

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 Local Government Property Transfer Act is
5 amended by changing Sections 1 and 2 as follows:

6 (50 ILCS 605/1) (from Ch. 30, par. 156)

7 Sec. 1. When used in this Act:

8 (a) The term "transferor municipality" shall mean a
9 municipal corporation transferring real estate or any interest
10 therein, under the provisions of this Act.

11 (b) The term "transferee municipality" shall mean a
12 municipal corporation or 2 or more school districts operating a
13 cooperative or joint educational program pursuant to Section
14 10-22.31 of the School Code receiving a transfer of real estate
15 or any interest therein under provisions of this Act.

16 (c) The term "municipality" whether used by itself or in
17 conjunction with other words, as in (a) or (b) above, shall
18 mean and include any municipal corporation or political
19 subdivision organized and existing under the laws of the State
20 of Illinois and including, but without limitation, any city,
21 village, or incorporated town, whether organized under a
22 special charter or under the General Act, or whether operating
23 under the commission or managerial form of government, county,

1 school districts, trustees of schools, boards of education, 2
2 or more school districts operating a cooperative or joint
3 educational program pursuant to Section 10-22.31 of the School
4 Code, sanitary district or sanitary district trustees, forest
5 preserve district or forest preserve district commissioner,
6 park district or park commissioners, airport authority and
7 township.

8 (d) The term "restriction" shall mean any condition,
9 limitation, qualification, reversion, possibility of
10 reversion, covenant, agreement or restraint of whatever kind or
11 nature, the effect of which is to restrict the use or ownership
12 of real estate by a municipality as defined in (c) above.

13 (e) The term "corporate authorities" shall mean the members
14 of the legislative body of any municipality as defined in (c)
15 above.

16 (f) The term "held" or any form thereof, when used in
17 reference to the interest of a municipality in real estate
18 shall be taken and construed to refer to and include all of the
19 right, title and interest of such municipality of whatever kind
20 or nature, in and to such real estate.

21 (g) Each of the terms above defined and the terms contained
22 in the definition of each of said terms shall be taken and
23 construed to include the plural form thereof.

24 (h) The term "Local Improvement Act" shall mean an Act of
25 the General Assembly of the State of Illinois entitled "An Act
26 concerning local improvements," approved June 14, 1897, and the

1 amendments thereto.

2 (i) The term "State of Illinois" shall mean the State of
3 Illinois or any department, commission, board or other agency
4 of the State.

5 (j) "Public agency" means a municipality or county of the
6 State of Illinois and any combination of municipalities and
7 counties pursuant to an intergovernmental agreement that
8 includes provisions for a governing body of the agency created
9 by the agreement.

10 (Source: P.A. 96-783, eff. 8-28-09.)

11 (50 ILCS 605/2) (from Ch. 30, par. 157)

12 Sec. 2. If the territory of any municipality shall be
13 wholly within, coextensive with, or partly within and partly
14 without the corporate limits of any other municipality, or if
15 the municipality is a school district and the territory of the
16 school district is adjacent to the boundaries of any other
17 school district, and the first mentioned municipality (herein
18 called "transferee municipality"), shall by ordinance declare
19 that it is necessary or convenient for it to use, occupy or
20 improve any real estate held by the last mentioned municipality
21 (herein called the "transferor municipality") in the making of
22 any public improvement or for any public purpose, the corporate
23 authorities of the transferor municipality shall have the power
24 to transfer all of the right, title and interest held by it
25 immediately prior to such transfer, in and to such real estate,

1 whether located within or without either or both of said
2 municipalities, to the transferee municipality upon such terms
3 as may be agreed upon by the corporate authorities of both
4 municipalities, in the manner and upon the conditions
5 following:

6 (a) If such real estate shall be held by the transferor
7 municipality without restriction, the said municipality shall
8 have power to grant or convey such real estate or any portion
9 thereof to the transferee municipality upon such terms as may
10 be agreed upon by the corporate authorities of both
11 municipalities, by an instrument of conveyance signed by the
12 mayor, president or other chief executive of the transferor
13 municipality, attested by its clerk or secretary and sealed
14 with its corporate seal, all duly authorized by a resolution
15 passed by the vote of 2/3 of the members of the legislative
16 body of the transferor municipality then holding office, and
17 duly recorded in the office of the recorder in the county in
18 which said real estate is located. Provided, however, that any
19 municipality may, in the manner above provided, convey real
20 estate to a Public Building Commission organized and existing
21 pursuant to "An Act to authorize the creation of Public
22 Building Commissions and to define their rights, powers and
23 duties", approved July 5, 1955, as amended, when duly
24 authorized by a majority vote of the members of the legislative
25 body of such municipality then holding office whenever
26 provision is made in the conveyance for a reverter of the real

1 estate to such transferor municipality. The transferee
2 municipality shall thereafter have the right to use, occupy or
3 improve the real estate so transferred for any municipal or
4 public purpose and shall hold said real estate by the same
5 right, title and interest by which the transferor municipality
6 held said real estate immediately prior to said transfer.

