

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 Counties Code is amended by changing Section  
5 5-1121 as follows:

6 (55 ILCS 5/5-1121)

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

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

1 proceedings within 60 days after the request) and shall notify  
2 the township board making the request of the county board's  
3 decision. In any county having adopted, by referendum or  
4 otherwise, a county health department as provided by Division  
5 5-25 of the Counties Code or its predecessor, the county board  
6 of any such county may upon a formal request by the city,  
7 village, or incorporated town demolish, repair or cause the  
8 demolition or repair of dangerous and unsafe buildings or  
9 uncompleted and abandoned buildings within the territory of any  
10 city, village, or incorporated town having a population of less  
11 than 50,000.

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

1 including the lien holders of record, is not ascertainable,  
2 notice mailed to the person or persons in whose name the real  
3 estate was last assessed and the posting of such notice upon  
4 the premises sought to be demolished or repaired is sufficient  
5 notice under this Section.

6 The hearing upon the application to the circuit court shall  
7 be expedited by the court and shall be given precedence over  
8 all other suits.

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

25 The notice must consist of a sworn statement setting out  
26 (1) a description of the real estate sufficient for its

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

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

25 If the appropriate official of any county determines that  
26 any dangerous and unsafe building or uncompleted and abandoned

1 building within its territory fulfills the requirements for an  
2 action by the county under the Abandoned Housing Rehabilitation  
3 Act, the county may petition under that Act in a proceeding  
4 brought under this subsection.

5 (b) In any case where a county has obtained a lien under  
6 subsection (a), the county may enforce the lien under this  
7 subsection (b) in the same proceeding in which the lien is  
8 authorized.

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

1 All persons designated in Section 15-1501 of the Code of  
2 Civil Procedure as necessary parties in a mortgage foreclosure  
3 action shall be joined as parties before issuance of an order  
4 of foreclosure. Persons designated in Section 15-1501 of the  
5 Code of Civil Procedure as permissible parties may also be  
6 joined as parties in the action.

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

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

19 (1) the property has been tax delinquent for 2 or more  
20 years or bills for water service for the property have been  
21 outstanding for 2 or more years;

22 (2) the property is unoccupied by persons legally in  
23 possession; and

24 (3) the property contains a dangerous or unsafe  
25 building.

26 All persons having an interest of record in the property,

1 including tax purchasers and beneficial owners of any Illinois  
2 land trust having title to the property, shall be named as  
3 defendants in the petition and shall be served with process. In  
4 addition, service shall be had under Section 2-206 of the Code  
5 of Civil Procedure as in other cases affecting property.

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

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

17 If that determination is made, notice shall be sent by  
18 certified or registered mail to all persons having an interest  
19 of record in the property, including tax purchasers and  
20 beneficial owners of any Illinois land trust having title to  
21 the property, stating that title to the property will be  
22 transferred to the county unless, within 30 days of the notice,  
23 the owner of record enters an appearance in the action, or  
24 unless any other person having an interest in the property  
25 files with the court a request to demolish the dangerous or  
26 unsafe building or to put the building in safe 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 or repair the building is filed  
7 within the 30 day period, the court shall grant permission to  
8 the requesting party to demolish the building within 30 days or  
9 to restore the building to safe condition within 60 days after  
10 the request is granted. An extension of that period for up to  
11 60 additional days may be given for good cause. If more than  
12 one person with an interest in the property files a timely  
13 request, preference shall be given to the person with the lien  
14 or other interest of the highest priority.

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



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

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

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

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

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

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

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

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

1 fail to do so. This notice shall be published for 3  
2 consecutive days.

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

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

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

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

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

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

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

18 (Source: P.A. 97-549, eff. 8-25-11.)

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