



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB5064**

Introduced 2/10/2026, by Rep. Curtis J. Tarver, II

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-310  
35 ILCS 516/255

Amends the Property Tax Code and the Mobile Home Local Services Tax Enforcement Act. Provides that, when the holder of the certificate of purchase is the county as trustee for taxing districts, upon request of or consent by the county as trustee, the county collector may declare an administrative sale in error at any time and for any reason. Provides that the declaration shall state the reason why the sale should not have occurred.

LRB104 18794 HLH 32237 b

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing  
5 Section 21-310 as follows:

6 (35 ILCS 200/21-310)

7 Sec. 21-310. Sales in error.

8 (a) When, upon application of the county collector, the  
9 owner of the certificate of purchase, the holder of a 5% lien  
10 issued pursuant to Section 21-240, or a municipality which  
11 owns or has owned the property ordered sold, it appears to the  
12 satisfaction of the court which ordered the property sold that  
13 any of the following subsections are applicable, the court  
14 shall declare the sale to be a sale in error:

15 (1) the property was not subject to taxation, or all  
16 or any part of the lien of taxes sold has become null and  
17 void pursuant to Section 21-95 or unenforceable pursuant  
18 to subsection (c) of Section 18-250 or subsection (b) of  
19 Section 22-40;

20 (2) the taxes or special assessments had been paid  
21 prior to the sale of the property;

22 (3) there is a double assessment;

23 (4) the description is void for uncertainty;

1           (5) the assessor, chief county assessment officer,  
2 board of review, board of appeals, or other county  
3 official has made an error material to the tax certificate  
4 at issue (other than an error of judgment as to the value  
5 of any property), provided, however, that a sale in error  
6 may not be declared upon application of the owner of the  
7 certificate of purchase under this paragraph (5) if the  
8 county collector provided notice in accordance with  
9 Section 21-118 that the same property received a previous  
10 sale in error on the same facts;

11           (5.5) the owner of the homestead property had tendered  
12 timely and full payment to the county collector that the  
13 owner reasonably believed was due and owing on the  
14 homestead property, and the county collector did not apply  
15 the payment to the homestead property; provided that this  
16 provision applies only to homeowners, not their agents or  
17 third-party payors;

18           (6) a voluntary or involuntary petition was filed by  
19 or against the legal or beneficial owner of the property  
20 requesting relief under the provisions of 11 U.S.C.  
21 Chapter 7, 11, 12, or 13, and the bankruptcy case was open  
22 on the date the collector's application for judgment was  
23 filed pursuant to Section 21-150 or 21-155 or the date of  
24 the tax sale;

25           (7) the property is owned by the United States, the  
26 State of Illinois, a municipality, or a taxing district;

1 or

2 (8) the owner of the property is a reservist or  
3 guardsperson who is granted an extension of his or her due  
4 date under Sections 21-15, 21-20, and 21-25 of this Act.

5 (b) When, upon application of the owner of the certificate  
6 of purchase only, it appears to the satisfaction of the court  
7 which ordered the property sold that any of the following  
8 subsections are applicable, the court shall declare the sale  
9 to be a sale in error:

10 (1) A voluntary or involuntary petition under the  
11 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been  
12 filed subsequent to the tax sale and prior to the issuance  
13 of the tax deed, and the bankruptcy case was open on the  
14 date the petition for a sale in error was filed.

15 (2) The improvements upon the property sold have been  
16 substantially destroyed subsequent to the tax sale and  
17 prior to the issuance of the tax deed; however, if the  
18 court declares a sale in error under this paragraph (2),  
19 the court may order the holder of the certificate of  
20 purchase to assign the certificate to the county collector  
21 if requested by the county collector. The county collector  
22 may, upon request of the county, as trustee, or upon  
23 request of a taxing district having an interest in the  
24 taxes sold, further assign any certificate of purchase  
25 received pursuant to this paragraph (2) to the county  
26 acting as trustee for taxing districts pursuant to Section

1           21-90 of this Code or to the taxing district having an  
2           interest in the taxes sold.

3           (3) There is an interest held by the United States in  
4           the property sold which could not be extinguished by the  
5           tax deed.

6           (4) The real property contains a hazardous substance,  
7           hazardous waste, or underground storage tank that would  
8           require cleanup or other removal under any federal, State,  
9           or local law, ordinance, or regulation, only if the tax  
10          purchaser purchased the property without actual knowledge  
11          of the hazardous substance, hazardous waste, or  
12          underground storage tank. The presence of a grease trap on  
13          the property is not grounds for a sale in error under this  
14          paragraph (4). This paragraph (4) applies only if the  
15          owner of the certificate of purchase has made application  
16          for a sale in error at any time before the issuance of a  
17          tax deed. If the court declares a sale in error under this  
18          paragraph (4), the court may order the holder of the  
19          certificate of purchase to assign the certificate to the  
20          county collector if requested by the county collector. The  
21          county collector may, upon request of the county, as  
22          trustee, or upon request of a taxing district having an  
23          interest in the taxes sold, further assign any certificate  
24          of purchase received pursuant to this paragraph (4) to the  
25          county acting as trustee for taxing districts pursuant to  
26          Section 21-90 of this Code or to the taxing district

1           having an interest in the taxes sold.

