have the right to intervene in an
3 action brought under this Section.

4 The cost of the demolition, repair, enclosure, or removal
5 incurred by the municipality, by an intervenor, or by a lien
6 holder of record, including court costs, attorney's fees, and
7 other costs related to the enforcement of this Section, is
8 recoverable from the owner or owners of the real estate or the
9 previous owner or both if the property was transferred during
10 the 15 day notice period and is a lien on the real estate; the
11 lien is superior to all prior existing liens and encumbrances,
12 except taxes, if, within 180 days after the repair,
13 demolition, enclosure, or removal, the municipality, the lien
14 holder of record, or the intervenor who incurred the cost and
15 expense shall file a notice of lien for the cost and expense
16 incurred in the office of the recorder in the county in which
17 the real estate is located or in the office of the registrar of
18 titles of the county if the real estate affected is registered
19 under the Registered Titles (Torrens) Act.

20 The notice must consist of a sworn statement setting out
21 (1) a description of the real estate sufficient for its
22 identification, (2) the amount of money representing the cost
23 and expense incurred, and (3) the date or dates when the cost
24 and expense was incurred by the municipality, the lien holder
25 of record, or the intervenor. Upon payment of the cost and
26 expense by the owner of or persons interested in the property

1 after the notice of lien has been filed, the lien shall be
2 released by the municipality, the person in whose name the
3 lien has been filed, or the assignee of the lien, and the
4 release may be filed of record as in the case of filing notice
5 of lien. Unless the lien is enforced under subsection (c), the
6 lien may be enforced by foreclosure proceedings as in the case
7 of mortgage foreclosures under Article XV of the Code of Civil
8 Procedure or mechanics' lien foreclosures. An action to
9 foreclose this lien may be commenced at any time after the date
10 of filing of the notice of lien. The costs of foreclosure
11 incurred by the municipality, including court costs,
12 reasonable attorney's fees, advances to preserve the property,
13 and other costs related to the enforcement of this subsection,
14 plus statutory interest, are a lien on the real estate and are
15 recoverable by the municipality from the owner or owners of
16 the real estate.

17 All liens arising under this subsection (a) shall be
18 assignable. The assignee of the lien shall have the same power
19 to enforce the lien as the assigning party, except that the
20 lien may not be enforced under subsection (c).

21 If the appropriate official of any municipality determines
22 that any dangerous and unsafe building or uncompleted and
23 abandoned building within its territory fulfills the
24 requirements for an action by the municipality under the
25 Abandoned Housing Rehabilitation Act, the municipality may
26 petition under that Act in a proceeding brought under this

1 subsection.

2 (b) Any owner or tenant of real property within 1200 feet
3 in any direction of any dangerous or unsafe building located
4 within the territory of a municipality with a population of
5 500,000 or more may file with the appropriate municipal
6 authority a request that the municipality apply to the circuit
7 court of the county in which the building is located for an
8 order permitting the demolition, removal of garbage, debris,
9 and other noxious or unhealthy substances and materials from,
10 or repair or enclosure of the building in the manner
11 prescribed in subsection (a) of this Section. If the
12 municipality fails to institute an action in circuit court
13 within 90 days after the filing of the request, the owner or
14 tenant of real property within 1200 feet in any direction of
15 the building may institute an action in circuit court seeking
16 an order compelling the owner or owners of record to demolish,
17 remove garbage, debris, and other noxious or unhealthy
18 substances and materials from, repair or enclose or to cause
19 to be demolished, have garbage, debris, and other noxious or
20 unhealthy substances and materials removed from, repaired, or
21 enclosed the building in question. A private owner or tenant
22 who institutes an action under the preceding sentence shall
23 not be required to pay any fee to the clerk of the circuit
24 court. The cost of repair, removal, demolition, or enclosure
25 shall be borne by the owner or owners of record of the
26 building. In the event the owner or owners of record fail to

1 demolish, remove garbage, debris, and other noxious or
2 unhealthy substances and materials from, repair, or enclose
3 the building within 90 days of the date the court entered its
4 order, the owner or tenant who instituted the action may
5 request that the court join the municipality as a party to the
6 action. The court may order the municipality to demolish,
7 remove materials from, repair, or enclose the building, or
8 cause that action to be taken upon the request of any owner or
9 tenant who instituted the action or upon the municipality's
10 request. The municipality may file, and the court may approve,
11 a plan for rehabilitating the building in question. A court
12 order authorizing the municipality to demolish, remove
13 materials from, repair, or enclose a building, or cause that
14 action to be taken, shall not preclude the court from
15 adjudging the owner or owners of record of the building in
16 contempt of court due to the failure to comply with the order
17 to demolish, remove garbage, debris, and other noxious or
18 unhealthy substances and materials from, repair, or enclose
19 the building.

20 If a municipality or a person or persons other than the
21 owner or owners of record pay the cost of demolition, removal
22 of garbage, debris, and other noxious or unhealthy substances
23 and materials, repair, or enclosure pursuant to a court order,
24 the cost, including court costs, attorney's fees, and other
25 costs related to the enforcement of this subsection, is
26 recoverable from the owner or owners of the real estate and is

1 a lien on the real estate; the lien is superior to all prior
2 existing liens and encumbrances, except taxes, if, within 180
3 days after the repair, removal, demolition, or enclosure, the
4 municipality or the person or persons who paid the costs of
5 demolition, removal, repair, or enclosure shall file a notice
6 of lien of the cost and expense incurred in the office of the
7 recorder in the county in which the real estate is located or
8 in the office of the registrar of the county if the real estate
9 affected is registered under the Registered Titles (Torrens)
10 Act. The notice shall be in a form as is provided in subsection
11 (a). An owner or tenant who institutes an action in circuit
12 court seeking an order to compel the owner or owners of record
13 to demolish, remove materials from, repair, or enclose any
14 dangerous or unsafe building, or to cause that action to be
15 taken under this subsection may recover court costs and
16 reasonable attorney's fees for instituting the action from the
17 owner or owners of record of the building. Upon payment of the
18 costs and expenses by the owner of or a person interested in
19 the property after the notice of lien has been filed, the lien
20 shall be released by the municipality or the person in whose
21 name the lien has been filed or his or her assignee, and the
22 release may be filed of record as in the case of filing a
23 notice of lien. Unless the lien is enforced under subsection
24 (c), the lien may be enforced by foreclosure proceedings as in
25 the case of mortgage foreclosures under Article XV of the Code
26 of Civil Procedure or mechanics' lien foreclosures. An action

1 to foreclose this lien may be commenced at any time after the
2 date of filing of the notice of lien. The costs of foreclosure
3 incurred by the municipality, including court costs,
4 reasonable attorneys' fees, advances to preserve the property,
5 and other costs related to the enforcement of this subsection,
6 plus statutory interest, are a lien on the real estate and are
7 recoverable by the municipality from the owner or owners of
8 the real estate.

