



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0644

Introduced 2/6/2009, by Rep. Patrick J Verschoore - Dan Reitz - Thomas Holbrook - Michael K. Smith - Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

60 ILCS 1/205-75

Amends the Township Code. Provides that payment for delinquent charges for sewerage service to any premises may be enforced by discontinuing water service, sewerage service, or both to the premises. Provides that a water service provider shall discontinue water service to a premises upon receiving written notice from the township board or the township utility board that payments for sewerage service have become delinquent and shall not resume water service until the delinquency has been removed. Provides that the township board or township utility board may contract with privately owned public utilities for discontinuance of water service to delinquent premises. Provides that the township shall reimburse the water service provider for the costs of discontinuing and reestablishing water service. Effective immediately.

LRB096 03499 RLJ 13524 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Township Code is amended by changing Section
5 205-75 as follows:

6 (60 ILCS 1/205-75)

7 Sec. 205-75. Liens; recovery of money due.

8 (a) Charges or rates established under this Article are
9 liens upon the real estate upon or for which a system is
10 supplied. Liens do not attach to the real estate until the
11 charges or rates have become delinquent as provided by an
12 ordinance fixing a delinquency date.

13 (b) Nothing in this Section shall be construed to give the
14 township board or the township utility board a preference over
15 the rights of any purchaser, mortgagee, judgment creditor, or
16 other lien holder arising before the filing of notice of the
17 lien in the office of the recorder of the county in which the
18 real estate is located or in the office of the registrar of
19 titles of the county if the property is registered under the
20 Registered Titles (Torrens) Act. The notice shall consist of a
21 sworn statement setting forth (i) a description of the real
22 estate, sufficient for its identification, upon or for which
23 the system was supplied, (ii) the amount or amounts of money

1 due for services of the system, and (iii) the date or dates
2 when the amount or amounts became delinquent.

3 (c) The township board or the township utility board may
4 foreclose the lien in the same manner and with the same effect
5 as the foreclosure of mortgages on real estate.

6 (d) The township board or the township utility board may
7 file an action in the circuit court to recover money due for
8 services of a system, plus a reasonable attorney's fee to be
9 fixed by the court. Whenever a judgment is entered in a civil
10 action, the provisions of this Section with respect to filing
11 sworn statements of delinquencies in the office of the recorder
12 and creating a lien against the real estate are not effective
13 as to the charges sued upon, and no lien exists thereafter
14 against the real estate for the delinquency. A judgment in a
15 civil action operates as a release and waiver of the lien upon
16 the real estate for the amount of judgement.

17 (e) The payment of delinquent charges for sewerage service
18 to any premises may be enforced by discontinuing the water
19 service, the sewerage service, or both to the premises. A rate
20 or charge is delinquent if it is more than 30 days overdue. Any
21 public or municipal corporation or political subdivision of the
22 State furnishing water service to the premises (i) shall
23 discontinue that service upon receiving written notice from the
24 township board or the township utility board in which the
25 premises lies that payment of the rate or charge for sewerage
26 service to the premises has become delinquent and (ii) shall

1 not resume water service until it receives a similar notice
2 that the delinquency has been removed. The provider of sewerage
3 service shall not request discontinuation of water service
4 pursuant to this subsection before sending a notice of the
5 delinquency to the owner of record of the premises and
6 affording the owner an opportunity to be heard. During any such
7 hearing, the provider of sewerage service shall consider the
8 financial ability of the owner to make immediate full payment
9 and consider the establishment of a deferred payment plan to
10 recoup any delinquent charges. The township board or the
11 township utility board shall reimburse the public or municipal
12 corporation or political subdivision of the State for the
13 reasonable cost of discontinuing and reestablishing water
14 service to the premises. The township board or the township
15 utility board may contract with any privately owned public
16 utility for the discontinuance of water service to a premises
17 with respect to which the payment for a rate or charge for
18 sewerage service has become delinquent. The township board or
19 township utility board shall reimburse the water service
20 provider for any lost water service revenues due to
21 discontinuing water service under this subsection, and shall
22 indemnify the water service provider for any judgment and
23 related attorney's fees resulting from an action based on any
24 provision of this subsection.

25 (Source: P.A. 84-794; 88-62.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.