



Sen. David Koehler

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LRB102 22600 AWJ 36600 a

1 AMENDMENT TO SENATE BILL 3633

2 AMENDMENT NO. _____. Amend Senate Bill 3633, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 adding Section 2.25 as follows:

7 (5 ILCS 140/2.25 new)

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

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

3 (55 ILCS 5/5-1121)

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

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

1 Division 5-25 of the Counties Code or its predecessor, the
2 county board of any such county may upon a formal request by
3 the city, village, or incorporated town demolish, repair or
4 cause the demolition or repair of dangerous and unsafe
5 buildings or uncompleted and abandoned buildings within the
6 territory of any city, village, or incorporated town having a
7 population of less than 50,000.

8 The county board shall apply to the circuit court of the
9 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 to do so, have failed to commence proceedings to put the
14 building in a safe condition or to demolish it or (ii) for an
15 order requiring the owner or owners of record to demolish,
16 repair, or enclose the building or to remove garbage, debris,
17 and other hazardous, noxious, or unhealthy substances or
18 materials from the building. It is not a defense to the cause
19 of action that the building is boarded up or otherwise
20 enclosed, although the court may order the defendant to have
21 the building boarded up or otherwise enclosed. Where, upon
22 diligent search, the identity or whereabouts of the owner or
23 owners of the building, including the lien holders of record,
24 is not ascertainable, notice mailed to the person or persons
25 in whose name the real estate was last assessed and the posting
26 of such notice upon the premises sought to be demolished or

1 repaired is sufficient notice under this Section.

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

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

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

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

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

1 (b) In any case where a county has obtained a lien under
2 subsection (a), the county may enforce the lien under this
3 subsection (b) in the same proceeding in which the lien is
4 authorized.

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

23 All persons designated in Section 15-1501 of the Code of
24 Civil Procedure as necessary parties in a mortgage foreclosure
25 action shall be joined as parties before issuance of an order
26 of foreclosure. Persons designated in Section 15-1501 of the

1 Code of Civil Procedure as permissible parties may also be
2 joined as parties in the action.

3 The provisions of Article XV of the Code of Civil
4 Procedure applicable to mortgage foreclosures shall apply to
5 the foreclosure of a lien under this subsection (b), except to
6 the extent that those provisions are inconsistent with this
7 subsection. For purposes of foreclosures of liens under this
8 subsection, however, the redemption period described in
9 subsection (b) of Section 15-1603 of the Code of Civil
10 Procedure shall end 60 days after the date of entry of the
11 order of foreclosure.

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

15 (1) the property has been tax delinquent for 2 or more
16 years or bills for water service for the property have
17 been outstanding for 2 or more years;

18 (2) the property is unoccupied by persons legally in
19 possession; and

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

22 All persons having an interest of record in the property,
23 including tax purchasers and beneficial owners of any Illinois
24 land trust having title to the property, shall be named as
25 defendants in the petition and shall be served with process.
26 In addition, service shall be had under Section 2-206 of the

1 Code of Civil Procedure as in other cases affecting property,
2 including publication in a newspaper that is in circulation in
3 the county in which the action is pending. At least 30 days
4 prior to any declaration of abandonment, the county or its
5 agent shall post a notice not less than 1 foot by 1 foot in
6 size on the front of the subject building or property. The
7 notice shall be dated as of the date of the posting and state
8 that the county is seeking a declaration of abandonment for
9 the property. The notice shall also include the case number
10 for the underlying circuit court petition filed pursuant to
11 this subsection and a notification that the owner should file
12 an appearance in the matter if the property is not abandoned.

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

17 If the county proves that the conditions described in this
18 subsection exist and the owner of record of the property does
19 not enter an appearance in the action, or, if title to the
20 property is held by an Illinois land trust, if neither the
21 owner of record nor the owner of the beneficial interest of the
22 trust enters an appearance, the court shall declare the
23 property abandoned.