9 All liens arising under the terms of this subsection (b)
10 shall be assignable. The assignee of the lien shall have the
11 same power to enforce the lien as the assigning party, except
12 that the lien may not be enforced under subsection (c).

13 (c) In any case where a municipality has obtained a lien
14 under subsection (a), (b), or (f), the municipality may
15 enforce the lien under this subsection (c) in the same
16 proceeding in which the lien is authorized.

17 A municipality desiring to enforce a lien under this
18 subsection (c) shall petition the court to retain jurisdiction
19 for foreclosure proceedings under this subsection. Notice of
20 the petition shall be served, by certified or registered mail,
21 on all persons who were served notice under subsection (a),
22 (b), or (f). The court shall conduct a hearing on the petition
23 not less than 15 days after the notice is served. If the court
24 determines that the requirements of this subsection (c) have
25 been satisfied, it shall grant the petition and retain
26 jurisdiction over the matter until the foreclosure proceeding

1 is completed. The costs of foreclosure incurred by the
2 municipality, including court costs, reasonable attorneys'
3 fees, advances to preserve the property, and other costs
4 related to the enforcement of this subsection, plus statutory
5 interest, are a lien on the real estate and are recoverable by
6 the municipality from the owner or owners of the real estate.
7 If the court denies the petition, the municipality may enforce
8 the lien in a separate action as provided in subsection (a),
9 (b), or (f).

10 All persons designated in Section 15-1501 of the Code of
11 Civil Procedure as necessary parties in a mortgage foreclosure
12 action shall be joined as parties before issuance of an order
13 of foreclosure. Persons designated in Section 15-1501 of the
14 Code of Civil Procedure as permissible parties may also be
15 joined as parties in the action.

16 The provisions of Article XV of the Code of Civil
17 Procedure applicable to mortgage foreclosures shall apply to
18 the foreclosure of a lien under this subsection (c), except to
19 the extent that those provisions are inconsistent with this
20 subsection. For purposes of foreclosures of liens under this
21 subsection, however, the redemption period described in
22 subsection (b) of Section 15-1603 of the Code of Civil
23 Procedure shall end 60 days after the date of entry of the
24 order of foreclosure.

25 (d) In addition to any other remedy provided by law, the
26 corporate authorities of any municipality may petition the

1 circuit court to have property declared abandoned under this
2 subsection (d) if:

3 (1) the property has been tax delinquent for 2 or more
4 years or bills for water service for the property have
5 been outstanding for 2 or more years;

6 (2) the property is unoccupied by persons legally in
7 possession; and

8 (3) the property's condition impairs public health,
9 safety, or welfare for reasons specified in the petition.

10 All persons having an interest of record in the property,
11 including tax purchasers and beneficial owners of any Illinois
12 land trust having title to the property, shall be named as
13 defendants in the petition and shall be served with process.
14 In addition, service shall be had under Section 2-206 of the
15 Code of Civil Procedure as in other cases affecting property,
16 including publication in a newspaper that is in circulation in
17 the county in which the action is pending. At least 30 days
18 prior to any declaration of abandonment, the municipality or
19 its agent shall post a notice not less than 1 foot by 1 foot in
20 size on the front of the subject building or property. The
21 notice shall be dated as of the date of the posting and state
22 that the municipality is seeking a declaration of abandonment
23 for the property. The notice shall also include the case
24 number for the underlying circuit court petition filed
25 pursuant to this subsection and a notification that the owner
26 should file an appearance in the matter if the property is not

1 abandoned.

2 The municipality, however, may proceed under this
3 subsection in a proceeding brought under subsection (a) or
4 (b). Notice of the petition shall be served in person or by
5 certified or registered mail on all persons who were served
6 notice under subsection (a) or (b).

7 If the municipality proves that the conditions described
8 in this subsection exist and (i) the owner of record of the
9 property does not enter an appearance in the action, or, if
10 title to the property is held by an Illinois land trust, if
11 neither the owner of record nor the owner of the beneficial
12 interest of the trust enters an appearance, or (ii) if the
13 owner of record or the beneficiary of a land trust, if title to
14 the property is held by an Illinois land trust, enters an
15 appearance and specifically waives his or her rights under
16 this subsection (d), the court shall declare the property
17 abandoned. Notwithstanding any waiver, the municipality may
18 move to dismiss its petition at any time. In addition, any
19 waiver in a proceeding under this subsection (d) does not
20 serve as a waiver for any other proceeding under law or equity.

21 If that determination is made, notice shall be sent in
22 person or by certified or registered mail to all persons
23 having an interest of record in the property, including tax
24 purchasers and beneficial owners of any Illinois land trust
25 having title to the property, stating that title to the
26 property will be transferred to the municipality unless,

1 within 30 days of the notice, the owner of record or any other
2 person having an interest in the property files with the court
3 a request to demolish any or all dangerous or unsafe buildings
4 or to put the building in safe condition, or unless the owner
5 of record enters an appearance and proves that the owner does
6 not intend to abandon the property.

7 If the owner of record enters an appearance in the action
8 within the 30 day period, but does not at that time file with
9 the court a request to demolish the dangerous or unsafe
10 building or to put the property in safe condition, or
11 specifically waive his or her rights under this subsection
12 (d), the court shall vacate its order declaring the property
13 abandoned if it determines that the owner of record does not
14 intend to abandon the property. In that case, the municipality
15 may amend its complaint in order to initiate proceedings under
16 subsection (a), or it may request that the court order the
17 owner to demolish buildings or repair the dangerous or unsafe
18 conditions of the property alleged in the petition or seek the
19 appointment of a receiver or other equitable relief to correct
20 the conditions at the property. The powers and rights of a
21 receiver appointed under this subsection (d) shall include all
22 of the powers and rights of a receiver appointed under Section
23 11-31-2 of this Code.

