



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5453

Introduced 2/15/2012, by Rep. Luis Arroyo

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Vacant Building in Foreclosure Responsibility Act. Provides that for real estate in foreclosure on which there is a vacant building, the person who has legal title to the real estate or is the mortgagee of the real estate is required to register the vacant building with the Department of Financial and Professional Regulation. Provides that the registration fee for a vacant building is \$250; the registration must be renewed every 6 months and a renewal fee of \$250 must be paid. Establishes requirements for the maintenance of a vacant building's interior, exterior, and grounds and for security. Provides for inspection by the Department or any applicable municipal or county enforcement entity. Provides for penalties, rules, limiting home rule powers, and other matters. Effective immediately.

LRB097 14125 AJO 58815 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning property.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Vacant  
5 Building in Foreclosure Responsibility Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Financial and  
8 Professional Regulation.

9 "Owner" means any person who alone, jointly or severally  
10 with others: (i) has legal title to any real estate with or  
11 without accompanying actual possession of the real estate; or  
12 (ii) is a mortgagee who holds a mortgage on the real estate, or  
13 is an assignee or agent of the mortgagee.

14 "Real estate" has the meaning ascribed to that term in  
15 Section 15-1213 of the Code of Civil Procedure.

16 "Vacant building" means a structure located on real estate  
17 which is lacking habitual presence of human beings who have a  
18 legal right to be on the premises, or at which substantially  
19 all lawful business, construction operations, or residential  
20 occupancy has ceased, or which is substantially devoid of  
21 content. In determining whether a building is vacant, it is  
22 relevant to consider, among other factors, the percentage of  
23 the overall square footage of the building or floor to the

1 occupied space, the condition and value of any items in the  
2 building and the presence of rental or for sale signs on the  
3 property; provided that a residential property shall not be  
4 deemed vacant if it has been used as a residence by a person  
5 entitled to possession for a period of at least 3 months within  
6 the previous 9 months and a person entitled to possession  
7 intends to resume residing at the property; and further  
8 provided that multi-family residential property containing 10  
9 or more dwelling units shall be considered vacant when 90%  
10 percent or more of the dwelling units are unoccupied.

11 Section 10. Vacant building in foreclosure; owner  
12 registration statement.

13 (a) The owner of any vacant building located on real estate  
14 that is the subject of a foreclosure proceeding shall, within  
15 30 days after the foreclosure proceeding commenced or within 30  
16 days after assuming ownership of a vacant building, whichever  
17 is sooner, file a registration statement for that building with  
18 the Department on forms provided by the Department for that  
19 purpose. The registration shall remain valid for 6 months from  
20 the date of registration. The owner is required to renew the  
21 registration for successive 6-month periods as long as the  
22 building remains vacant and shall pay a registration or renewal  
23 fee in the amount prescribed in Section 20 for each registered  
24 building; however, all eleemosynary, religious, educational,  
25 benevolent, or charitable associations organized on a

1 not-for-profit basis and all governmental agencies are exempt  
2 from the payment of the registration fee.

3 (b) In addition to other information required by the  
4 Department, the registration statement shall include the name,  
5 street address, and telephone number of a natural person 21  
6 years of age or older who is designated by the owner as the  
7 authorized agent for receiving notices of violations and for  
8 receiving process, in any court proceeding or administrative  
9 enforcement proceeding, on behalf of the owner in connection  
10 with the enforcement of this Act. This person must maintain an  
11 office in the county in which the property is located or must  
12 actually reside within the county. An owner who is a natural  
13 person and who meets the requirements of this subsection as to  
14 location of residence or office may designate himself as agent.  
15 By designating an authorized agent under the provisions of this  
16 subsection, the owner is consenting to receive any and all  
17 notices of violations concerning the registered building and  
18 all process in any court proceeding or administrative  
19 enforcement proceeding brought to enforce provisions  
20 concerning the registered building by service of the notice or  
21 process on the authorized agent. Any owner who has designated  
22 an authorized agent under the provisions of this subsection  
23 shall be deemed to consent to the continuation of the agent's  
24 designation for the purposes of this Act until the owner  
25 notifies the Department in writing of a change of authorized  
26 agent or until the owner files a new registration statement.

1           (c) The owner shall notify the Department, within 20 days,  
2 of any change in the registration information by filing an  
3 amended registration statement on a form provided by the  
4 Department for that purpose. The registration statement shall  
5 be deemed prima facie proof of the statements therein contained  
6 in any administrative or court proceeding against the owner of  
7 the building instituted by the Department or by any  
8 municipality or county in which the building is located.

9           (d) After filing a registration statement, the building  
10 owner shall provide access to the Department or to the  
11 applicable municipality or county to conduct an exterior and  
12 interior inspection of the building to determine compliance  
13 with this Act and the applicable municipal or county  
14 ordinances, following reasonable notice, during the period  
15 covered by the initial registration or any subsequent renewal.

16           (e) Any owner who fails to register a vacant building under  
17 the provisions of this Section shall further be deemed to  
18 consent to receive, by posting at the building, any and all  
19 notices of any violation of this Act or of any violation of an  
20 applicable municipal or county ordinance and all process in any  
21 court proceeding or administrative proceeding brought to  
22 enforce this Act or an applicable municipal or county ordinance  
23 concerning the building.

24           Section 15. Registration and renewal fees.

25           (a) The registration fee for each registered vacant

1 building is \$250.