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

1 beneficial owners of any Illinois land trust having title to
2 the property, stating that title to the property will be
3 transferred to the county unless, within 30 days of the
4 notice, the owner of record enters an appearance in the
5 action, or unless any other person having an interest in the
6 property files with the court a request to demolish any or all
7 dangerous or unsafe buildings or to put the property in safe
8 condition.

9 If the owner of record enters an appearance in the action
10 within the 30 day period, the court shall vacate its order
11 declaring the property abandoned. In that case, the county may
12 amend its complaint in order to initiate proceedings under
13 subsection (a).

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

25 If the requesting party proves to the court that the
26 building has been demolished or put in a safe condition within

1 the period of time granted by the court, the court shall issue
2 a quitclaim judicial deed for the property to the requesting
3 party, conveying only the interest of the owner of record,
4 upon proof of payment to the county of all costs incurred by
5 the county in connection with the action, including but not
6 limited to court costs, attorney's fees, administrative costs,
7 the costs, if any, associated with property maintenance, and
8 receiver's certificates. The interest in the property so
9 conveyed shall be subject to all liens and encumbrances on the
10 property. In addition, if the interest is conveyed to a person
11 holding a certificate of purchase for the property under the
12 Property Tax Code, the conveyance shall be subject to the
13 rights of redemption of all persons entitled to redeem under
14 that Act, including the original owner of record.

15 If no person with an interest in the property files a
16 timely request or if the requesting party fails to demolish
17 the building or put the property in safe condition within the
18 time specified by the court, the county may petition the court
19 to issue a judicial deed for the property to the county or
20 another governmental body designated by the county in the
21 petition. A conveyance by judicial deed shall operate to
22 extinguish all existing ownership interests in, liens on, and
23 other interest in the property, including tax liens.

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

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

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

18 (1) Cause to be sent, by certified mail, return
19 receipt requested, a notice to all owners of record of the
20 property, the beneficial owners of any Illinois land trust
21 having title to the property, and all lienholders of
22 record in the property, stating the intent of the county
23 to demolish, repair, or enclose the building or remove any
24 garbage, debris, or other hazardous, noxious, or unhealthy
25 substances or materials if that action is not taken by the
26 owner or owners.

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

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

16 If the building is not demolished, repaired, or enclosed,
17 or the garbage, debris, or other hazardous, noxious, or
18 unhealthy substances or materials are not removed, within 30
19 days of mailing the notice to the owners of record, the
20 beneficial owners of any Illinois land trust having title to
21 the property, and all lienholders of record in the property,
22 or within 30 days of the last day of publication of the notice,
23 whichever is later, the county board shall have the power to
24 demolish, repair, or enclose the building or to remove any
25 garbage, debris, or other hazardous, noxious, or unhealthy
26 substances or materials.

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

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

1 apply to a permitted pollution control facility that transfers
2 or accepts construction or demolition debris, clean or
3 general, or uncontaminated soil for final disposal, recycling,
4 or treatment.

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; 102-363, eff. 1-1-22.)

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

23 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

24 Sec. 11-31-1. Demolition, repair, enclosure, or

1 remediation.

2 (a) The corporate authorities of each municipality may
3 demolish, repair, or enclose or cause the demolition, repair,
4 or enclosure of dangerous and unsafe buildings or uncompleted
5 and abandoned buildings within the territory of the
6 municipality and may remove or cause the removal of garbage,
7 debris, and other hazardous, noxious, or unhealthy substances
8 or materials from those buildings. In any county having
9 adopted by referendum or otherwise a county health department
10 as provided by Division 5-25 of the Counties Code or its
11 predecessor, the county board of that county may exercise
12 those powers with regard to dangerous and unsafe buildings or
13 uncompleted and abandoned buildings within the territory of
14 any city, village, or incorporated town having less than
15 50,000 population.