7 (b) If any such real estate shall be held by the transferor
8 municipality subject to or limited by any restriction, and the
9 transferee municipality shall desire the use, occupation or
10 improvement thereof free from said restriction, the transferor
11 municipality (or the transferee municipality, in the name of
12 and for and on behalf of the transferor municipality, but
13 without subjecting the transferor municipality to any expense
14 without the consent of its corporate authorities), shall have
15 the power to secure from its grantor, or grantors, their heirs,
16 successors, assigns, or others, a release of any or all of such
17 restrictions upon such terms as may be agreed upon between
18 either of said municipalities and the person or persons
19 entitled to the benefit of said restrictions. Upon the
20 recording of any such release the transferor municipality shall
21 then have the powers granted in paragraph (a) of this Section.

22 (c) If either the transferor municipality or the transferee
23 municipality shall be unable to secure a release of any
24 restriction as above provided, the transferor municipality (or
25 the transferee municipality in the name of and for and in
26 behalf of the transferor municipality, but without subjecting

1 the transferor municipality to any expense without the consent
2 of its corporate authorities), shall have the power to file in
3 any circuit court a petition for the purpose of removing or
4 releasing said restriction and determining the compensation,
5 if any, to be paid in consequence thereof to the owner or
6 owners of said real estate, for any right, title or interest
7 which they or any of them may or might have in and to any such
8 real estate arising out of said restriction. If any
9 compensation shall be awarded, the same shall be measured by
10 the actual damage, if any, to the owner or owners of said real
11 estate, resulting from the removal or release of said
12 restriction, and shall be determined as of the date of the
13 filing of said petition. Upon the payment of such compensation
14 as may be awarded, if any, the transferor municipality shall
15 have the powers granted in paragraph (a) of this Section, and
16 said transferor municipality shall grant and convey the said
17 real estate to the transferee municipality upon the terms and
18 conditions theretofore agreed upon by the said municipalities
19 and in the manner provided for in paragraph (a) of this
20 Section.

21 (d) If the transferor municipality shall hold an easement
22 in any real estate for a particular purpose different from the
23 purpose for which the transferee municipality shall desire to
24 use, occupy or improve said real estate, the transferor
25 municipality (or the transferee municipality in the name of and
26 for and in behalf of the transferor municipality, but without

1 subjecting the transferor municipality to any expense without
2 the consent of its corporate authorities), shall have the power
3 to file in any circuit court a petition for the purpose of
4 terminating said easement and securing the right to use, occupy
5 and improve any such real estate for the purpose or purposes
6 set forth in said petition, and for determining the
7 compensation, if any, to be paid in consequence thereof to the
8 owner, or owners of said real estate. If any compensation shall
9 be awarded, the same shall be measured by the actual damage, if
10 any, to the owner or owners of said real estate, resulting from
11 the termination of the said easement and the granting of the
12 right sought in said petition, and shall be determined as of
13 the date of the filing of said petition. Upon the payment of
14 such compensation as may be awarded, if any, the easement held
15 by the transferor municipality shall in the final order entered
16 in such proceeding be declared terminated and the right of the
17 transferee municipality in said real estate shall be declared.
18 If the transferee municipality shall desire to use, occupy or
19 improve said real estate for the same purpose authorized by the
20 easement held by the transferor municipality, the transferor
21 municipality shall have the power to transfer said easement to
22 the transferee municipality by instrument of conveyance as
23 provided for in paragraph (a).

24 (e) If such real estate shall have been acquired or
25 improved by the transferor municipality under the Local
26 Improvements Act, or under the said Act in conjunction with any

1 other Act, and the times fixed for the payment of all
2 installments of the special assessments therefor have not
3 elapsed at the time the transferor and transferee
4 municipalities shall have reached an agreement for the transfer
5 of said real estate, the transferee municipality shall deposit
6 with the transferor municipality to be placed in the special
7 assessment funds authorized to be collected to pay the cost of
8 acquiring or improving said real estate, an amount sufficient
9 to pay (1) the installments of said special assessments not due
10 and payable at the time of the agreement for said transfer, and
11 (2) the amounts paid in advance by any property owner on
12 account of said special assessments, which, had such amounts
13 not been paid in advance, would have been due and payable after
14 the date of such agreement, and the transferor municipality
15 shall upon the receipt of such amount cause orders to be
16 entered in the courts in which said special assessments were
17 confirmed, cancelling the installments becoming due and
18 payable after the said time at which the transferor and
19 transferee municipalities shall have reached an agreement for
20 the transfer of said real estate, and releasing the respective
21 lots, tracts, and parcels of real estate assessed in any such
22 proceedings from the installments of the said assessments in
23 this paragraph authorized to be cancelled. The transferor
24 municipality shall after the entry of such orders of
25 cancellation refund to any property owner who has paid the same
26 in advance, any amounts which otherwise would have been due and

1 payable after the said time at which the transferor and
2 transferee municipalities shall have reached an agreement for
3 the transfer of said real estate. Upon the entry of such orders
4 of cancellation the transferor municipality shall then have the
5 powers granted in paragraph (a) of this Section.