24 If a request to demolish or repair a building or property
25 is filed within the 30 day period, the court shall grant
26 permission to the requesting party to demolish the building or

1 repair the property within 60 days after the request is
2 granted. An extension of that period for up to 60 additional
3 days may be given for good cause. If more than one person with
4 an interest in the property files a timely request, preference
5 shall be given to the owner of record if the owner filed a
6 request or, if the owner did not, the person with the lien or
7 other interest of the highest priority.

8 If the requesting party (other than the owner of record)
9 proves to the court that the building has been demolished or
10 put in a safe condition in accordance with the local safety
11 codes within the period of time granted by the court, the court
12 shall issue a quitclaim judicial deed for the property to the
13 requesting party, conveying only the interest of the owner of
14 record, upon proof of payment to the municipality of all costs
15 incurred by the municipality in connection with the action,
16 including but not limited to court costs, attorney's fees,
17 administrative costs, the costs, if any, associated with
18 property maintenance, and receiver's certificates. The
19 interest in the property so conveyed shall be subject to all
20 liens and encumbrances on the property. In addition, if the
21 interest is conveyed to a person holding a certificate of
22 purchase for the property under the Property Tax Code, the
23 conveyance shall be subject to the rights of redemption of all
24 persons entitled to redeem under that Act, including the
25 original owner of record. If the requesting party is the owner
26 of record and proves to the court that the building has been

1 demolished or put in a safe condition in accordance with the
2 local safety codes within the period of time granted by the
3 court, the court shall dismiss the proceeding under this
4 subsection (d).

5 If the owner of record has not entered an appearance and
6 proven that the owner did not intend to abandon the property,
7 and if no person with an interest in the property files a
8 timely request or if the requesting party fails to demolish
9 the building or put the property in safe condition within the
10 time specified by the court, the municipality may petition the
11 court to issue a judicial deed for the property to the
12 municipality or another governmental body designated by the
13 municipality in the petition. A conveyance by judicial deed
14 shall operate to extinguish all existing ownership interests
15 in, liens on, and other interest in the property, including
16 tax liens, and shall extinguish the rights and interests of
17 any and all holders of a bona fide certificate of purchase of
18 the property for delinquent taxes. Any such bona fide
19 certificate of purchase holder shall be entitled to a sale in
20 error as prescribed under Section 21-310 of the Property Tax
21 Code.

22 (e) Each municipality may use the provisions of this
23 subsection to expedite the removal of certain buildings that
24 are a continuing hazard to the community in which they are
25 located.

26 If a residential or commercial building is 3 stories or

1 less in height as defined by the municipality's building code,
2 and the corporate official designated to be in charge of
3 enforcing the municipality's building code determines that the
4 building is open and vacant and an immediate and continuing
5 hazard to the community in which the building is located, then
6 the official shall be authorized to post a notice not less than
7 2 feet by 2 feet in size on the front of the building. The
8 notice shall be dated as of the date of the posting and shall
9 state that unless the building is demolished, repaired, or
10 enclosed, and unless any garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials are removed so
12 that an immediate and continuing hazard to the community no
13 longer exists, then the building may be demolished, repaired,
14 or enclosed, or any garbage, debris, and other hazardous,
15 noxious, or unhealthy substances or materials may be removed,
16 by the municipality.

17 Not later than 30 days following the posting of the
18 notice, the municipality shall do all of the following:

19 (1) Cause to be sent, by certified mail, return
20 receipt requested, a Notice to Remediate to all owners of
21 record of the property, the beneficial owners of any
22 Illinois land trust having title to the property, and all
23 lienholders of record in the property, stating the intent
24 of the municipality to demolish, repair, or enclose the
25 building or remove any garbage, debris, or other
26 hazardous, noxious, or unhealthy substances or materials

1 if that action is not taken by the owner or owners.

2 (2) Cause to be published, in a newspaper published or
3 circulated in the municipality where the building is
4 located, a notice setting forth (i) the permanent tax
5 index number and the address of the building, (ii) a
6 statement that the property is open and vacant and
7 constitutes an immediate and continuing hazard to the
8 community, and (iii) a statement that the municipality
9 intends to demolish, repair, or enclose the building or
10 remove any garbage, debris, or other hazardous, noxious,
11 or unhealthy substances or materials if the owner or
12 owners or lienholders of record fail to do so. This notice
13 shall be published for 3 consecutive days.

14 (3) Cause to be recorded the Notice to Remediate
15 mailed under paragraph (1) in the office of the recorder
16 in the county in which the real estate is located or in the
17 office of the registrar of titles of the county if the real
18 estate is registered under the Registered Title (Torrens)
19 Act.

20 Any person or persons with a current legal or equitable
21 interest in the property objecting to the proposed actions of
22 the corporate authorities may file his or her objection in an
23 appropriate form in a court of competent jurisdiction.

24 If the building is not demolished, repaired, or enclosed,
25 or the garbage, debris, or other hazardous, noxious, or
26 unhealthy substances or materials are not removed, within 30

1 days of mailing the notice to the owners of record, the
2 beneficial owners of any Illinois land trust having title to
3 the property, and all lienholders of record in the property,
4 or within 30 days of the last day of publication of the notice,
5 whichever is later, the corporate authorities shall have the
6 power to demolish, repair, or enclose the building or to
7 remove any garbage, debris, or other hazardous, noxious, or
8 unhealthy substances or materials.

