



Rep. Andrew S. Chesney

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10200HB4123ham001

LRB102 19309 AWJ 36356 a

1 AMENDMENT TO HOUSE BILL 4123

2 AMENDMENT NO. _____. Amend House Bill 4123 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-20-7 and 11-20-15 as follows:

6 (65 ILCS 5/11-20-7) (from Ch. 24, par. 11-20-7)

7 Sec. 11-20-7. Cutting and removal of neglected weeds,
8 grass, trees, and bushes; property between sidewalk and
9 roadway.

10 (a) The corporate authorities of each municipality may
11 provide for the removal of nuisance greenery from any parcel
12 of private property within the municipality if the owners of
13 that parcel, after reasonable notice, refuse or neglect to
14 remove the nuisance greenery. The municipality may collect,
15 from the owners of that parcel, the reasonable removal cost.

16

1 (b) The municipality's removal cost under subsection (a)
2 ~~this Section~~ is a lien upon the underlying parcel in
3 accordance with Section 11-20-15.

4 (b-5) For property that is between a municipality's
5 sidewalk and roadway, an owner or occupant of the parcel
6 abutting the sidewalk, or person or entity that holds an
7 easement or right-of-way over the property, may be required by
8 the corporate authorities of the municipality to remove
9 nuisance greenery from the property or otherwise maintain the
10 property. If the owner or occupant of the parcel abutting the
11 sidewalk, or person or entity that holds an easement or
12 right-of-way over the property, fails to remove nuisance
13 greenery or maintain the property between the sidewalk and the
14 roadway, the corporate authorities may provide for the removal
15 of nuisance greenery or required maintenance after reasonable
16 notice. The municipality may collect, from the owners or
17 occupants of the parcel abutting the sidewalk, or person or
18 entity that holds an easement or right-of-way over the
19 property between the sidewalk and the roadway, the reasonable
20 removal cost or required maintenance cost. The municipality's
21 removal cost or maintenance cost under this subsection is a
22 lien upon the parcel abutting the sidewalk in accordance with
23 Section 11-20-15.

24 (c) For the purpose of this Section:

25 "Removal of nuisance greenery" or "removal activities"
26 means the cutting of weeds or grass, the trimming of trees or

1 bushes, and the removal of nuisance bushes or trees.

2 "Removal cost" means the total cost of the removal
3 activity.

4 (d) In the case of an abandoned residential property as
5 defined in Section 11-20-15.1, the municipality may elect to
6 obtain a lien for the removal cost pursuant to Section
7 11-20-15.1, in which case the provisions of Section 11-20-15.1
8 shall be the exclusive remedy for the removal cost.

9 The provisions of this subsection (d), other than this
10 sentence, are inoperative upon certification by the Secretary
11 of the Illinois Department of Financial and Professional
12 Regulation, after consultation with the United States
13 Department of Housing and Urban Development, that the Mortgage
14 Electronic Registration System program is effectively
15 registering substantially all mortgaged residential properties
16 located in the State of Illinois, is available for access by
17 all municipalities located in the State of Illinois without
18 charge to them, and such registration includes the telephone
19 number for the mortgage servicer.

20 (Source: P.A. 95-183, eff. 8-14-07; 96-462, eff. 8-14-09;
21 96-856, eff. 3-1-10.)

22 (65 ILCS 5/11-20-15)

23 Sec. 11-20-15. Lien for removal or maintenance costs.

24 (a) If the municipality incurs a removal cost under
25 Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13 with respect

1 to any parcel of private property upon which a removal
2 activity was performed ~~underlying parcel~~, then that cost is a
3 lien upon that underlying parcel. This lien is superior to all
4 other liens and encumbrances, except tax liens and as
5 otherwise provided in subsection (c) of this Section.

6 If a municipality incurs a removal cost or maintenance
7 cost under Section 11-20-7 with respect to property that is
8 between a municipality's sidewalk and roadway, then that cost
9 is a lien upon the parcel abutting the sidewalk. This lien is
10 superior to all other liens and encumbrances, except tax liens
11 and as otherwise provided in subsection (c) of this Section.

12 (b) To perfect a lien under this Section, the municipality
13 must, within one year after the removal cost or maintenance
14 cost is incurred, file notice of lien in the office of the
15 recorder in the county in which the underlying parcel is
16 located ~~or, if the underlying parcel is registered under the~~
17 ~~Torrens system, in the office of the Registrar of Titles of~~
18 ~~that county~~. The notice must consist of a sworn statement
19 setting out:

20 (1) a description of the underlying parcel that
21 sufficiently identifies the parcel;

22 (2) the amount of the removal cost or maintenance
23 cost; and

24 (3) the date or dates when the removal cost or
25 maintenance cost was incurred by the municipality.

26 If, for any one parcel, the municipality engaged in any

1 removal activity or maintenance activity on more than one
2 occasion during the course of one year, then the municipality
3 may combine any or all of the costs of each of those activities
4 into a single notice of lien.

5 (c) A lien under this Section is not valid as to: (i) any
6 purchaser whose rights in and to the underlying parcel arose
7 after the removal activity or maintenance activity but before
8 the filing of the notice of lien; or (ii) any mortgagee,
9 judgment creditor, or other lienor whose rights in and to the
10 underlying parcel arose before the filing of the notice of
11 lien.

12 (d) The removal cost or maintenance cost is not a lien on
13 the underlying parcel unless a notice is personally served on,
14 or sent by certified mail to, the person to whom was sent the
15 tax bill for the general taxes on the property for the taxable
16 year immediately preceding the removal activities or
17 maintenance activities. The notice must be delivered or sent
18 after the removal activities or maintenance activities have
19 been performed, and it must: (i) state the substance of this
20 Section and the substance of any ordinance of the municipality
21 implementing this Section; (ii) identify the underlying
22 parcel, by common description; and (iii) describe the removal
23 activity or maintenance activity.

24 (e) A lien under this Section may be enforced by
25 proceedings to foreclose as in case of mortgages or mechanics'
26 liens. An action to foreclose a lien under this Section must be

1 commenced within 2 years after the date of filing notice of
2 lien.

3 (f) Any person who performs a removal activity or
4 maintenance activity by the authority of the municipality may,
5 in his or her own name, file a lien and foreclose on that lien
6 in the same manner as a municipality under this Section.

7 (g) A failure to file a foreclosure action does not, in any
8 way, affect the validity of the lien against the underlying
9 parcel.

10 (h) Upon payment of the lien cost by the owner of the
11 underlying parcel after notice of lien has been filed, the
12 municipality (or its agent under subsection (f)) shall release
13 the lien, and the release may be filed of record by the owner
14 at his or her sole expense as in the case of filing notice of
15 lien.

16 (i) For the purposes of this Section:

17 "Lien cost" means the removal cost or maintenance cost and
18 the filing costs for any notice of lien under subsection (b).

19 "Removal activity" means any activity for which a removal
20 cost was incurred.

21 "Removal cost" means a removal cost as defined under
22 Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13.

23 "Underlying parcel" means (i) a parcel of private property
24 upon which a removal activity was performed or (ii) a parcel
25 abutting a sidewalk where removal activity or maintenance
26 activity was performed.

1 "Year" means a 365-day period.

2 (j) This Section applies only to liens filed after August
3 14, 2009 (the effective date of Public Act 96-462).

4 (k) This Section shall not apply to a lien filed pursuant
5 to Section 11-20-15.1.

6 (Source: P.A. 96-462, eff. 8-14-09; 96-856, eff. 3-1-10;
7 96-1000, eff. 7-2-10.)".