

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

20 (a) The county board of each county may demolish, repair,
21 or enclose or cause the demolition, repair, or enclosure of

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

26 The county board shall apply to the circuit court of the

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

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

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

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

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

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

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

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

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

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

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

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

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

1 subsection (b) of Section 15-1603 of the Code of Civil
2 Procedure shall end 60 days after the date of entry of the
3 order of foreclosure.

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

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

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

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

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

1 the property. The notice shall also include the case number
2 for the underlying circuit court petition filed pursuant to
3 this subsection and a notification that the owner should file
4 an appearance in the matter if the property is not abandoned.

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

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

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

1 If the owner of record enters an appearance in the action
2 within the 30 day period, the court shall vacate its order
3 declaring the property abandoned. In that case, the county may
4 amend its complaint in order to initiate proceedings under
5 subsection (a).

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

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

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

7 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 county may petition the court
11 to issue a judicial deed for the property to the county or
12 another governmental body designated by the county in the
13 petition. A conveyance by judicial deed shall operate to
14 extinguish all existing ownership interests in, liens on, and
15 other interest in the property, including tax liens.

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

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

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

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

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

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

1 other hazardous, noxious, or unhealthy substances or
2 materials if the owner or owners or lienholders of record
3 fail to do so. This notice shall be published for 3
4 consecutive days.

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

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

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

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

10 The county must maintain documentation submitted from a
11 contractor on the disposal of any demolition debris, clean or
12 general, or uncontaminated soil generated during the
13 demolition, repair, or enclosure of a building for a period of
14 3 years identifying the hauler, generator, place of origin of
15 the debris or soil, the weight or volume of the debris or soil,
16 and the location, owner, and operator of the facility where
17 the debris or soil was transferred, disposed, recycled, or
18 treated. The documentation required by this paragraph does not
19 apply to a permitted pollution control facility that transfers
20 or accepts construction or demolition debris, clean or
21 general, or uncontaminated soil for final disposal, recycling,
22 or treatment.

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 county may file a notice of lien against

1 the real estate for the cost of the demolition, repair,
2 enclosure, or removal within 180 days after the repair,
3 demolition, enclosure, or removal occurred, for the cost and
4 expense incurred, in the office of the recorder in the county
5 in which the real estate is located or in the office of the
6 registrar of titles of the county if the real estate affected
7 is registered under the Registered Titles (Torrens) Act. The
8 notice of lien shall consist of a sworn statement setting
9 forth (i) a description of the real estate, such as the address
10 or other description of the property, sufficient for its
11 identification; (ii) the expenses incurred by the county in
12 undertaking the remedial actions authorized under this
13 subsection; (iii) the date or dates the expenses were incurred
14 by the county; (iv) a statement by the official responsible
15 for enforcing the building code that the building was open and
16 vacant and constituted an immediate and continuing hazard to
17 the community; (v) a statement by the official that the
18 required sign was posted on the building, that notice was sent
19 by certified mail to the owners of record, and that notice was
20 published in accordance with this subsection; and (vi) a
21 statement as to when and where the notice was published. The
22 lien authorized by this subsection may thereafter be released
23 or enforced by the county as provided in subsection (a).

24 (e) In any case where a county has obtained a lien under
25 subsection (a), the county may also bring an action for a money
26 judgment against the owner or owners of the real estate in the

1 amount of the lien in the same manner as provided for bringing
2 causes of action in Article II of the Code of Civil Procedure
3 and, upon obtaining a judgment, file a judgment lien against
4 all of the real estate of the owner or owners and enforce that
5 lien as provided for in Article XII of the Code of Civil
6 Procedure.

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

1 including weekends or holidays, from the date of filing. To
2 provide notice of such hearing, the county shall make every
3 effort to serve the property's owners of record with the
4 petition and summons and, if such service cannot be had, shall
5 provide an affidavit to the court at the hearing showing the
6 service could not be had and the efforts taken to locate and
7 serve the owners of record. The county shall also post a sign
8 at the property notifying all persons of the court proceeding.
9 Following the abatement actions, the county may file a notice
10 of lien for the cost and expense of actions taken under this
11 subsection as provided in subsection (a).

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

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

15 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

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

18 (a) The corporate authorities of each municipality may
19 demolish, repair, or enclose or cause the demolition, repair,
20 or enclosure of dangerous and unsafe buildings or uncompleted
21 and abandoned buildings within the territory of the
22 municipality and may remove or cause the removal of garbage,
23 debris, and other hazardous, noxious, or unhealthy substances
24 or materials from those buildings. In any county having

1 adopted by referendum or otherwise a county health department
2 as provided by Division 5-25 of the Counties Code or its
3 predecessor, the county board of that county may exercise
4 those powers with regard to dangerous and unsafe buildings or
5 uncompleted and abandoned buildings within the territory of
6 any city, village, or incorporated town having less than
7 50,000 population.

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

1 The hearing upon the application to the circuit court
2 shall be expedited by the court and shall be given precedence
3 over all other suits. Any person entitled to bring an action
4 under subsection (b) shall have the right to intervene in an
5 action brought under this Section.

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

22 The notice must consist of a sworn statement setting out
23 (1) a description of the real estate sufficient for its
24 identification, (2) the amount of money representing the cost
25 and expense incurred, and (3) the date or dates when the cost
26 and expense was incurred by the municipality, the lien holder

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

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

23 If the appropriate official of any municipality determines
24 that any dangerous and unsafe building or uncompleted and
25 abandoned building within its territory fulfills the
26 requirements for an action by the municipality under the

1 Abandoned Housing Rehabilitation Act, the municipality may
2 petition under that Act in a proceeding brought under this
3 subsection.