6 (f) The procedure, for the removal of any restriction upon
7 the real estate of the transferor municipality, for the
8 termination of any easement of the transferor municipality in
9 said real estate and the declaration of another or different
10 right in the transferee municipality in said real estate, and
11 for the ascertainment of just compensation therefor, shall be
12 as near as may be like that provided for the exercise of the
13 power of eminent domain under the Eminent Domain Act.

14 (g) If any property shall be damaged by the release or
15 removal of any restrictions upon, or the termination of any
16 easement in, or the granting of a new right in any real estate
17 held by the transferor municipality, the same shall be
18 ascertained and paid as provided by law.

19 (h) Notwithstanding any provision of law to the contrary, a
20 municipality may convey property to a public agency subject
21 only to the terms and conditions set forth in an
22 intergovernmental agreement between the municipality and
23 public agency.

24 (Source: P.A. 94-1055, eff. 1-1-07.)

25 Section 10. The Illinois Municipal Code is amended by

1 changing Section 11-31-1 as follows:

2 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

3 Sec. 11-31-1. Demolition, repair, enclosure, or
4 remediation.

5 (a) The corporate authorities of each municipality may
6 demolish, repair, or enclose or cause the demolition, repair,
7 or enclosure of dangerous and unsafe buildings or uncompleted
8 and abandoned buildings within the territory of the
9 municipality and may remove or cause the removal of garbage,
10 debris, and other hazardous, noxious, or unhealthy substances
11 or materials from those buildings. In any county having adopted
12 by referendum or otherwise a county health department as
13 provided by Division 5-25 of the Counties Code or its
14 predecessor, the county board of that county may exercise those
15 powers with regard to dangerous and unsafe buildings or
16 uncompleted and abandoned buildings within the territory of any
17 city, village, or incorporated town having less than 50,000
18 population.

19 The corporate authorities shall apply to the circuit court
20 of the county in which the building is located (i) for an order
21 authorizing action to be taken with respect to a building if
22 the owner or owners of the building, including the lien holders
23 of record, after at least 15 days' written notice by mail so to
24 do, have failed to put the building in a safe condition or to
25 demolish it or (ii) for an order requiring the owner or owners

1 of record to demolish, repair, or enclose the building or to
2 remove garbage, debris, and other hazardous, noxious, or
3 unhealthy substances or materials from the building. It is not
4 a defense to the cause of action that the building is boarded
5 up or otherwise enclosed, although the court may order the
6 defendant to have the building boarded up or otherwise
7 enclosed. Where, upon diligent search, the identity or
8 whereabouts of the owner or owners of the building, including
9 the lien holders of record, is not ascertainable, notice mailed
10 to the person or persons in whose name the real estate was last
11 assessed and posting notice on the property for 15 days is
12 sufficient notice under this Section.

13 The hearing upon the application to the circuit court shall
14 be expedited by the court and shall be given precedence over
15 all other suits. Any person entitled to bring an action under
16 subsection (b) shall have the right to intervene in an action
17 brought under this Section.

18 The cost of the demolition, repair, enclosure, or removal
19 incurred by the municipality, by an intervenor, or by a lien
20 holder of record, including court costs, attorney's fees, and
21 other costs related to the enforcement of this Section, is
22 recoverable from the owner or owners of the real estate or the
23 previous owner or both if the property was transferred during
24 the 15 day notice period and is a lien on the real estate; the
25 lien is superior to all prior existing liens and encumbrances,
26 except taxes, if, within 180 days after the repair, demolition,

1 enclosure, or removal, the municipality, the lien holder of
2 record, or the intervenor who incurred the cost and expense
3 shall file a notice of lien for the cost and expense incurred
4 in the office of the recorder in the county in which the real
5 estate is located or in the office of the registrar of titles
6 of the county if the real estate affected is registered under
7 the Registered Titles (Torrens) Act.

8 The notice must consist of a sworn statement setting out
9 (1) a description of the real estate sufficient for its
10 identification, (2) the amount of money representing the cost
11 and expense incurred, and (3) the date or dates when the cost
12 and expense was incurred by the municipality, the lien holder
13 of record, or the intervenor. Upon payment of the cost and
14 expense by the owner of or persons interested in the property
15 after the notice of lien has been filed, the lien shall be
16 released by the municipality, the person in whose name the lien
17 has been filed, or the assignee of the lien, and the release
18 may be filed of record as in the case of filing notice of lien.
19 Unless the lien is enforced under subsection (c), the lien may
20 be enforced by foreclosure proceedings as in the case of
21 mortgage foreclosures under Article XV of the Code of Civil
22 Procedure or mechanics' lien foreclosures. An action to
23 foreclose this lien may be commenced at any time after the date
24 of filing of the notice of lien. The costs of foreclosure
25 incurred by the municipality, including court costs,
26 reasonable attorney's fees, advances to preserve the property,

1 and other costs related to the enforcement of this subsection,
2 plus statutory interest, are a lien on the real estate and are
3 recoverable by the municipality from the owner or owners of the
4 real estate.