9 The municipality may proceed to demolish, repair, or
10 enclose a building or remove any garbage, debris, or other
11 hazardous, noxious, or unhealthy substances or materials under
12 this subsection within a 120-day period following the date of
13 the mailing of the notice if the appropriate official
14 determines that the demolition, repair, enclosure, or removal
15 of any garbage, debris, or other hazardous, noxious, or
16 unhealthy substances or materials is necessary to remedy the
17 immediate and continuing hazard. If, however, before the
18 municipality proceeds with any of the actions authorized by
19 this subsection, any person with a legal or equitable interest
20 in the property has sought a hearing under this subsection
21 before a court and has served a copy of the complaint on the
22 chief executive officer of the municipality, then the
23 municipality shall not proceed with the demolition, repair,
24 enclosure, or removal of garbage, debris, or other substances
25 until the court determines that that action is necessary to
26 remedy the hazard and issues an order authorizing the

1 municipality to do so. If the court dismisses the action for
2 want of prosecution, the municipality must send the objector a
3 copy of the dismissal order and a letter stating that the
4 demolition, repair, enclosure, or removal of garbage, debris,
5 or other substances will proceed unless, within 30 days after
6 the copy of the order and the letter are mailed, the objector
7 moves to vacate the dismissal and serves a copy of the motion
8 on the chief executive officer of the municipality.
9 Notwithstanding any other law to the contrary, if the objector
10 does not file a motion and give the required notice, if the
11 motion is denied by the court, or if the action is again
12 dismissed for want of prosecution, then the dismissal is with
13 prejudice and the demolition, repair, enclosure, or removal
14 may proceed forthwith.

15 The municipality must maintain documentation on the
16 disposal of any demolition debris, clean or general, or
17 uncontaminated soil generated during the demolition, repair,
18 or enclosure of a building for a period of 3 years identifying
19 the hauler, generator, place of origin of the debris or soil,
20 the weight or volume of the debris or soil, and the location,
21 owner, and operator of the facility where the debris or soil
22 was transferred, disposed, recycled, or treated.

23 Following the demolition, repair, or enclosure of a
24 building, or the removal of garbage, debris, or other
25 hazardous, noxious, or unhealthy substances or materials under
26 this subsection, the municipality may file a notice of lien

1 against the real estate for the cost of the demolition,
2 repair, enclosure, or removal within 180 days after the
3 repair, demolition, enclosure, or removal occurred, for the
4 cost and expense incurred, in the office of the recorder in the
5 county in which the real estate is located or in the office of
6 the registrar of titles of the county if the real estate
7 affected is registered under the Registered Titles (Torrens)
8 Act; this lien has priority over the interests of those
9 parties named in the Notice to Remediate mailed under
10 paragraph (1), but not over the interests of third party
11 purchasers or encumbrancers for value who obtained their
12 interests in the property before obtaining actual or
13 constructive notice of the lien. The notice of lien shall
14 consist of a sworn statement setting forth (i) a description
15 of the real estate, such as the address or other description of
16 the property, sufficient for its identification; (ii) the
17 expenses incurred by the municipality in undertaking the
18 remedial actions authorized under this subsection; (iii) the
19 date or dates the expenses were incurred by the municipality;
20 (iv) a statement by the corporate official responsible for
21 enforcing the building code that the building was open and
22 vacant and constituted an immediate and continuing hazard to
23 the community; (v) a statement by the corporate official that
24 the required sign was posted on the building, that notice was
25 sent by certified mail to the owners of record, and that notice
26 was published in accordance with this subsection; and (vi) a

1 statement as to when and where the notice was published. The
2 lien authorized by this subsection may thereafter be released
3 or enforced by the municipality as provided in subsection (a).

4 (f) The corporate authorities of each municipality may
5 remove or cause the removal of, or otherwise environmentally
6 remediate hazardous substances and petroleum products on, in,
7 or under any abandoned and unsafe property within the
8 territory of a municipality. In addition, where preliminary
9 evidence indicates the presence or likely presence of a
10 hazardous substance or a petroleum product or a release or a
11 substantial threat of a release of a hazardous substance or a
12 petroleum product on, in, or under the property, the corporate
13 authorities of the municipality may inspect the property and
14 test for the presence or release of hazardous substances and
15 petroleum products. In any county having adopted by referendum
16 or otherwise a county health department as provided by
17 Division 5-25 of the Counties Code or its predecessor, the
18 county board of that county may exercise the above-described
19 powers with regard to property within the territory of any
20 city, village, or incorporated town having less than 50,000
21 population.

22 For purposes of this subsection (f):

23 (1) "property" or "real estate" means all real
24 property, whether or not improved by a structure;

25 (2) "abandoned" means;

26 (A) the property has been tax delinquent for 2 or

1 more years;

2 (B) the property is unoccupied by persons legally
3 in possession; and

4 (3) "unsafe" means property that presents an actual or
5 imminent threat to public health and safety caused by the
6 release of hazardous substances; and

7 (4) "hazardous substances" means the same as in
8 Section 3.215 of the Environmental Protection Act.

9 The corporate authorities shall apply to the circuit court
10 of the county in which the property is located (i) for an order
11 allowing the municipality to enter the property and inspect
12 and test substances on, in, or under the property; or (ii) for
13 an order authorizing the corporate authorities to take action
14 with respect to remediation of the property if conditions on
15 the property, based on the inspection and testing authorized
16 in paragraph (i), indicate the presence of hazardous
17 substances or petroleum products. Remediation shall be deemed
18 complete for purposes of paragraph (ii) above when the
19 property satisfies Tier I, II, or III remediation objectives
20 for the property's most recent usage, as established by the
21 Environmental Protection Act, and the rules and regulations
22 promulgated thereunder. Where, upon diligent search, the
23 identity or whereabouts of the owner or owners of the
24 property, including the lien holders of record, is not
25 ascertainable, notice mailed to the person or persons in whose
26 name the real estate was last assessed is sufficient notice

1 under this Section.

2 The court shall grant an order authorizing testing under
3 paragraph (i) above upon a showing of preliminary evidence
4 indicating the presence or likely presence of a hazardous
5 substance or a petroleum product or a release of or a
6 substantial threat of a release of a hazardous substance or a
7 petroleum product on, in, or under abandoned property. The
8 preliminary evidence may include, but is not limited to,
9 evidence of prior use, visual site inspection, or records of
10 prior environmental investigations. The testing authorized by
11 paragraph (i) above shall include any type of investigation
12 which is necessary for an environmental professional to
13 determine the environmental condition of the property,
14 including but not limited to performance of soil borings and
15 groundwater monitoring. The court shall grant a remediation
16 order under paragraph (ii) above where testing of the property
17 indicates that it fails to meet the applicable remediation
18 objectives. The hearing upon the application to the circuit
19 court shall be expedited by the court and shall be given
20 precedence over all other suits.