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

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

22 If a municipality or a person or persons other than the
23 owner or owners of record pay the cost of demolition, removal
24 of garbage, debris, and other noxious or unhealthy substances
25 and materials, repair, or enclosure pursuant to a court order,
26 the cost, including court costs, attorney's fees, and other

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

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

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

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

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

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

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

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

1 (d) In addition to any other remedy provided by law, the
2 corporate authorities of any municipality may petition the
3 circuit court to have property declared abandoned under this
4 subsection (d) if:

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

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

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

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

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

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

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

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

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

9 If the owner of record enters an appearance in the action
10 within the 30 day period, but does not at that time file with
11 the court a request to demolish the dangerous or unsafe
12 building or to put the property in safe condition, or
13 specifically waive his or her rights under this subsection
14 (d), the court shall vacate its order declaring the property
15 abandoned if it determines that the owner of record does not
16 intend to abandon the property. In that case, the municipality
17 may amend its complaint in order to initiate proceedings under
18 subsection (a), or it may request that the court order the
19 owner to demolish buildings or repair the dangerous or unsafe
20 conditions of the property alleged in the petition or seek the
21 appointment of a receiver or other equitable relief to correct
22 the conditions at the property. The powers and rights of a
23 receiver appointed under this subsection (d) shall include all
24 of the powers and rights of a receiver appointed under Section
25 11-31-2 of this Code.

26 If a request to demolish or repair a building or property

1 is filed within the 30 day period, the court shall grant
2 permission to the requesting party to demolish the building or
3 repair the property within 60 days after the request is
4 granted. An extension of that period for up to 60 additional
5 days may be given for good cause. If more than one person with
6 an interest in the property files a timely request, preference
7 shall be given to the owner of record if the owner filed a
8 request or, if the owner did not, the person with the lien or
9 other interest of the highest priority.

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

1 original owner of record. If the requesting party is the owner
2 of record and proves to the court that the building has been
3 demolished or put in a safe condition in accordance with the
4 local safety codes within the period of time granted by the
5 court, the court shall dismiss the proceeding under this
6 subsection (d).

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

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

1 located.

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

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

21 (1) Cause to be sent, by certified mail, return
22 receipt requested, a Notice to Remediate to all owners of
23 record of the property, the beneficial owners of any
24 Illinois land trust having title to the property, and all
25 lienholders of record in the property, stating the intent
26 of the municipality to demolish, repair, or enclose the

1 building or remove any garbage, debris, or other
2 hazardous, noxious, or unhealthy substances or materials
3 if that action is not taken by the owner or owners.

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

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

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

26 If the building is not demolished, repaired, or enclosed,

1 or the garbage, debris, or other hazardous, noxious, or
2 unhealthy substances or materials are not removed, within 30
3 days of mailing the notice to the owners of record, the
4 beneficial owners of any Illinois land trust having title to
5 the property, and all lienholders of record in the property,
6 or within 30 days of the last day of publication of the notice,
7 whichever is later, the corporate authorities shall have the
8 power to demolish, repair, or enclose the building or to
9 remove any garbage, debris, or other hazardous, noxious, or
10 unhealthy substances or materials.

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

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

17 The municipality must maintain documentation submitted
18 from a contractor on the disposal of any demolition debris,
19 clean or general, or uncontaminated soil generated during the
20 demolition, repair, or enclosure of a building for a period of
21 3 years identifying the hauler, generator, place of origin of
22 the debris or soil, the weight or volume of the debris or soil,
23 and the location, owner, and operator of the facility where
24 the debris or soil was transferred, disposed, recycled, or
25 treated. The documentation required by this paragraph does not
26 apply to a permitted pollution control facility that transfers

1 or accepts construction or demolition debris, clean or
2 general, or uncontaminated soil for final disposal, recycling,
3 or treatment.

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

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

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

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

3 For purposes of this subsection (f):

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

6 (2) "abandoned" means;

7 (A) the property has been tax delinquent for 2 or
8 more years;

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

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

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

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

1 for the property's most recent usage, as established by the
2 Environmental Protection Act, and the rules and regulations
3 promulgated thereunder. Where, upon diligent search, the
4 identity or whereabouts of the owner or owners of the
5 property, including the lien holders of record, is not
6 ascertainable, notice mailed to the person or persons in whose
7 name the real estate was last assessed is sufficient notice
8 under this Section.

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

1 precedence over all other suits.

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

22 The notice must consist of a sworn statement setting out
23 (i) a description of the real estate sufficient for its
24 identification, (ii) the amount of money representing the cost
25 and expense incurred, and (iii) the date or dates when the cost
26 and expense was incurred by the municipality or the lien

1 holder of record. Upon payment of the lien amount by the owner
2 of or persons interested in the property after the notice of
3 lien has been filed, a release of lien shall be issued by the
4 municipality, the person in whose name the lien has been
5 filed, or the assignee of the lien, and the release may be
6 filed of record as in the case of filing notice of lien.

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

24 All liens arising under this subsection (f) shall be
25 assignable. The assignee of the lien shall have the same power
26 to enforce the lien as the assigning party, except that the

1 lien may not be enforced under subsection (c).

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

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

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