5 All liens arising under this subsection (a) shall be
6 assignable. The assignee of the lien shall have the same power
7 to enforce the lien as the assigning party, except that the
8 lien may not be enforced under subsection (c).

9 If the appropriate official of any municipality determines
10 that any dangerous and unsafe building or uncompleted and
11 abandoned building within its territory fulfills the
12 requirements for an action by the municipality under the
13 Abandoned Housing Rehabilitation Act, the municipality may
14 petition under that Act in a proceeding brought under this
15 subsection.

16 (b) Any owner or tenant of real property within 1200 feet
17 in any direction of any dangerous or unsafe building located
18 within the territory of a municipality with a population of
19 500,000 or more may file with the appropriate municipal
20 authority a request that the municipality apply to the circuit
21 court of the county in which the building is located for an
22 order permitting the demolition, removal of garbage, debris,
23 and other noxious or unhealthy substances and materials from,
24 or repair or enclosure of the building in the manner prescribed
25 in subsection (a) of this Section. If the municipality fails to
26 institute an action in circuit court within 90 days after the

1 filing of the request, the owner or tenant of real property
2 within 1200 feet in any direction of the building may institute
3 an action in circuit court seeking an order compelling the
4 owner or owners of record to demolish, remove garbage, debris,
5 and other noxious or unhealthy substances and materials from,
6 repair or enclose or to cause to be demolished, have garbage,
7 debris, and other noxious or unhealthy substances and materials
8 removed from, repaired, or enclosed the building in question. A
9 private owner or tenant who institutes an action under the
10 preceding sentence shall not be required to pay any fee to the
11 clerk of the circuit court. The cost of repair, removal,
12 demolition, or enclosure shall be borne by the owner or owners
13 of record of the building. In the event the owner or owners of
14 record fail to demolish, remove garbage, debris, and other
15 noxious or unhealthy substances and materials from, repair, or
16 enclose the building within 90 days of the date the court
17 entered its order, the owner or tenant who instituted the
18 action may request that the court join the municipality as a
19 party to the action. The court may order the municipality to
20 demolish, remove materials from, repair, or enclose the
21 building, or cause that action to be taken upon the request of
22 any owner or tenant who instituted the action or upon the
23 municipality's request. The municipality may file, and the
24 court may approve, a plan for rehabilitating the building in
25 question. A court order authorizing the municipality to
26 demolish, remove materials from, repair, or enclose a building,

1 or cause that action to be taken, shall not preclude the court
2 from adjudging the owner or owners of record of the building in
3 contempt of court due to the failure to comply with the order
4 to demolish, remove garbage, debris, and other noxious or
5 unhealthy substances and materials from, repair, or enclose the
6 building.

7 If a municipality or a person or persons other than the
8 owner or owners of record pay the cost of demolition, removal
9 of garbage, debris, and other noxious or unhealthy substances
10 and materials, repair, or enclosure pursuant to a court order,
11 the cost, including court costs, attorney's fees, and other
12 costs related to the enforcement of this subsection, is
13 recoverable from the owner or owners of the real estate and is
14 a lien on the real estate; the lien is superior to all prior
15 existing liens and encumbrances, except taxes, if, within 180
16 days after the repair, removal, demolition, or enclosure, the
17 municipality or the person or persons who paid the costs of
18 demolition, removal, repair, or enclosure shall file a notice
19 of lien of the cost and expense incurred in the office of the
20 recorder in the county in which the real estate is located or
21 in the office of the registrar of the county if the real estate
22 affected is registered under the Registered Titles (Torrens)
23 Act. The notice shall be in a form as is provided in subsection
24 (a). An owner or tenant who institutes an action in circuit
25 court seeking an order to compel the owner or owners of record
26 to demolish, remove materials from, repair, or enclose any

1 dangerous or unsafe building, or to cause that action to be
2 taken under this subsection may recover court costs and
3 reasonable attorney's fees for instituting the action from the
4 owner or owners of record of the building. Upon payment of the
5 costs and expenses by the owner or a person interested in
6 the property after the notice of lien has been filed, the lien
7 shall be released by the municipality or the person in whose
8 name the lien has been filed or his or her assignee, and the
9 release may be filed of record as in the case of filing a
10 notice of lien. Unless the lien is enforced under subsection
11 (c), the lien may be enforced by foreclosure proceedings as in
12 the case of mortgage foreclosures under Article XV of the Code
13 of Civil Procedure or mechanics' lien foreclosures. An action
14 to foreclose this lien may be commenced at any time after the
15 date of filing of the notice of lien. The costs of foreclosure
16 incurred by the municipality, including court costs,
17 reasonable attorneys' fees, advances to preserve the property,
18 and other costs related to the enforcement of this subsection,
19 plus statutory interest, are a lien on the real estate and are
20 recoverable by the municipality from the owner or owners of the
21 real estate.