21 The cost of the inspection, testing, or remediation
22 incurred by the municipality or by a lien holder of record,
23 including court costs, attorney's fees, and other costs
24 related to the enforcement of this Section, is a lien on the
25 real estate; except that in any instances where a municipality
26 incurs costs of inspection and testing but finds no hazardous

1 substances or petroleum products on the property that present
2 an actual or imminent threat to public health and safety, such
3 costs are not recoverable from the owners nor are such costs a
4 lien on the real estate. The lien is superior to all prior
5 existing liens and encumbrances, except taxes and any lien
6 obtained under subsection (a) or (e), if, within 180 days
7 after the completion of the inspection, testing, or
8 remediation, the municipality or the lien holder of record who
9 incurred the cost and expense shall file a notice of lien for
10 the cost and expense incurred in the office of the recorder in
11 the county in which the real estate is located or in the office
12 of the registrar of titles of the county if the real estate
13 affected is registered under the Registered Titles (Torrens)
14 Act.

15 The notice must consist of a sworn statement setting out
16 (i) a description of the real estate sufficient for its
17 identification, (ii) the amount of money representing the cost
18 and expense incurred, and (iii) the date or dates when the cost
19 and expense was incurred by the municipality or the lien
20 holder of record. Upon payment of the lien amount by the owner
21 of or persons interested in the property after the notice of
22 lien has been filed, a release of lien shall be issued by the
23 municipality, the person in whose name the lien has been
24 filed, or the assignee of the lien, and the release may be
25 filed of record as in the case of filing notice of lien.

26 The lien may be enforced under subsection (c) or by

1 foreclosure proceedings as in the case of mortgage
2 foreclosures under Article XV of the Code of Civil Procedure
3 or mechanics' lien foreclosures; provided that where the lien
4 is enforced by foreclosure under subsection (c) or under
5 either statute, the municipality may not proceed against the
6 other assets of the owner or owners of the real estate for any
7 costs that otherwise would be recoverable under this Section
8 but that remain unsatisfied after foreclosure except where
9 such additional recovery is authorized by separate
10 environmental laws. An action to foreclose this lien may be
11 commenced at any time after the date of filing of the notice of
12 lien. The costs of foreclosure incurred by the municipality,
13 including court costs, reasonable attorney's fees, advances to
14 preserve the property, and other costs related to the
15 enforcement of this subsection, plus statutory interest, are a
16 lien on the real estate.

17 All liens arising under this subsection (f) shall be
18 assignable. The assignee of the lien shall have the same power
19 to enforce the lien as the assigning party, except that the
20 lien may not be enforced under subsection (c).

21 (g) In any case where a municipality has obtained a lien
22 under subsection (a), the municipality may also bring an
23 action for a money judgment against the owner or owners of the
24 real estate in the amount of the lien in the same manner as
25 provided for bringing causes of action in Article II of the
26 Code of Civil Procedure and, upon obtaining a judgment, file a

1 judgment lien against all of the real estate of the owner or
2 owners and enforce that lien as provided for in Article XII of
3 the Code of Civil Procedure.

4 (Source: P.A. 102-363, eff. 1-1-22.)

5 Section 20. The Environmental Protection Act is amended by
6 changing Section 21 as follows:

7 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

8 Sec. 21. Prohibited acts. No person shall:

9 (a) Cause or allow the open dumping of any waste.

10 (b) Abandon, dump, or deposit any waste upon the public
11 highways or other public property, except in a sanitary
12 landfill approved by the Agency pursuant to regulations
13 adopted by the Board.

14 (c) Abandon any vehicle in violation of the "Abandoned
15 Vehicles Amendment to the Illinois Vehicle Code", as enacted
16 by the 76th General Assembly.

17 (d) Conduct any waste-storage, waste-treatment, or
18 waste-disposal operation:

19 (1) without a permit granted by the Agency or in
20 violation of any conditions imposed by such permit,
21 including periodic reports and full access to adequate
22 records and the inspection of facilities, as may be
23 necessary to assure compliance with this Act and with
24 regulations and standards adopted thereunder; provided,

1 however, that, except for municipal solid waste landfill
2 units that receive waste on or after October 9, 1993, and
3 CCR surface impoundments, no permit shall be required for
4 (i) any person conducting a waste-storage,
5 waste-treatment, or waste-disposal operation for wastes
6 generated by such person's own activities which are
7 stored, treated, or disposed within the site where such
8 wastes are generated, (ii) until one year after the
9 effective date of rules adopted by the Board under
10 subsection (n) of Section 22.38, a facility located in a
11 county with a population over 700,000 as of January 1,
12 2000, operated and located in accordance with Section
13 22.38 of this Act, and used exclusively for the transfer,
14 storage, or treatment of general construction or
15 demolition debris, provided that the facility was
16 receiving construction or demolition debris on August 24,
17 2009 (the effective date of Public Act 96-611), or (iii)
18 any person conducting a waste transfer, storage,
19 treatment, or disposal operation, including, but not
20 limited to, a waste transfer or waste composting
21 operation, under a mass animal mortality event plan
22 created by the Department of Agriculture;

23 (2) in violation of any regulations or standards
24 adopted by the Board under this Act;

25 (3) which receives waste after August 31, 1988, does
26 not have a permit issued by the Agency, and is (i) a

1 landfill used exclusively for the disposal of waste
2 generated at the site, (ii) a surface impoundment
3 receiving special waste not listed in an NPDES permit,
4 (iii) a waste pile in which the total volume of waste is
5 greater than 100 cubic yards or the waste is stored for
6 over one year, or (iv) a land treatment facility receiving
7 special waste generated at the site; without giving notice
8 of the operation to the Agency by January 1, 1989, or 30
9 days after the date on which the operation commences,
10 whichever is later, and every 3 years thereafter. The form
11 for such notification shall be specified by the Agency,
12 and shall be limited to information regarding: the name
13 and address of the location of the operation; the type of
14 operation; the types and amounts of waste stored, treated
15 or disposed of on an annual basis; the remaining capacity
16 of the operation; and the remaining expected life of the
17 operation.

18 Item (3) of this subsection (d) shall not apply to any
19 person engaged in agricultural activity who is disposing of a
20 substance that constitutes solid waste, if the substance was
21 acquired for use by that person on his own property, and the
22 substance is disposed of on his own property in accordance
23 with regulations or standards adopted by the Board.

24 This subsection (d) shall not apply to hazardous waste.

25 (e) Dispose, treat, store or abandon any waste, or
26 transport any waste into this State for disposal, treatment,

1 storage or abandonment, except at a site or facility which
2 meets the requirements of this Act and of regulations and
3 standards thereunder.