2 (b) The renewal fee for each registered vacant building is  
3 \$250.

4 Section 20. Vacant building access. After filing a  
5 registration statement, the building owner shall provide,  
6 following reasonable notice, access to:

7 (1) the Department to determine compliance with this Act;  
8 and

9 (2) to the municipality or the county in which the property  
10 is located to conduct an exterior and interior inspection of  
11 the building to determine compliance with this Act or with the  
12 applicable municipal or county ordinance during the period  
13 covered by the initial registration or any subsequent renewal.

14 Section 25. Minimum requirements for vacant buildings. In  
15 addition to any other applicable municipal or county ordinance  
16 requirements, each vacant building must be kept in compliance  
17 with the following requirements for as long as the building  
18 remains vacant:

19 (1) Real estate maintenance standards. The real estate the  
20 building stands on and the surrounding public way shall be  
21 maintained as follows:

22 (A) all grass and weeds on the premises including  
23 abutting sidewalks, gutters, and alleys shall be kept below  
24 10 inches in height, and all dead or broken trees, tree

1 limbs, or shrubbery shall be cut and removed from the  
2 premises;

3 (B) junk, rubbish, waste, and any material that creates  
4 a health, safety, or fire hazard shall not be permitted to  
5 accumulate;

6 (C) no portion of the real estate nor any structure,  
7 vehicle, receptacle, or object on the real estate shall be  
8 maintained or operated in any manner that causes or  
9 produces any health or safety hazard;

10 (D) the real estate shall be maintained so that water  
11 does not accumulate or stand on the ground; and

12 (E) all fences and gates shall be maintained in sound  
13 condition and in good repair.

14 (2) Exterior maintenance standards. The exterior of the  
15 building shall be enclosed, secured, and maintained as follows:

16 (A) foundations, basements, cellars, and crawlspaces  
17 shall be maintained in sound and watertight condition  
18 adequate to support the building, and shall be protected  
19 against the entry of rodents or other animals;

20 (B) exterior walls shall be free of holes, breaks, and  
21 any other conditions which might admit rain or dampness to  
22 the interior and shall be protected against the entry of  
23 rodents or other animals;

24 (C) exterior windows and doors shall be maintained in  
25 sound condition and good repair;

26 (D) the roof shall be adequately supported, and shall

1 be maintained in weather-tight condition; the gutters,  
2 downspouts, scuppers, and appropriate flashing shall be in  
3 good repair and adequate to remove the water from the  
4 building or structure;

5 (E) chimneys and flues shall be kept in sound,  
6 functional, and weather-tight condition;

7 (F) every outside stair, porch, stoop, deck, veranda,  
8 balcony, and walk shall be maintained in sound condition  
9 for its purpose; and

10 (G) all exit areas shall have continuous exterior  
11 lighting from dusk to dawn which may be provided by  
12 battery-powered or solar-powered lighting.

13 (3) Interior maintenance standards. The interior of any  
14 building shall be maintained as follows:

15 (A) it is prohibited to accumulate or permit the  
16 accumulation of junk, trash, or any other materials in such  
17 a manner that may produce any health, fire, or safety  
18 hazard on the premises;

19 (B) every foundation, roof, floor, wall, stair,  
20 ceiling, and any other structural support shall be safe and  
21 capable of supporting the loads of normal use;

22 (C) any plumbing fixtures shall be maintained with no  
23 leaking pipes; and all pipes for water shall be either  
24 completely drained or heated to resist being frozen;

25 (D) every exit door shall be secured with an internal  
26 deadbolt lock and be capable of being opened from the



1           inside easily and without the use of a key or special  
2           knowledge; and

3           (E) every owner shall be responsible for the  
4           extermination of insects, rodents, and other vermin in or  
5           about the premises.

6           (4) Building security standards. The following standards  
7           apply to the securing of vacant buildings:

8           (A) all building openings shall be closed and secured  
9           using secure doors, glazed windows, or commercial-quality  
10          steel security panels or filled with like-kind material as  
11          the surrounding wall, as applicable, to prevent entry by  
12          unauthorized persons;

13          (B) at least one building entrance shall be accessible  
14          from the exterior and secured with a door that is locked to  
15          allow access only to authorized persons; a minimum of 2  
16          exit doors shall be available to exit from the interior of  
17          the building; and

18          (C) if a building has been vacant for 6 months or  
19          longer, or upon any renewal of the registration statement  
20          required in Section 10, the building owner must implement  
21          and provide proof satisfactory to the Department that the  
22          building meets the standards stated in this Section.

23          Section 30. Rules. The Department may adopt rules for the  
24          administration of this Act.

1           Section 35. Penalties. Any person who violates any  
2 provision of this Act or of the rules adopted pursuant to this  
3 Act commits a petty offense punishable by a fine of not less  
4 than \$500 and not more than \$1,000 for each offense. Every day  
5 that a violation continues shall constitute a separate and  
6 distinct offense.

7           Section 90. Home rule. A home rule unit may not regulate  
8 vacant buildings in foreclosure in a manner less restrictive  
9 than the regulation by the State of vacant buildings in  
10 foreclosure under this Act. This Section is a limitation under  
11 subsection (i) of Section 6 of Article VII of the Illinois  
12 Constitution on the concurrent exercise by home rule units of  
13 powers and functions exercised by the State.

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