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

26 (c) In any case where a municipality has obtained a lien

1 under subsection (a), (b), or (f), the municipality may enforce
2 the lien under this subsection (c) in the same proceeding in
3 which the lien is authorized.

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

23 All persons designated in Section 15-1501 of the Code of
24 Civil Procedure as necessary parties in a mortgage foreclosure
25 action shall be joined as parties before issuance of an order
26 of foreclosure. Persons designated in Section 15-1501 of the

1 Code of Civil Procedure as permissible parties may also be
2 joined as parties in the action.

3 The provisions of Article XV of the Code of Civil Procedure
4 applicable to mortgage foreclosures shall apply to the
5 foreclosure of a lien under this subsection (c), except to the
6 extent that those provisions are inconsistent with this
7 subsection. For purposes of foreclosures of liens under this
8 subsection, however, the redemption period described in
9 subsection (b) of Section 15-1603 of the Code of Civil
10 Procedure shall end 30 ~~60~~ days after the date of entry of the
11 order of foreclosure.

12 (d) In addition to any other remedy provided by law, the
13 corporate authorities of any municipality may petition the
14 circuit court to have property declared abandoned under this
15 subsection (d) if:

16 (1) the property is unoccupied by persons legally in
17 possession;

18 (2) the property has 2 or more years of delinquent
19 taxes or the property has had no water use for the past
20 year; and

21 (3) the property's condition impairs public health,
22 safety, or welfare for reasons specified in the petition.

23 ~~(1) the property has been tax delinquent for 2 or more~~
24 ~~years or bills for water service for the property have been~~
25 ~~outstanding for 2 or more years;~~

26 ~~(2) the property is unoccupied by persons legally in~~

1 ~~possession; and~~

2 ~~(3) the property contains a dangerous or unsafe~~
3 ~~building for reasons specified in the petition.~~

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

10 The municipality, however, may proceed under this
11 subsection in a proceeding brought under subsection (a) or (b).
12 Notice of the petition shall be served in person or by
13 certified or registered mail on all persons who were served
14 notice under subsection (a) or (b).

15 If the municipality proves that the conditions described in
16 this subsection exist and (i) the owner of record of the
17 property does not enter an appearance in the action, or, if
18 title to the property is held by an Illinois land trust, if
19 neither the owner of record nor the owner of the beneficial
20 interest of the trust enters an appearance, or (ii) if the
21 owner of record or the beneficiary of a land trust, if title to
22 the property is held by an Illinois land trust, enters an
23 appearance and specifically waives his or her rights under this
24 subsection (d), the court shall declare the property abandoned.
25 Notwithstanding any waiver, the municipality may move to
26 dismiss its petition at any time. In addition, any waiver in a

1 proceeding under this subsection (d) does not serve as a waiver
2 for any other proceeding under law or equity.

3 If that determination is made, notice shall be sent in
4 person or by certified or registered mail to all persons having
5 an interest of record in the property, including tax purchasers
6 and beneficial owners of any Illinois land trust having title
7 to the property, stating that title to the property will be
8 transferred to the municipality unless, within 30 days of the
9 notice, the owner of record or any other person having an
10 interest in the property files with the court a request to
11 demolish all ~~the~~ dangerous or unsafe buildings ~~building~~ or to
12 put the property ~~building~~ in safe condition, or unless the
13 owner of record enters an appearance and proves that the owner
14 does not intend to abandon the property.

15 If the owner of record enters an appearance in the action
16 within the 30 day period, but does not at that time file with
17 the court a request to demolish any ~~the~~ dangerous or unsafe
18 building or to put the property ~~building~~ in safe condition, or
19 specifically waive his or her rights under this subsection (d),
20 the court shall vacate its order declaring the property
21 abandoned if it determines that the owner of record does not
22 intend to abandon the property. In that case, the municipality
23 may amend its complaint in order to initiate proceedings under
24 subsection (a), or it may request that the court order the
25 owner to demolish any unsafe or dangerous ~~the~~ building or
26 repair any ~~the~~ dangerous or unsafe conditions of the property

1 ~~building~~ alleged in the petition or seek the appointment of a
2 receiver or other equitable relief to correct the conditions at
3 the property. The powers and rights of a receiver appointed
4 under this subsection (d) shall include all of the powers and
5 rights of a receiver appointed under Section 11-31-2 of this
6 Code.