4 (f) Conduct any hazardous waste-storage, hazardous
5 waste-treatment or hazardous waste-disposal operation:

6 (1) without a RCRA permit for the site issued by the
7 Agency under subsection (d) of Section 39 of this Act, or
8 in violation of any condition imposed by such permit,
9 including periodic reports and full access to adequate
10 records and the inspection of facilities, as may be
11 necessary to assure compliance with this Act and with
12 regulations and standards adopted thereunder; or

13 (2) in violation of any regulations or standards
14 adopted by the Board under this Act; or

15 (3) in violation of any RCRA permit filing requirement
16 established under standards adopted by the Board under
17 this Act; or

18 (4) in violation of any order adopted by the Board
19 under this Act.

20 Notwithstanding the above, no RCRA permit shall be
21 required under this subsection or subsection (d) of Section 39
22 of this Act for any person engaged in agricultural activity
23 who is disposing of a substance which has been identified as a
24 hazardous waste, and which has been designated by Board
25 regulations as being subject to this exception, if the
26 substance was acquired for use by that person on his own

1 property and the substance is disposed of on his own property
2 in accordance with regulations or standards adopted by the
3 Board.

4 (g) Conduct any hazardous waste-transportation operation:

5 (1) without registering with and obtaining a special
6 waste hauling permit from the Agency in accordance with
7 the regulations adopted by the Board under this Act; or

8 (2) in violation of any regulations or standards
9 adopted by the Board under this Act.

10 (h) Conduct any hazardous waste-recycling or hazardous
11 waste-reclamation or hazardous waste-reuse operation in
12 violation of any regulations, standards or permit requirements
13 adopted by the Board under this Act.

14 (i) Conduct any process or engage in any act which
15 produces hazardous waste in violation of any regulations or
16 standards adopted by the Board under subsections (a) and (c)
17 of Section 22.4 of this Act.

18 (j) Conduct any special waste-transportation operation in
19 violation of any regulations, standards or permit requirements
20 adopted by the Board under this Act. However, sludge from a
21 water or sewage treatment plant owned and operated by a unit of
22 local government which (1) is subject to a sludge management
23 plan approved by the Agency or a permit granted by the Agency,
24 and (2) has been tested and determined not to be a hazardous
25 waste as required by applicable State and federal laws and
26 regulations, may be transported in this State without a

1 special waste hauling permit, and the preparation and carrying
2 of a manifest shall not be required for such sludge under the
3 rules of the Pollution Control Board. The unit of local
4 government which operates the treatment plant producing such
5 sludge shall file an annual report with the Agency identifying
6 the volume of such sludge transported during the reporting
7 period, the hauler of the sludge, and the disposal sites to
8 which it was transported. This subsection (j) shall not apply
9 to hazardous waste.

10 (k) Fail or refuse to pay any fee imposed under this Act.

11 (l) Locate a hazardous waste disposal site above an active
12 or inactive shaft or tunneled mine or within 2 miles of an
13 active fault in the earth's crust. In counties of population
14 less than 225,000 no hazardous waste disposal site shall be
15 located (1) within 1 1/2 miles of the corporate limits as
16 defined on June 30, 1978, of any municipality without the
17 approval of the governing body of the municipality in an
18 official action; or (2) within 1000 feet of an existing
19 private well or the existing source of a public water supply
20 measured from the boundary of the actual active permitted site
21 and excluding existing private wells on the property of the
22 permit applicant. The provisions of this subsection do not
23 apply to publicly owned sewage works or the disposal or
24 utilization of sludge from publicly owned sewage works.

25 (m) Transfer interest in any land which has been used as a
26 hazardous waste disposal site without written notification to

1 the Agency of the transfer and to the transferee of the
2 conditions imposed by the Agency upon its use under subsection
3 (g) of Section 39.

4 (n) Use any land which has been used as a hazardous waste
5 disposal site except in compliance with conditions imposed by
6 the Agency under subsection (g) of Section 39.

7 (o) Conduct a sanitary landfill operation which is
8 required to have a permit under subsection (d) of this
9 Section, in a manner which results in any of the following
10 conditions:

11 (1) refuse in standing or flowing waters;

12 (2) leachate flows entering waters of the State;

13 (3) leachate flows exiting the landfill confines (as
14 determined by the boundaries established for the landfill
15 by a permit issued by the Agency);

16 (4) open burning of refuse in violation of Section 9
17 of this Act;

18 (5) uncovered refuse remaining from any previous
19 operating day or at the conclusion of any operating day,
20 unless authorized by permit;

21 (6) failure to provide final cover within time limits
22 established by Board regulations;

23 (7) acceptance of wastes without necessary permits;

24 (8) scavenging as defined by Board regulations;

25 (9) deposition of refuse in any unpermitted portion of
26 the landfill;

1 (10) acceptance of a special waste without a required
2 manifest;

3 (11) failure to submit reports required by permits or
4 Board regulations;

5 (12) failure to collect and contain litter from the
6 site by the end of each operating day;

7 (13) failure to submit any cost estimate for the site
8 or any performance bond or other security for the site as
9 required by this Act or Board rules.

10 The prohibitions specified in this subsection (o) shall be
11 enforceable by the Agency either by administrative citation
12 under Section 31.1 of this Act or as otherwise provided by this
13 Act. The specific prohibitions in this subsection do not limit
14 the power of the Board to establish regulations or standards
15 applicable to sanitary landfills.

16 (p) In violation of subdivision (a) of this Section, cause
17 or allow the open dumping of any waste in a manner which
18 results in any of the following occurrences at the dump site:

19 (1) litter;

20 (2) scavenging;

21 (3) open burning;

22 (4) deposition of waste in standing or flowing waters;

23 (5) proliferation of disease vectors;

24 (6) standing or flowing liquid discharge from the dump
25 site;

26 (7) deposition of:

1 (i) general construction or demolition debris as
2 defined in Section 3.160(a) of this Act; or

3 (ii) clean construction or demolition debris as
4 defined in Section 3.160(b) of this Act.

5 The prohibitions specified in this subsection (p) shall be
6 enforceable by the Agency either by administrative citation
7 under Section 31.1 of this Act or as otherwise provided by this
8 Act. The specific prohibitions in this subsection do not limit
9 the power of the Board to establish regulations or standards
10 applicable to open dumping.