2           Whenever a court declares a sale in error under this  
3 subsection (b), the State's attorney shall promptly notify the  
4 county collector in writing.

5           (c) When the county collector discovers, prior to the  
6 expiration of the period of redemption, that a tax sale should  
7 not have occurred for one or more of the reasons set forth in  
8 subdivision (a) (1), (a) (2), (a) (3), (a) (4), (a) (5.5), (a) (6),  
9 (a) (7), or (a) (8) of this Section, the county collector shall  
10 notify the last known owner of the tax certificate by  
11 certified and regular mail, or other means reasonably  
12 calculated to provide actual notice, that the county collector  
13 intends to declare an administrative sale in error and of the  
14 reasons therefor, including documentation sufficient to  
15 establish the reason why the sale should not have occurred.  
16 The owner of the certificate of purchase may object in writing  
17 within 28 days after the date of the mailing by the county  
18 collector. If an objection is filed, the county collector  
19 shall not administratively declare a sale in error, but may  
20 apply to the circuit court for a sale in error as provided in  
21 subsection (a) of this Section. Thirty days following the  
22 receipt of notice by the last known owner of the certificate of  
23 purchase, or within a reasonable time thereafter, the county  
24 collector shall make a written declaration, based upon clear  
25 and convincing evidence, that the taxes were sold in error and  
26 shall deliver a copy thereof to the county clerk within 30 days

1 after the date the declaration is made for entry in the tax  
2 judgment, sale, redemption, and forfeiture record pursuant to  
3 subsection (d) of this Section. The county collector shall  
4 promptly notify the last known owner of the certificate of  
5 purchase of the declaration by regular mail and shall, except  
6 if the certificate was issued pursuant to a no-cash bid,  
7 promptly pay the amount of the tax sale, together with  
8 interest and costs as provided in Section 21-315, upon  
9 surrender of the original certificate of purchase.

10 When the holder of the certificate of purchase is the  
11 county as trustee for taxing districts, upon request of or  
12 consent by the county as trustee, the county collector may  
13 declare an administrative sale in error at any time and for any  
14 reason. That declaration shall state the reason why the sale  
15 should not have occurred.

16 (d) If a sale is declared to be a sale in error for any  
17 reason set forth in Section 22-35, Section 22-50, or  
18 subdivision (a) (5), (b) (2), or (b) (4) of this Section, the tax  
19 certificate shall be forfeited to the county as trustee  
20 pursuant to Section 21-90 of this Code, unless the county  
21 collector informs the county and the county clerk in writing  
22 that the tax certificate shall not be forfeited to the county  
23 as trustee. The county clerk shall make entry in the tax  
24 judgment, sale, redemption and forfeiture record, that the  
25 property was erroneously sold and that the tax certificate is  
26 forfeited to the county pursuant to Section 21-90, and the

1 county collector shall, on demand of the owner of the  
2 certificate of purchase, refund the amount paid, except for  
3 the nonrefundable \$80 fee paid, pursuant to Section 21-295,  
4 for each item purchased at the tax sale, pay any interest and  
5 costs as may be ordered under Sections 21-315 through 21-335,  
6 and cancel the certificate so far as it relates to the  
7 property. The county collector shall deduct from the accounts  
8 of the appropriate taxing bodies their pro rata amounts paid.

9 (e) Whenever the collector declares an administrative sale  
10 in error under this Section, the collector must send a copy of  
11 the declaration of the administrative sale in error, and  
12 documentation sufficient to establish the reason why the sale  
13 should not have occurred, to the government entity responsible  
14 for maintaining assessment books and property record cards for  
15 the subject property. That entity must review the  
16 documentation sent by the collector, make a determination as  
17 to whether an update to the assessment books or property  
18 record cards is necessary to prevent a recurrence of the sale  
19 in error, and update the assessment books or property record  
20 cards as appropriate.

21 (f) Whenever a court declares a sale in error under this  
22 Section, the State's attorney must send a copy of the  
23 application and order declaring the sale in error to the  
24 county collector, the county clerk, and the government entity  
25 responsible for maintaining the assessment books and property  
26 record cards for the subject property. The collector, the

1 county clerk, and the other government entity must each review  
2 the application and order sent by the State's attorney and  
3 make a determination as to whether an update to its respective  
4 records is necessary to prevent a recurrence of the sale in  
5 error, and update its records as appropriate.