7 If a request to demolish a building or repair the property
8 ~~building~~ is filed within the 30 day period, the court shall
9 grant permission to the requesting party to demolish the
10 building or repair the property within ~~30 days or to restore~~
11 ~~the building to safe condition within~~ 60 days after the request
12 is granted. An extension of that period for up to 60 additional
13 days may be given for good cause. If more than one person with
14 an interest in the property files a timely request, preference
15 shall be given to the owner of record if the owner filed a
16 request or, if the owner did not, the person with the lien or
17 other interest of the highest priority.

18 If the requesting party (other than the owner of record)
19 proves to the court that the building has been demolished or
20 put in a safe condition in accordance with the local property
21 maintenance and building safety codes within the period of time
22 granted by the court, the court shall issue a quitclaim
23 judicial deed for the property to the requesting party,
24 conveying only the interest of the owner of record, upon proof
25 of payment to the municipality of all costs incurred by the
26 municipality in connection with the action, including but not

1 limited to court costs, attorney's fees, administrative costs,
2 the costs, if any, associated with any property maintenance
3 ~~building enclosure or removal~~, and receiver's certificates.
4 The interest in the property so conveyed shall be subject to
5 all liens and encumbrances on the property. In addition, if the
6 interest is conveyed to a person holding a certificate of
7 purchase for the property under the Property Tax Code, the
8 conveyance shall be subject to the rights of redemption of all
9 persons entitled to redeem under that Act, including the
10 original owner of record. If the requesting party is the owner
11 of record and proves to the court that the building has been
12 demolished or put in a safe condition in accordance with the
13 local safety codes within the period of time granted by the
14 court, the court shall dismiss the proceeding under this
15 subsection (d).

16 If the owner of record has not entered an appearance and
17 proven that the owner did not intend to abandon the property,
18 and if no person with an interest in the property files a
19 timely request or if the requesting party fails to demolish the
20 building or put the property building in safe condition within
21 the time specified by the court, the municipality may petition
22 the court to issue a judicial deed for the property to the
23 municipality or its designee, if the designee is a public
24 agency. A conveyance by judicial deed shall operate to
25 extinguish all existing ownership interests in, liens on, and
26 other interest in the property, including tax liens, and shall

1 extinguish the rights and interests of any and all holders of a
2 bona fide certificate of purchase of the property for
3 delinquent taxes. Any such bona fide certificate of purchase
4 holder shall be entitled to a sale in error as prescribed under
5 Section 21-310 of the Property Tax Code.

6 (e) Each municipality may use the provisions of this
7 subsection to expedite the removal of certain buildings that
8 are a continuing hazard to the community in which the buildings
9 ~~they~~ are located.

10 If a residential or commercial building is 3 stories or
11 less in height as defined by the municipality's building code,
12 and the corporate official designated to be in charge of
13 enforcing the municipality's building code determines that the
14 building is open and vacant and an immediate and continuing
15 hazard to the community in which the building is located, then
16 the official shall be authorized to post a notice not less than
17 2 feet by 2 feet in size on the front of the building. The
18 notice shall be dated as of the date of the posting and shall
19 state that unless the building is demolished, repaired, or
20 enclosed, and unless any garbage, debris, and other hazardous,
21 noxious, or unhealthy substances or materials are removed so
22 that an immediate and continuing hazard to the community no
23 longer exists, then the building may be demolished, repaired,
24 or enclosed, or any garbage, debris, and other hazardous,
25 noxious, or unhealthy substances or materials may be removed,
26 by the municipality.

1 Not later than 30 days following the posting of the notice,
2 the municipality shall do all of the following:

3 (1) Cause to be sent, by certified mail, return receipt
4 requested, a Notice to Remediate to all owners of record of
5 the property, the beneficial owners of any Illinois land
6 trust having title to the property, and all lienholders of
7 record in the property, stating the intent of the
8 municipality to demolish, repair, or enclose the building
9 or remove any garbage, debris, or other hazardous, noxious,
10 or unhealthy substances or materials if that action is not
11 taken by the owner or owners.

12 (2) Cause to be published, in a newspaper published or
13 circulated in the municipality where the building is
14 located, a notice setting forth (i) the permanent tax index
15 number and the address of the building, (ii) a statement
16 that the property is open and vacant and constitutes an
17 immediate and continuing hazard to the community, and (iii)
18 a statement that the municipality intends to demolish,
19 repair, or enclose the building or remove any garbage,
20 debris, or other hazardous, noxious, or unhealthy
21 substances or materials if the owner or owners or
22 lienholders of record fail to do so. This notice shall be
23 published for 3 consecutive days.

24 (3) Cause to be recorded the Notice to Remediate mailed
25 under paragraph (1) in the office of the recorder in the
26 county in which the real estate is located or in the office

1 of the registrar of titles of the county if the real estate
2 is registered under the Registered Title (Torrens) Act.

3 Any person or persons with a current legal or equitable
4 interest in the property objecting to the proposed actions of
5 the corporate authorities may file his or her objection in an
6 appropriate form in a court of competent jurisdiction.