16 The corporate authorities shall apply to the circuit court
17 of the county in which the building is located (i) for an order
18 authorizing action to be taken with respect to a building if
19 the owner or owners of the building, including the lien
20 holders of record, after at least 15 days' written notice by
21 mail so to do, have failed to put the building in a safe
22 condition or to demolish it or (ii) for an order requiring the
23 owner or owners of record to demolish, repair, or enclose the
24 building or to remove garbage, debris, and other hazardous,
25 noxious, or unhealthy substances or materials from the
26 building. It is not a defense to the cause of action that the

1 building is boarded up or otherwise enclosed, although the
2 court may order the defendant to have the building boarded up
3 or otherwise enclosed. Where, upon diligent search, the
4 identity or whereabouts of the owner or owners of the
5 building, 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 hearing upon the application to the circuit court
10 shall be expedited by the court and shall be given precedence
11 over all other suits. Any person entitled to bring an action
12 under subsection (b) shall have the right to intervene in an
13 action brought under this Section.

14 The cost of the demolition, repair, enclosure, or removal
15 incurred by the municipality, by an intervenor, or by a lien
16 holder of record, including court costs, attorney's fees, and
17 other costs related to the enforcement of this Section, is
18 recoverable from the owner or owners of the real estate or the
19 previous owner or both if the property was transferred during
20 the 15 day notice period and is a lien on the real estate; the
21 lien is superior to all prior existing liens and encumbrances,
22 except taxes, if, within 180 days after the repair,
23 demolition, enclosure, or removal, the municipality, the lien
24 holder of record, or the intervenor who incurred the cost and
25 expense shall file a notice of lien for the cost and expense
26 incurred in the office of the recorder in the county in which

1 the real estate is located or in the office of the registrar of
2 titles of the county if the real estate affected is registered
3 under the Registered Titles (Torrens) Act.

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

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

5 If the appropriate official of any municipality determines
6 that any dangerous and unsafe building or uncompleted and
7 abandoned building within its territory fulfills the
8 requirements for an action by the municipality under the
9 Abandoned Housing Rehabilitation Act, the municipality may
10 petition under that Act in a proceeding brought under this
11 subsection.

12 (b) Any owner or tenant of real property within 1200 feet
13 in any direction of any dangerous or unsafe building located
14 within the territory of a municipality with a population of
15 500,000 or more may file with the appropriate municipal
16 authority a request that the municipality apply to the circuit
17 court of the county in which the building is located for an
18 order permitting the demolition, removal of garbage, debris,
19 and other noxious or unhealthy substances and materials from,
20 or repair or enclosure of the building in the manner
21 prescribed in subsection (a) of this Section. If the
22 municipality fails to institute an action in circuit court
23 within 90 days after the filing of the request, the owner or
24 tenant of real property within 1200 feet in any direction of
25 the building may institute an action in circuit court seeking
26 an order compelling the owner or owners of record to demolish,

1 remove garbage, debris, and other noxious or unhealthy
2 substances and materials from, repair or enclose or to cause
3 to be demolished, have garbage, debris, and other noxious or
4 unhealthy substances and materials removed from, repaired, or
5 enclosed the building in question. A private owner or tenant
6 who institutes an action under the preceding sentence shall
7 not be required to pay any fee to the clerk of the circuit
8 court. The cost of repair, removal, demolition, or enclosure
9 shall be borne by the owner or owners of record of the
10 building. In the event the owner or owners of record fail to
11 demolish, remove garbage, debris, and other noxious or
12 unhealthy substances and materials from, repair, or enclose
13 the building within 90 days of the date the court entered its
14 order, the owner or tenant who instituted the action may
15 request that the court join the municipality as a party to the
16 action. The court may order the municipality to demolish,
17 remove materials from, repair, or enclose the building, or
18 cause that action to be taken upon the request of any owner or
19 tenant who instituted the action or upon the municipality's
20 request. The municipality may file, and the court may approve,
21 a plan for rehabilitating the building in question. A court
22 order authorizing the municipality to demolish, remove
23 materials from, repair, or enclose a building, or cause that
24 action to be taken, shall not preclude the court from
25 adjudging the owner or owners of record of the building in
26 contempt of court due to the failure to comply with the order

1 to demolish, remove garbage, debris, and other noxious or
2 unhealthy substances and materials from, repair, or enclose
3 the building.

