97TH GENERAL ASSEMBLY
State of Illinois
2011 and 2012
HB5454

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

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.811 new
815 ILCS 505/2Z from Ch. 121 1/2, par. 262Z

Creates the Vacant Residential Building Database Act. Provides that a Vacant Residential Building Database Program shall be established and administered by the Department of Financial and Professional Regulation. Provides that within 10 days after obtaining information that a residential building is vacant, a lender, real estate broker, title insurance company, municipality, or county shall report that building and that the United States Postal Service and the Department of Housing and Urban Development may also submit information online to the Department's database of vacant residential buildings. Provides that the Department shall send regular periodic reports concerning vacant residential buildings to those municipalities and counties within whose jurisdiction any newly reported vacant residential buildings are located, but that no building need be reported to a county in which the building is located if the Department knows that the building is located within the jurisdiction of a municipality. Provides that the Department shall organize and maintain the database and report a summary of the data, by county, to the General Assembly and the Governor semi-annually. Contains provisions regarding confidentiality, violations, and other matters. Creates the Vacant Residential Building Database Fund. Amends the State Finance Act and the Consumer Fraud and Deceptive Business Practices Act to make conforming changes.

LRB097 14126 AJO 58816 b

FISCAL NOTE ACT
MAY APPLY
AN ACT concerning civil law.

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

Section 1. Short title. This Act may be cited as the Vacant Residential Building Database Act.

Section 5. Definitions. As used in this Act:

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

"Lender" has the meaning that is ascribed to that term in subsection (g) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Program" means the Vacant Residential Building Database Program.

"Real estate broker" has the meaning ascribed to the terms real estate broker, real estate salesperson, or leasing agent in Section 1-10 of the Real Estate License Act of 2000.

"Residential building" means any type of permanent residential dwelling unit, including detached single family structures, townhouses, condominium units, multifamily rental apartments, and manufactured homes treated under Illinois law as real estate and not as personal property.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of...
conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another state, the District of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

"Vacant residential building" means a residential building at which substantially all lawful construction operations or residential occupancy has ceased, or which is substantially devoid of content. In determining whether a structure is a vacant residential building, it is relevant to consider, among other factors, if known: the percentage of the overall residential square footage of the building compared to the occupied residential space; the condition and value of any items in the residential space; and the presence of rental or for sale signs on the property on which the building is located. A multiple unit residential building shall be considered vacant when 80% or more of the dwelling units are unoccupied.

Section 10. Vacant Residential Building Database Program.

(a) A Vacant Residential Building Database Program shall be established and administered in accordance with this Act. The inception date of the program shall be July 1, 2013. Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the program shall be imposed. The program shall apply to all vacant residential
buildings that are subject to this Act and that are or become vacant after the inception of the program.

(b) The database created under the program shall be maintained and administered by the Department. The database shall be designed to allow the United States Postal Service, the Department of Housing and Urban Development, and any lender, real estate broker, title insurance company, municipality, or county to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as to avoid duplicate entries for the same vacant residential building or as otherwise provided in this Act.

(c) Within 10 days after obtaining information that a residential building is vacant, a lender, real estate broker, title insurance company, municipality, or county must submit online or by other means to the vacant residential building database so much of the information listed under Section 15 that the person or entity has, along with any other information required by the Department by rule.

(d) All information provided to the vacant residential building database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Act. Information or documents obtained by employees of the Department in the course of maintaining and administering the program are deemed confidential. Employees are prohibited from making disclosure
of such confidential information or documents. Any request for
production of information from the program, whether by
subpoena, notice, or any other source, shall be referred to the
Department of Financial and Professional Regulation. Any owner
of property on which a vacant residential building is located
may authorize in writing the release of database information.
The Department may use the information in the database without
the consent of the owner: (i) for the purposes of administering
and enforcing the program; (ii) to provide relevant information
to municipalities and counties if a vacant residential building
is located in a place that is subject to the zoning
discrimination of the municipality or the jurisdiction of the
county; or (iii) to provide information to the appropriate law
enforcement agency or the applicable administrative agency if
the database information demonstrates criminal, fraudulent, or
otherwise illegal activity. There shall be regular periodic
reports furnished to each municipality and county about the
existence of any vacant residential building that has been
reported since the prior regular periodic report within the
zoning jurisdiction of the municipality or within the
jurisdiction of the county. If a vacant residential building is
known to the Department to exist within the zoning jurisdiction
of a municipality, the Department need not include that
building in the Department's periodic report to the county in
which the building is located.

(e) Any person who violates any provision of this Act
commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(f) During the existence of the program, the Department shall submit semi-annual reports to the Governor and to the General Assembly by May 1 and November 1 of each year detailing its findings regarding the program. Each report shall include, by county, at least the following information for each reporting period:

1. the number of vacant residential buildings registered with the program;
2. the number of vacant residential buildings removed from the database since the last report because the residential buildings are occupied by residents, the buildings no longer exist, or the buildings can no longer be characterized as vacant residential buildings;
3. the number of lenders, real estate brokers, title insurance companies, municipalities, and counties entering information into the database;
4. a summary of the types of vacant residential buildings listed on the database; and
5. a summary of how the Department, municipalities, and counties are actively utilizing the program to combat the existence of vacant residential buildings.

Section 15. Required information. As part of the program, the Department must gather from the reporting person or entity
so much of the following information that is available about a vacant residential building for inclusion in the database:

(1) The address, permanent index number, and a description of the building.

(2) The owner's name, present address, social security number or taxpayer identification number, date of birth, and present location.

(3) Information about the vacant residential building including the condition of doors, windows, and fencing; the status of utility services; and the presence and condition of electrical, plumbing, and heating and air conditioning systems.

(4) Information about the mortgagor, or title holder, affiliated or third party service provider, including the applicable name, address, and telephone number.

(5) Annual real estate taxes for the property on which the building is located, together with any assessments payable in connection with the property.

(6) Information concerning any notices issued as to the building or any foreclosure proceedings initiated or concluded as to the property on which the building is located.

Section 20. Vacant Residential Building Database Program Fund. The Vacant Residential Building Program Fund is created as a special fund in the State treasury. Subject to
appropriation, moneys in the Fund shall be appropriated to the Department of Financial and Professional Regulation for the purpose of the implementation and development of the program.

Section 900. The State Finance Act is amended by adding Section 5.811 as follows:

(30 ILCS 105/5.811 new)

Sec. 5.811. The Vacant Residential Building Program Fund.

Section 905. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales

- 7 - HB5454 LRB097 14126 AJO 58816 b
Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, the Vacant Residential Building Database Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.  
(Source: P.A. 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11; 96-1376, eff. 7-29-10; 97-333, eff. 8-12-11.)