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

18 The municipality may proceed to demolish, repair, or
19 enclose a building or remove any garbage, debris, or other
20 hazardous, noxious, or unhealthy substances or materials under
21 this subsection within a 180-day ~~120-day~~ period following the
22 date of the mailing of the notice if the appropriate official
23 determines that the demolition, repair, enclosure, or removal
24 of any garbage, debris, or other hazardous, noxious, or
25 unhealthy substances or materials is necessary to remedy the
26 immediate and continuing hazard. If, however, before the

1 municipality proceeds with any of the actions authorized by
2 this subsection, any person with a legal or equitable interest
3 in the property has sought a hearing under this subsection
4 before a court and has served a copy of the complaint on the
5 chief executive officer of the municipality, then the
6 municipality shall not proceed with the demolition, repair,
7 enclosure, or removal of garbage, debris, or other substances
8 until the court determines that that action is necessary to
9 remedy the hazard and issues an order authorizing the
10 municipality to do so. If the court dismisses the action for
11 want of prosecution, the municipality must send the objector a
12 copy of the dismissal order and a letter stating that the
13 demolition, repair, enclosure, or removal of garbage, debris,
14 or other substances will proceed unless, within 30 days after
15 the copy of the order and the letter are mailed, the objector
16 moves to vacate the dismissal and serves a copy of the motion
17 on the chief executive officer of the municipality.
18 Notwithstanding any other law to the contrary, if the objector
19 does not file a motion and give the required notice, if the
20 motion is denied by the court, or if the action is again
21 dismissed for want of prosecution, then the dismissal is with
22 prejudice and the demolition, repair, enclosure, or removal may
23 proceed forthwith.

24 Following the demolition, repair, or enclosure of a
25 building, or the removal of garbage, debris, or other
26 hazardous, noxious, or unhealthy substances or materials under

1 this subsection, the municipality may file a notice of lien
2 against the real estate for the cost of the demolition, repair,
3 enclosure, or removal incurred by the municipality or its
4 agent, including court costs, attorney's fees, and other costs
5 related to the enforcement of this Section, including, but not
6 limited to: appraisals; environmental reviews; costs assessing
7 the risks; police and public safety costs; and building
8 inspector costs. The notice must be filed within 180 days after
9 the completion of the repair, demolition, enclosure, or removal
10 ~~occurred~~, for the cost and expense incurred, in the office of
11 the recorder in the county in which the real estate is located
12 or in the office of the registrar of titles of the county if
13 the real estate affected is registered under the Registered
14 Titles (Torrens) Act. The costs incurred by a municipality is a
15 lien on the real estate. Liens under this paragraph have, ~~this~~
16 ~~lien has~~ priority over the interests of those parties named in
17 the Notice to Remediate mailed under paragraph (1), but not
18 over the interests of third party purchasers or encumbrancers
19 for value who obtained their interests in the property before
20 obtaining actual or constructive notice of the lien. Costs
21 incurred under this subsection (e) are also recoverable from
22 the owner or owners of the real estate, or from the previous
23 owner if the property is transferred following the recording of
24 the notice of intent to demolish as provided for under this
25 Section, in the manner as provided for in subsection (g). The
26 notice of lien shall consist of a sworn statement setting forth

1 (i) a description of the real estate, such as the address or
2 other description of the property, sufficient for its
3 identification; (ii) the expenses incurred by the municipality
4 in undertaking the remedial actions authorized under this
5 subsection; (iii) the date or dates the expenses were incurred
6 by the municipality; (iv) a statement by the corporate official
7 responsible for enforcing the building code that the building
8 was open and vacant and constituted an immediate and continuing
9 hazard to the community; (v) a statement by the corporate
10 official that the required sign was posted on the building,
11 that notice was sent by certified mail to the owners of record,
12 and that notice was published in accordance with this
13 subsection; and (vi) a statement as to when and where the
14 notice was published. The lien authorized by this subsection
15 may thereafter be released or enforced by the municipality as
16 provided in subsection (a).

17 (f) The corporate authorities of each municipality may
18 remove or cause the removal of, or otherwise environmentally
19 remediate hazardous substances and petroleum products on, in,
20 or under any abandoned and unsafe property within the territory
21 of a municipality. In addition, where preliminary evidence
22 indicates the presence or likely presence of a hazardous
23 substance or a petroleum product or a release or a substantial
24 threat of a release of a hazardous substance or a petroleum
25 product on, in, or under the property, the corporate
26 authorities of the municipality may inspect the property and

1 test for the presence or release of hazardous substances and
2 petroleum products. In any county having adopted by referendum
3 or otherwise a county health department as provided by Division
4 5-25 of the Counties Code or its predecessor, the county board
5 of that county may exercise the above-described powers with
6 regard to property within the territory of any city, village,
7 or incorporated town having less than 50,000 population.