4 If a municipality or a person or persons other than the
5 owner or owners of record pay the cost of demolition, removal
6 of garbage, debris, and other noxious or unhealthy substances
7 and materials, repair, or enclosure pursuant to a court order,
8 the cost, including court costs, attorney's fees, and other
9 costs related to the enforcement of this subsection, is
10 recoverable from the owner or owners of the real estate and is
11 a lien on the real estate; the lien is superior to all prior
12 existing liens and encumbrances, except taxes, if, within 180
13 days after the repair, removal, demolition, or enclosure, the
14 municipality or the person or persons who paid the costs of
15 demolition, removal, repair, or enclosure shall file a notice
16 of lien of the cost and expense incurred in the office of the
17 recorder in the county in which the real estate is located or
18 in the office of the registrar of the county if the real estate
19 affected is registered under the Registered Titles (Torrens)
20 Act. The notice shall be in a form as is provided in subsection
21 (a). An owner or tenant who institutes an action in circuit
22 court seeking an order to compel the owner or owners of record
23 to demolish, remove materials from, repair, or enclose any
24 dangerous or unsafe building, or to cause that action to be
25 taken under this subsection may recover court costs and
26 reasonable attorney's fees for instituting the action from the

1 owner or owners of record of the building. Upon payment of the
2 costs and expenses by the owner of or a person interested in
3 the property after the notice of lien has been filed, the lien
4 shall be released by the municipality or the person in whose
5 name the lien has been filed or his or her assignee, and the
6 release may be filed of record as in the case of filing a
7 notice of lien. Unless the lien is enforced under subsection
8 (c), the lien may be enforced by foreclosure proceedings as in
9 the case of mortgage foreclosures under Article XV of the Code
10 of Civil Procedure or mechanics' lien foreclosures. An action
11 to foreclose this lien may be commenced at any time after the
12 date of filing of the notice of lien. The costs of foreclosure
13 incurred by the municipality, including court costs,
14 reasonable attorneys' 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 the terms of this subsection (b)
20 shall be assignable. The assignee of the lien shall have the
21 same power to enforce the lien as the assigning party, except
22 that the lien may not be enforced under subsection (c).

23 (c) In any case where a municipality has obtained a lien
24 under subsection (a), (b), or (f), the municipality may
25 enforce the lien under this subsection (c) in the same
26 proceeding in which the lien is authorized.

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

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

26 The provisions of Article XV of the Code of Civil

1 Procedure applicable to mortgage foreclosures shall apply to
2 the foreclosure of a lien under this subsection (c), except to
3 the extent that those provisions are inconsistent with this
4 subsection. For purposes of foreclosures of liens under this
5 subsection, however, the redemption period described in
6 subsection (b) of Section 15-1603 of the Code of Civil
7 Procedure shall end 60 days after the date of entry of the
8 order of foreclosure.

9 (d) In addition to any other remedy provided by law, the
10 corporate authorities of any municipality may petition the
11 circuit court to have property declared abandoned under this
12 subsection (d) if:

13 (1) the property has been tax delinquent for 2 or more
14 years or bills for water service for the property have
15 been outstanding for 2 or more years;

16 (2) the property is unoccupied by persons legally in
17 possession; and

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

20 All persons having an interest of record in the property,
21 including tax purchasers and beneficial owners of any Illinois
22 land trust having title to the property, shall be named as
23 defendants in the petition and shall be served with process.
24 In addition, service shall be had under Section 2-206 of the
25 Code of Civil Procedure as in other cases affecting property,
26 including publication in a newspaper that is in circulation in

1 the county in which the action is pending. At least 30 days
2 prior to any declaration of abandonment, the municipality or
3 its agent shall post a notice not less than 1 foot by 1 foot in
4 size on the front of the subject building or property. The
5 notice shall be dated as of the date of the posting and state
6 that the municipality is seeking a declaration of abandonment
7 for the property. The notice shall also include the case
8 number for the underlying circuit court petition filed
9 pursuant to this subsection and a notification that the owner
10 should file an appearance in the matter if the property is not
11 abandoned.