11 (q) Conduct a landscape waste composting operation without
12 an Agency permit, provided, however, that no permit shall be
13 required for any person:

14 (1) conducting a landscape waste composting operation
15 for landscape wastes generated by such person's own
16 activities which are stored, treated, or disposed of
17 within the site where such wastes are generated; or

18 (1.5) conducting a landscape waste composting
19 operation that (i) has no more than 25 cubic yards of
20 landscape waste, composting additives, composting
21 material, or end-product compost on-site at any one time
22 and (ii) is not engaging in commercial activity; or

23 (2) applying landscape waste or composted landscape
24 waste at agronomic rates; or

25 (2.5) operating a landscape waste composting facility
26 at a site having 10 or more occupied non-farm residences

1 within 1/2 mile of its boundaries, if the facility meets
2 all of the following criteria:

3 (A) the composting facility is operated by the
4 farmer on property on which the composting material is
5 utilized, and the composting facility constitutes no
6 more than 2% of the site's total acreage;

7 (A-5) any composting additives that the composting
8 facility accepts and uses at the facility are
9 necessary to provide proper conditions for composting
10 and do not exceed 10% of the total composting material
11 at the facility at any one time;

12 (B) the property on which the composting facility
13 is located, and any associated property on which the
14 compost is used, is principally and diligently devoted
15 to the production of agricultural crops and is not
16 owned, leased, or otherwise controlled by any waste
17 hauler or generator of nonagricultural compost
18 materials, and the operator of the composting facility
19 is not an employee, partner, shareholder, or in any
20 way connected with or controlled by any such waste
21 hauler or generator;

22 (C) all compost generated by the composting
23 facility is applied at agronomic rates and used as
24 mulch, fertilizer, or soil conditioner on land
25 actually farmed by the person operating the composting
26 facility, and the finished compost is not stored at

1 the composting site for a period longer than 18 months
2 prior to its application as mulch, fertilizer, or soil
3 conditioner;

4 (D) no fee is charged for the acceptance of
5 materials to be composted at the facility; and

6 (E) the owner or operator, by January 1, 2014 (or
7 the January 1 following commencement of operation,
8 whichever is later) and January 1 of each year
9 thereafter, registers the site with the Agency, (ii)
10 reports to the Agency on the volume of composting
11 material received and used at the site; (iii)
12 certifies to the Agency that the site complies with
13 the requirements set forth in subparagraphs (A),
14 (A-5), (B), (C), and (D) of this paragraph (2.5); and
15 (iv) certifies to the Agency that all composting
16 material was placed more than 200 feet from the
17 nearest potable water supply well, was placed outside
18 the boundary of the 10-year floodplain or on a part of
19 the site that is floodproofed, was placed at least 1/4
20 mile from the nearest residence (other than a
21 residence located on the same property as the
22 facility) or a lesser distance from the nearest
23 residence (other than a residence located on the same
24 property as the facility) if the municipality in which
25 the facility is located has by ordinance approved a
26 lesser distance than 1/4 mile, and was placed more

1 than 5 feet above the water table; any ordinance
2 approving a residential setback of less than 1/4 mile
3 that is used to meet the requirements of this
4 subparagraph (E) of paragraph (2.5) of this subsection
5 must specifically reference this paragraph; or

6 (3) operating a landscape waste composting facility on
7 a farm, if the facility meets all of the following
8 criteria:

9 (A) the composting facility is operated by the
10 farmer on property on which the composting material is
11 utilized, and the composting facility constitutes no
12 more than 2% of the property's total acreage, except
13 that the Board may allow a higher percentage for
14 individual sites where the owner or operator has
15 demonstrated to the Board that the site's soil
16 characteristics or crop needs require a higher rate;

17 (A-1) the composting facility accepts from other
18 agricultural operations for composting with landscape
19 waste no materials other than uncontaminated and
20 source-separated (i) crop residue and other
21 agricultural plant residue generated from the
22 production and harvesting of crops and other customary
23 farm practices, including, but not limited to, stalks,
24 leaves, seed pods, husks, bagasse, and roots and (ii)
25 plant-derived animal bedding, such as straw or
26 sawdust, that is free of manure and was not made from

1 painted or treated wood;

2 (A-2) any composting additives that the composting
3 facility accepts and uses at the facility are
4 necessary to provide proper conditions for composting
5 and do not exceed 10% of the total composting material
6 at the facility at any one time;

7 (B) the property on which the composting facility
8 is located, and any associated property on which the
9 compost is used, is principally and diligently devoted
10 to the production of agricultural crops and is not
11 owned, leased or otherwise controlled by any waste
12 hauler or generator of nonagricultural compost
13 materials, and the operator of the composting facility
14 is not an employee, partner, shareholder, or in any
15 way connected with or controlled by any such waste
16 hauler or generator;

17 (C) all compost generated by the composting
18 facility is applied at agronomic rates and used as
19 mulch, fertilizer or soil conditioner on land actually
20 farmed by the person operating the composting
21 facility, and the finished compost is not stored at
22 the composting site for a period longer than 18 months
23 prior to its application as mulch, fertilizer, or soil
24 conditioner;

25 (D) the owner or operator, by January 1 of each
26 year, (i) registers the site with the Agency, (ii)

1 reports to the Agency on the volume of composting
2 material received and used at the site, (iii)
3 certifies to the Agency that the site complies with
4 the requirements set forth in subparagraphs (A),
5 (A-1), (A-2), (B), and (C) of this paragraph (q)(3),
6 and (iv) certifies to the Agency that all composting
7 material:

8 (I) was placed more than 200 feet from the
9 nearest potable water supply well;

10 (II) was placed outside the boundary of the
11 10-year floodplain or on a part of the site that is
12 floodproofed;

13 (III) was placed either (aa) at least 1/4 mile
14 from the nearest residence (other than a residence
15 located on the same property as the facility) and
16 there are not more than 10 occupied non-farm
17 residences within 1/2 mile of the boundaries of
18 the site on the date of application or (bb) a
19 lesser distance from the nearest residence (other
20 than a residence located on the same property as
21 the facility) provided that the municipality or
22 county in which the facility is located has by
23 ordinance approved a lesser distance than 1/4 mile
24 and there are not more than 10 occupied non-farm
25 residences within 1/2 mile of the boundaries of
26 the site on the date of application; and

1 (IV) was placed more than 5 feet above the
2 water table.

