

HB0859



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0859

Introduced 2/10/2021, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-355

Amends the Property Tax Code. Provides that the redemption amount shall include a 3% penalty amount (currently 12%). Effective immediately.

LRB102 04179 HLH 14196 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 21-355 as follows:

6 (35 ILCS 200/21-355)

7 Sec. 21-355. Amount of redemption. Any person desiring to
8 redeem shall deposit an amount specified in this Section with
9 the county clerk of the county in which the property is
10 situated, in legal money of the United States, or by cashier's
11 check, certified check, post office money order or money order
12 issued by a financial institution insured by an agency or
13 instrumentality of the United States, payable to the county
14 clerk of the proper county. The deposit shall be deemed timely
15 only if actually received in person at the county clerk's
16 office prior to the close of business as defined in Section
17 3-2007 of the Counties Code on or before the expiration of the
18 period of redemption or by United States mail with a post
19 office cancellation mark dated not less than one day prior to
20 the expiration of the period of redemption. The deposit shall
21 be in an amount equal to the total of the following:

22 (a) the certificate amount, which shall include all
23 tax principal, special assessments, interest and penalties

1 paid by the tax purchaser together with costs and fees of
2 sale and fees paid under Sections 21-295 and 21-315
3 through 21-335;

4 (b) the accrued penalty, computed through the date of
5 redemption as a percentage of the certificate amount, as
6 follows:

7 (1) if the redemption occurs on or before the
8 expiration of 6 months from the date of sale, the
9 certificate amount times the penalty bid at sale;

10 (2) if the redemption occurs after 6 months from
11 the date of sale, and on or before the expiration of 12
12 months from the date of sale, the certificate amount
13 times 2 times the penalty bid at sale;

14 (3) if the redemption occurs after 12 months from
15 the date of sale and on or before the expiration of 18
16 months from the date of sale, the certificate amount
17 times 3 times the penalty bid at sale;

18 (4) if the redemption occurs after 18 months from
19 the date of sale and on or before the expiration of 24
20 months from the date of sale, the certificate amount
21 times 4 times the penalty bid at sale;

22 (5) if the redemption occurs after 24 months from
23 the date of sale and on or before the expiration of 30
24 months from the date of sale, the certificate amount
25 times 5 times the penalty bid at sale;

26 (6) if the redemption occurs after 30 months from

1 the date of sale and on or before the expiration of 36
2 months from the date of sale, the certificate amount
3 times 6 times the penalty bid at sale.

4 In the event that the property to be redeemed has
5 been purchased under Section 21-405, the penalty bid
6 shall be 12% per penalty period as set forth in
7 subparagraphs (1) through (6) of this subsection (b).
8 The changes to this subdivision (b)(6) made by this
9 amendatory Act of the 91st General Assembly are not a
10 new enactment, but declaratory of existing law.

11 (c) The total of all taxes, special assessments,
12 accrued interest on those taxes and special assessments
13 and costs charged in connection with the payment of those
14 taxes or special assessments, which have been paid by the
15 tax certificate holder on or after the date those taxes or
16 special assessments became delinquent together with 3% ~~12%~~
17 penalty on each amount so paid for each year or portion
18 thereof intervening between the date of that payment and
19 the date of redemption. In counties with less than
20 3,000,000 inhabitants, however, a tax certificate holder
21 may not pay all or part of an installment of a subsequent
22 tax or special assessment for any year, nor shall any
23 tender of such a payment be accepted, until after the
24 second or final installment of the subsequent tax or
25 special assessment has become delinquent or until after
26 the holder of the certificate of purchase has filed a

1 petition for a tax deed under Section 22.30. The person
2 redeeming shall also pay the amount of interest charged on
3 the subsequent tax or special assessment and paid as a
4 penalty by the tax certificate holder. This amendatory Act
5 of 1995 applies to tax years beginning with the 1995
6 taxes, payable in 1996, and thereafter.

7 (d) Any amount paid to redeem a forfeiture occurring
8 subsequent to the tax sale together with 12% penalty
9 thereon for each year or portion thereof intervening
10 between the date of the forfeiture redemption and the date
11 of redemption from the sale.

12 (e) Any amount paid by the certificate holder for
13 redemption of a subsequently occurring tax sale.

14 (f) All fees paid to the county clerk under Section
15 22-5.

16 (g) All fees paid to the registrar of titles incident
17 to registering the tax certificate in compliance with the
18 Registered Titles (Torrens) Act.

19 (h) All fees paid to the circuit clerk and the
20 sheriff, a licensed or registered private detective, or
21 the coroner in connection with the filing of the petition
22 for tax deed and service of notices under Sections 22-15
23 through 22-30 and 22-40 in addition to (1) a fee of \$35 if
24 a petition for tax deed has been filed, which fee shall be
25 posted to the tax judgement, sale, redemption, and
26 forfeiture record, to be paid to the purchaser or his or

1 her assignee; (2) a fee of \$4 if a notice under Section
2 22-5 has been filed, which fee shall be posted to the tax
3 judgment, sale, redemption, and forfeiture record, to be
4 paid to the purchaser or his or her assignee; (3) all costs
5 paid to record a lis pendens notice in connection with
6 filing a petition under this Code; and (4) if a petition
7 for tax deed has been filed, all fees up to \$150 per
8 redemption paid to a registered or licensed title
9 insurance company or title insurance agent for a title
10 search to identify all owners, parties interested, and
11 occupants of the property, to be paid to the purchaser or
12 his or her assignee. The fees in (1) and (2) of this
13 paragraph (h) shall be exempt from the posting
14 requirements of Section 21-360. The costs incurred in
15 causing notices to be served by a licensed or registered
16 private detective under Section 22-15, may not exceed the
17 amount that the sheriff would be authorized by law to
18 charge if those notices had been served by the sheriff.

19 (i) All fees paid for publication of notice of the tax
20 sale in accordance with Section 22-20.

21 (j) All sums paid to any county, city, village or
22 incorporated town for reimbursement under Section 22-35.

23 (k) All costs and expenses of receivership under
24 Section 21-410, to the extent that these costs and
25 expenses exceed any income from the property in question,
26 if the costs and expenditures have been approved by the

1 court appointing the receiver and a certified copy of the
2 order or approval is filed and posted by the certificate
3 holder with the county clerk. Only actual costs expended
4 may be posted on the tax judgment, sale, redemption and
5 forfeiture record.

6 (Source: P.A. 98-1162, eff. 6-1-15.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.