6 The changes made to this Section by this amendatory Act of  
7 the 103rd General Assembly apply to matters concerning tax  
8 certificates issued on or after the effective date of this  
9 amendatory Act of the 103rd General Assembly.

10 (Source: P.A. 103-555, eff. 1-1-24.)

11 Section 10. The Mobile Home Local Services Tax Enforcement  
12 Act is amended by changing Section 255 as follows:

13 (35 ILCS 516/255)

14 Sec. 255. Sales in error.

15 (a) When, upon application of the county collector, the  
16 owner of the certificate of purchase, or a municipality that  
17 owns or has owned the mobile home ordered sold, it appears to  
18 the satisfaction of the court that ordered the mobile home  
19 sold that any of the following subsections are applicable, the  
20 court shall declare the sale to be a sale in error:

21 (1) the mobile home was not subject to taxation,

22 (1.5) the mobile home has been moved to a different  
23 location,

24 (2) the taxes had been paid prior to the sale of the

1 mobile home,

2 (3) there is a double computation of the tax,

3 (4) the description is void for uncertainty,

4 (5) the assessor, chief county assessment officer,  
5 board of review, board of appeals, or other county  
6 official has made an error (other than an error of  
7 judgment as to the value of any mobile home),

8 (5.5) the owner of the mobile home had tendered timely  
9 and full payment to the county collector that the owner  
10 reasonably believed was due and owing on the mobile home,  
11 and the county collector did not apply the payment to the  
12 mobile home; provided that this provision applies only to  
13 mobile home owners, not their agents or third-party  
14 payors,

15 (6) prior to the tax sale a voluntary or involuntary  
16 petition has been filed by or against the legal or  
17 beneficial owner of the mobile home requesting relief  
18 under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,  
19 or

20 (7) the mobile home is owned by the United States, the  
21 State of Illinois, a municipality, or a taxing district.

22 (b) When, upon application of the owner of the certificate  
23 of purchase only, it appears to the satisfaction of the court  
24 that ordered the mobile home sold that any of the following  
25 subsections are applicable, the court shall declare the sale  
26 to be a sale in error:

1           (1) A voluntary or involuntary petition under the  
2 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been  
3 filed subsequent to the tax sale and prior to the issuance  
4 of the tax certificate of title.

5           (2) The mobile home sold has been substantially  
6 destroyed or rendered uninhabitable or otherwise unfit for  
7 occupancy subsequent to the tax sale and prior to the  
8 issuance of the tax certificate of title.

9           (c) When the county collector discovers, prior to the  
10 expiration of the period of redemption, that a tax sale should  
11 not have occurred for one or more of the reasons set forth in  
12 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,  
13 the county collector shall notify the last known owner of the  
14 certificate of purchase by certified and regular mail, or  
15 other means reasonably calculated to provide actual notice,  
16 that the county collector intends to declare an administrative  
17 sale in error and of the reasons therefor, including  
18 documentation sufficient to establish the reason why the sale  
19 should not have occurred. The owner of the certificate of  
20 purchase may object in writing within 28 days after the date of  
21 the mailing by the county collector. If an objection is filed,  
22 the county collector shall not administratively declare a sale  
23 in error, but may apply to the circuit court for a sale in  
24 error as provided in subsection (a) of this Section. Thirty  
25 days following the receipt of notice by the last known owner of  
26 the certificate of purchase, or within a reasonable time

1 thereafter, the county collector shall make a written  
2 declaration, based upon clear and convincing evidence, that  
3 the taxes were sold in error and shall deliver a copy thereof  
4 to the county clerk within 30 days after the date the  
5 declaration is made for entry in the tax judgment, sale,  
6 redemption, and forfeiture record pursuant to subsection (d)  
7 of this Section. The county collector shall promptly notify  
8 the last known owner of the certificate of purchase of the  
9 declaration by regular mail and shall promptly pay the amount  
10 of the tax sale, together with interest and costs as provided  
11 in Sections 260 through 280, upon surrender of the original  
12 certificate of purchase.

13 When the holder of the certificate of purchase is the  
14 county as trustee for taxing districts, upon request of or  
15 consent by the county as trustee, the county collector may  
16 declare an administrative sale in error at any time and for any  
17 reason. That declaration shall state the reason why the sale  
18 should not have occurred.

19 (d) If a sale is declared to be a sale in error, the county  
20 clerk shall make entry in the tax judgment, sale, redemption  
21 and forfeiture record, that the mobile home was erroneously  
22 sold, and the county collector shall, on demand of the owner of  
23 the certificate of purchase, refund the amount paid, pay any  
24 interest and costs as may be ordered under Sections 260  
25 through 280, and cancel the certificate so far as it relates to  
26 the mobile home. The county collector shall deduct from the

1 accounts of the appropriate taxing bodies their pro rata  
2 amounts paid.

3 (Source: P.A. 98-949, eff. 8-15-14.)