3 Any ordinance approving a residential setback of
4 less than 1/4 mile that is used to meet the
5 requirements of this subparagraph (D) must
6 specifically reference this subparagraph.

7 For the purposes of this subsection (q), "agronomic rates"
8 means the application of not more than 20 tons per acre per
9 year, except that the Board may allow a higher rate for
10 individual sites where the owner or operator has demonstrated
11 to the Board that the site's soil characteristics or crop
12 needs require a higher rate.

13 (r) Cause or allow the storage or disposal of coal
14 combustion waste unless:

15 (1) such waste is stored or disposed of at a site or
16 facility for which a permit has been obtained or is not
17 otherwise required under subsection (d) of this Section;
18 or

19 (2) such waste is stored or disposed of as a part of
20 the design and reclamation of a site or facility which is
21 an abandoned mine site in accordance with the Abandoned
22 Mined Lands and Water Reclamation Act; or

23 (3) such waste is stored or disposed of at a site or
24 facility which is operating under NPDES and Subtitle D
25 permits issued by the Agency pursuant to regulations
26 adopted by the Board for mine-related water pollution and

1 permits issued pursuant to the federal Surface Mining
2 Control and Reclamation Act of 1977 (P.L. 95-87) or the
3 rules and regulations thereunder or any law or rule or
4 regulation adopted by the State of Illinois pursuant
5 thereto, and the owner or operator of the facility agrees
6 to accept the waste; and either:

7 (i) such waste is stored or disposed of in
8 accordance with requirements applicable to refuse
9 disposal under regulations adopted by the Board for
10 mine-related water pollution and pursuant to NPDES and
11 Subtitle D permits issued by the Agency under such
12 regulations; or

13 (ii) the owner or operator of the facility
14 demonstrates all of the following to the Agency, and
15 the facility is operated in accordance with the
16 demonstration as approved by the Agency: (1) the
17 disposal area will be covered in a manner that will
18 support continuous vegetation, (2) the facility will
19 be adequately protected from wind and water erosion,
20 (3) the pH will be maintained so as to prevent
21 excessive leaching of metal ions, and (4) adequate
22 containment or other measures will be provided to
23 protect surface water and groundwater from
24 contamination at levels prohibited by this Act, the
25 Illinois Groundwater Protection Act, or regulations
26 adopted pursuant thereto.

1 Notwithstanding any other provision of this Title, the
2 disposal of coal combustion waste pursuant to item (2) or (3)
3 of this subdivision (r) shall be exempt from the other
4 provisions of this Title V, and notwithstanding the provisions
5 of Title X of this Act, the Agency is authorized to grant
6 experimental permits which include provision for the disposal
7 of wastes from the combustion of coal and other materials
8 pursuant to items (2) and (3) of this subdivision (r).

9 (s) After April 1, 1989, offer for transportation,
10 transport, deliver, receive or accept special waste for which
11 a manifest is required, unless the manifest indicates that the
12 fee required under Section 22.8 of this Act has been paid.

13 (t) Cause or allow a lateral expansion of a municipal
14 solid waste landfill unit on or after October 9, 1993, without
15 a permit modification, granted by the Agency, that authorizes
16 the lateral expansion.

17 (u) Conduct any vegetable by-product treatment, storage,
18 disposal or transportation operation in violation of any
19 regulation, standards or permit requirements adopted by the
20 Board under this Act. However, no permit shall be required
21 under this Title V for the land application of vegetable
22 by-products conducted pursuant to Agency permit issued under
23 Title III of this Act to the generator of the vegetable
24 by-products. In addition, vegetable by-products may be
25 transported in this State without a special waste hauling
26 permit, and without the preparation and carrying of a

1 manifest.

2 (v) (Blank).

3 (w) Conduct any generation, transportation, or recycling
4 of construction or demolition debris, clean or general, or
5 uncontaminated soil generated during construction, remodeling,
6 repair, and demolition of utilities, structures, and roads
7 that is not commingled with any waste, without the maintenance
8 of documentation identifying the hauler, generator, place of
9 origin of the debris or soil, the weight or volume of the
10 debris or soil, and the location, owner, and operator of the
11 facility where the debris or soil was transferred, disposed,
12 recycled, or treated. This documentation must be maintained by
13 the generator, transporter, or recycler for 3 years. This
14 subsection (w) shall not apply to (1) a permitted pollution
15 control facility that transfers or accepts construction or
16 demolition debris, clean or general, or uncontaminated soil
17 for final disposal, recycling, or treatment, (2) a public
18 utility (as that term is defined in the Public Utilities Act)
19 or a municipal utility, (3) the Illinois Department of
20 Transportation, or (4) a municipality or a county highway
21 department, with the exception of (i) any municipality or
22 county highway department located within a county having a
23 population of over 3,000,000 inhabitants or located in a
24 county that is contiguous to a county having a population of
25 over 3,000,000 inhabitants; or (ii) documentation required
26 under Section 5-1121 of the Counties Code and Section 11-31-1

1 of the Illinois Municipal Code; but it shall apply to an entity
2 that contracts with a public utility, a municipal utility, the
3 Illinois Department of Transportation, or a municipality or a
4 county highway department. The terms "generation" and
5 "recycling", as used in this subsection, do not apply to clean
6 construction or demolition debris when (i) used as fill
7 material below grade outside of a setback zone if covered by
8 sufficient uncontaminated soil to support vegetation within 30
9 days of the completion of filling or if covered by a road or
10 structure, (ii) solely broken concrete without protruding
11 metal bars is used for erosion control, or (iii) milled
12 asphalt or crushed concrete is used as aggregate in
13 construction of the shoulder of a roadway. The terms
14 "generation" and "recycling", as used in this subsection, do
15 not apply to uncontaminated soil that is not commingled with
16 any waste when (i) used as fill material below grade or
17 contoured to grade, or (ii) used at the site of generation.

18 (Source: P.A. 101-171, eff. 7-30-19; 102-216, eff. 1-1-22;
19 102-310, eff. 8-6-21; 102-558, eff. 8-20-21; revised
20 10-14-21.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.