8 For purposes of this subsection (f):

9 (1) "property" or "real estate" means all real
10 property, whether or not improved by a structure;

11 (2) "abandoned" means;

12 (A) the property has been tax delinquent for 2 or
13 more years;

14 (B) the property is unoccupied by persons legally
15 in possession; and

16 (3) "unsafe" means property that presents an actual or
17 imminent threat to public health and safety caused by the
18 release of hazardous substances; and

19 (4) "hazardous substances" means the same as in Section
20 3.215 of the Environmental Protection Act.

21 The corporate authorities shall apply to the circuit court
22 of the county in which the property is located (i) for an order
23 allowing the municipality to enter the property and inspect and
24 test substances on, in, or under the property; or (ii) for an
25 order authorizing the corporate authorities to take action with
26 respect to remediation of the property if conditions on the

1 property, based on the inspection and testing authorized in
2 paragraph (i), indicate the presence of hazardous substances or
3 petroleum products. Remediation shall be deemed complete for
4 purposes of paragraph (ii) above when the property satisfies
5 Tier I, II, or III remediation objectives for the property's
6 most recent usage, as established by the Environmental
7 Protection Act, and the rules and regulations promulgated
8 thereunder. Where, upon diligent search, the identity or
9 whereabouts of the owner or owners of the property, including
10 the lien holders of record, is not ascertainable, notice mailed
11 to the person or persons in whose name the real estate was last
12 assessed is sufficient notice under this Section.

13 The court shall grant an order authorizing testing under
14 paragraph (i) above upon a showing of preliminary evidence
15 indicating the presence or likely presence of a hazardous
16 substance or a petroleum product or a release of or a
17 substantial threat of a release of a hazardous substance or a
18 petroleum product on, in, or under abandoned property. The
19 preliminary evidence may include, but is not limited to,
20 evidence of prior use, visual site inspection, or records of
21 prior environmental investigations. The testing authorized by
22 paragraph (i) above shall include any type of investigation
23 which is necessary for an environmental professional to
24 determine the environmental condition of the property,
25 including but not limited to performance of soil borings and
26 groundwater monitoring. The court shall grant a remediation

1 order under paragraph (ii) above where testing of the property
2 indicates that it fails to meet the applicable remediation
3 objectives. The hearing upon the application to the circuit
4 court shall be expedited by the court and shall be given
5 precedence over all other suits.

6 The cost of the inspection, testing, or remediation
7 incurred by the municipality or by a lien holder of record,
8 including court costs, attorney's fees, and other costs related
9 to the enforcement of this Section, is a lien on the real
10 estate; except that in any instances where a municipality
11 incurs costs of inspection and testing but finds no hazardous
12 substances or petroleum products on the property that present
13 an actual or imminent threat to public health and safety, such
14 costs are not recoverable from the owners nor are such costs a
15 lien on the real estate. The lien is superior to all prior
16 existing liens and encumbrances, except taxes and any lien
17 obtained under subsection (a) or (e), if, within 180 days after
18 the completion of the inspection, testing, or remediation, the
19 municipality or the lien holder of record who incurred the cost
20 and expense shall file a notice of lien for the cost and
21 expense incurred in the office of the recorder in the county in
22 which the real estate is located or in the office of the
23 registrar of titles of the county if the real estate affected
24 is registered under the Registered Titles (Torrens) Act.

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

1 identification, (ii) the amount of money representing the cost
2 and expense incurred, and (iii) the date or dates when the cost
3 and expense was incurred by the municipality or the lien holder
4 of record. Upon payment of the lien amount by the owner of or
5 persons interested in the property after the notice of lien has
6 been filed, a release of lien shall be issued by the
7 municipality, 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.

10 The lien may be enforced under subsection (c) or 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; provided that where the lien is enforced by
14 foreclosure under subsection (c) or under either statute, the
15 municipality may not proceed against the other assets of the
16 owner or owners of the real estate for any costs that otherwise
17 would be recoverable under this Section but that remain
18 unsatisfied after foreclosure except where such additional
19 recovery is authorized by separate environmental laws. An
20 action to foreclose this lien may be commenced at any time
21 after the date of filing of the notice of lien. The costs of
22 foreclosure incurred by the municipality, including court
23 costs, reasonable attorney's fees, advances to preserve the
24 property, and other costs related to the enforcement of this
25 subsection, plus statutory interest, are a lien on the real
26 estate.

1 All liens arising under this subsection (f) shall be
2 assignable. The assignee of the lien shall have the same power
3 to enforce the lien as the assigning party, except that the
4 lien may not be enforced under subsection (c).

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

14 (h) Under this Section:

15 "Demolition" includes, but is not limited to: the
16 destruction and removal of structures on a certain parcel,
17 including accessory structures and any foundation,
18 disconnection of any utilities, repair of the soils to grade
19 level and installation of grass or other greenery on the
20 parcel.

21 "Public agency" means a municipality or county of the State
22 of Illinois and any combination of municipalities and counties
23 pursuant to an intergovernmental agreement that includes
24 provisions for a governing body of the agency created by the
25 agreement.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-931, eff. 1-1-09.)