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

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

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

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

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

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

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

18 If the requesting party (other than the owner of record)
19 proves to the court that the building has been demolished or
20 put in a safe condition in accordance with the local safety
21 codes within the period of time granted by the court, the court
22 shall issue a quitclaim judicial deed for the property to the
23 requesting party, conveying only the interest of the owner of
24 record, upon proof of payment to the municipality of all costs
25 incurred by the municipality in connection with the action,
26 including but not limited to court costs, attorney's fees,

1 administrative costs, the costs, if any, associated with
2 property maintenance, and receiver's certificates. The
3 interest in the property so conveyed shall be subject to all
4 liens and encumbrances on the property. In addition, if the
5 interest is conveyed to a person holding a certificate of
6 purchase for the property under the Property Tax Code, the
7 conveyance shall be subject to the rights of redemption of all
8 persons entitled to redeem under that Act, including the
9 original owner of record. If the requesting party is the owner
10 of record and proves to the court that the building has been
11 demolished or put in a safe condition in accordance with the
12 local safety codes within the period of time granted by the
13 court, the court shall dismiss the proceeding under this
14 subsection (d).

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

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

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

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

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

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

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

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

1 office of the registrar of titles of the county if the real
2 estate is registered under the Registered Title (Torrens)
3 Act.

4 Any person or persons with a current legal or equitable
5 interest in the property objecting to the proposed actions of
6 the corporate authorities may file his or her objection in an
7 appropriate form in a 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 corporate authorities shall have the
16 power to demolish, repair, or enclose the building or to
17 remove any garbage, debris, or other hazardous, noxious, or
18 unhealthy substances or materials.

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

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

25 The municipality must maintain documentation submitted
26 from a contractor on the disposal of any demolition debris,

1 clean or general, or uncontaminated soil generated during the
2 demolition, repair, or enclosure of a building for a period of
3 3 years identifying the hauler, generator, place of origin of
4 the debris or soil, the weight or volume of the debris or soil,
5 and the location, owner, and operator of the facility where
6 the debris or soil was transferred, disposed, recycled, or
7 treated. The documentation required by this paragraph does not
8 apply to a permitted pollution control facility that transfers
9 or accepts construction or demolition debris, clean or
10 general, or uncontaminated soil for final disposal, recycling,
11 or treatment.

12 Following the demolition, repair, or enclosure of a
13 building, or the removal of garbage, debris, or other
14 hazardous, noxious, or unhealthy substances or materials under
15 this subsection, the municipality may file a notice of lien
16 against the real estate for the cost of the demolition,
17 repair, enclosure, or removal within 180 days after the
18 repair, demolition, enclosure, or removal occurred, for the
19 cost and expense incurred, in the office of the recorder in the
20 county in which the real estate is located or in the office of
21 the registrar of titles of the county if the real estate
22 affected is registered under the Registered Titles (Torrens)
23 Act; this lien has priority over the interests of those
24 parties named in the Notice to Remediate mailed under
25 paragraph (1), but not over the interests of third party
26 purchasers or encumbrancers for value who obtained their

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

19 (f) The corporate authorities of each municipality may
20 remove or cause the removal of, or otherwise environmentally
21 remediate hazardous substances and petroleum products on, in,
22 or under any abandoned and unsafe property within the
23 territory of a municipality. In addition, where preliminary
24 evidence indicates the presence or likely presence of a
25 hazardous substance or a petroleum product or a release or a
26 substantial threat of a release of a hazardous substance or a

1 petroleum product on, in, or under the property, the corporate
2 authorities of the municipality may inspect the property and
3 test for the presence or release of hazardous substances and
4 petroleum products. In any county having adopted by referendum
5 or otherwise a county health department as provided by
6 Division 5-25 of the Counties Code or its predecessor, the
7 county board of that county may exercise the above-described
8 powers with regard to property within the territory of any
9 city, village, or incorporated town having less than 50,000
10 population.

11 For purposes of this subsection (f):

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

14 (2) "abandoned" means;

15 (A) the property has been tax delinquent for 2 or
16 more years;

17 (B) the property is unoccupied by persons legally
18 in possession; and

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

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

24 The corporate authorities shall apply to the circuit court
25 of the county in which the property is located (i) for an order
26 allowing the municipality to enter the property and inspect

1 and test substances on, in, or under the property; or (ii) for
2 an order authorizing the corporate authorities to take action
3 with respect to remediation of the property if conditions on
4 the property, based on the inspection and testing authorized
5 in paragraph (i), indicate the presence of hazardous
6 substances or petroleum products. Remediation shall be deemed
7 complete for purposes of paragraph (ii) above when the
8 property satisfies Tier I, II, or III remediation objectives
9 for the property's most recent usage, as established by the
10 Environmental Protection Act, and the rules and regulations
11 promulgated thereunder. Where, upon diligent search, the
12 identity or whereabouts of the owner or owners of the
13 property, including the lien holders of record, is not
14 ascertainable, notice mailed to the person or persons in whose
15 name the real estate was last assessed is sufficient notice
16 under this Section.

17 The court shall grant an order authorizing testing under
18 paragraph (i) above upon a showing of preliminary evidence
19 indicating the presence or likely presence of a hazardous
20 substance or a petroleum product or a release of or a
21 substantial threat of a release of a hazardous substance or a
22 petroleum product on, in, or under abandoned property. The
23 preliminary evidence may include, but is not limited to,
24 evidence of prior use, visual site inspection, or records of
25 prior environmental investigations. The testing authorized by
26 paragraph (i) above shall include any type of investigation

1 which is necessary for an environmental professional to
2 determine the environmental condition of the property,
3 including but not limited to performance of soil borings and
4 groundwater monitoring. The court shall grant a remediation
5 order under paragraph (ii) above where testing of the property
6 indicates that it fails to meet the applicable remediation
7 objectives. The hearing upon the application to the circuit
8 court shall be expedited by the court and shall be given
9 precedence over all other suits.

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

1 of the registrar of titles of the county if the real estate
2 affected is registered under the Registered Titles (Torrens)
3 Act.

4 The notice must consist of a sworn statement setting out
5 (i) a description of the real estate sufficient for its
6 identification, (ii) the amount of money representing the cost
7 and expense incurred, and (iii) the date or dates when the cost
8 and expense was incurred by the municipality or the lien
9 holder of record. Upon payment of the lien amount by the owner
10 of or persons interested in the property after the notice of
11 lien has been filed, a release of lien shall be issued by the
12 municipality, the person in whose name the lien has been
13 filed, or the assignee of the lien, and the release may be
14 filed of record as in the case of filing notice of lien.

15 The lien may be enforced under subsection (c) or by
16 foreclosure proceedings as in the case of mortgage
17 foreclosures under Article XV of the Code of Civil Procedure
18 or mechanics' lien foreclosures; provided that where the lien
19 is enforced by foreclosure under subsection (c) or under
20 either statute, the municipality may not proceed against the
21 other assets of the owner or owners of the real estate for any
22 costs that otherwise would be recoverable under this Section
23 but that remain unsatisfied after foreclosure except where
24 such additional recovery is authorized by separate
25 environmental laws. An action to foreclose this lien may be
26 commenced at any time after the date of filing of the notice of

1 lien. The costs of foreclosure incurred by the municipality,
2 including court costs, reasonable attorney's fees, advances to
3 preserve the property, and other costs related to the
4 enforcement of this subsection, plus statutory interest, are a
5 lien on the real estate.

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."