

HB4974



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4974

Introduced 2/8/2024, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-355

Amends the Property Tax Code. Permits attorney's fees of up to \$900 to be added to the cost to redeem. Effective immediately.

LRB103 38142 HLH 68274 b

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, except for the nonrefundable \$80 fee paid,
4 pursuant to Section 21-295, for each item purchased at the
5 tax sale;

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

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

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

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

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

24 (5) if the redemption occurs after 24 months from
25 the date of sale and on or before the expiration of 30
26 months from the date of sale, the certificate amount

1 times 5 times the penalty bid at sale;

2 (6) if the redemption occurs after 30 months from
3 the date of sale and on or before the expiration of 36
4 months from the date of sale, the certificate amount
5 times 6 times the penalty bid at sale.

6 In the event that the property to be redeemed has been
7 purchased under Section 21-405 before January 1, 2024, the
8 penalty bid shall be 12% per penalty period as set forth in
9 subparagraphs (1) through (6) of this subsection (b). The
10 changes to this subdivision (b)(6) made by this amendatory
11 Act of the 91st General Assembly are not a new enactment,
12 but declaratory of existing law.

13 If the property to be redeemed is property with
14 respect to which a tax lien or certificate is acquired on
15 or after January 1, 2024 by the county as trustee pursuant
16 to Section 21-90, the penalty bid is 0.75% and shall
17 accrue monthly instead of according to the penalty periods
18 established in subparagraphs (1) through (6) of this
19 subsection (b).

20 (c) The total of all taxes, special assessments,
21 accrued interest on those taxes and special assessments
22 and costs charged in connection with the payment of those
23 taxes or special assessments, except for the nonrefundable
24 \$80 fee paid, pursuant to Section 21-295, for each item
25 purchased at the tax sale, which have been paid by the tax
26 certificate holder on or after the date those taxes or

1 special assessments became delinquent together with 12%
2 penalty on each amount so paid for each year or portion
3 thereof intervening between the date of that payment and
4 the date of redemption. In counties with less than
5 3,000,000 inhabitants, however, a tax certificate holder
6 may not pay all or part of an installment of a subsequent
7 tax or special assessment for any year, nor shall any
8 tender of such a payment be accepted, until after the
9 second or final installment of the subsequent tax or
10 special assessment has become delinquent or until after
11 the holder of the certificate of purchase has filed a
12 petition for a tax deed under Section 22.30. The person
13 redeeming shall also pay the amount of interest charged on
14 the subsequent tax or special assessment and paid as a
15 penalty by the tax certificate holder. This amendatory Act
16 of 1995 applies to tax years beginning with the 1995
17 taxes, payable in 1996, and thereafter.

18 (d) Any amount paid to redeem a forfeiture occurring
19 before January 1, 2024 but after the tax sale together
20 with 12% penalty thereon for each year or portion thereof
21 intervening between the date of the forfeiture redemption
22 and the date of redemption from the sale.

23 (e) Any amount paid by the certificate holder for
24 redemption of a subsequently occurring tax sale, including
25 tax liens or certificates held by the county as trustee,
26 pursuant to Section 21-90.

1 (f) All fees paid to the county clerk under Section
2 22-5.

3 (g) All fees paid to the registrar of titles incident
4 to registering the tax certificate in compliance with the
5 Registered Titles (Torrens) Act.

6 (h) All fees paid to the circuit clerk and the
7 sheriff, a licensed or registered private detective, or
8 the coroner in connection with the filing of the petition
9 for tax deed and service of notices under Sections 22-15
10 through 22-30 and 22-40 in addition to (1) a fee of \$35 if
11 a petition for tax deed has been filed, which fee shall be
12 posted to the tax judgement, sale, redemption, and
13 forfeiture record, to be paid to the purchaser or his or
14 her assignee; (2) a fee of \$4 if a notice under Section
15 22-5 has been filed, which fee shall be posted to the tax
16 judgment, sale, redemption, and forfeiture record, to be
17 paid to the purchaser or his or her assignee; (3) all costs
18 paid to record a lis pendens notice in connection with
19 filing a petition under this Code; ~~and~~ (4) if a petition
20 for tax deed has been filed, all fees up to \$150 per
21 redemption paid to a registered or licensed title
22 insurance company or title insurance agent for a title
23 search to identify all owners, parties interested, and
24 occupants of the property, to be paid to the purchaser or
25 his or her assignee; and (5) if a petition for tax deed has
26 been filed, attorney's fees of up to \$900. The fees in (1)

1 and (2) of this paragraph (h) shall be exempt from the
2 posting requirements of Section 21-360. The costs incurred
3 in causing notices to be served by a licensed or
4 registered private detective under Section 22-15, may not
5 exceed the amount that the sheriff would be authorized by
6 law to charge if those notices had been served by the
7 sheriff.

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

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

12 (k) All costs and expenses of receivership under
13 Section 21-410, to the extent that these costs and
14 expenses exceed any income from the property in question,
15 if the costs and expenditures have been approved by the
16 court appointing the receiver and a certified copy of the
17 order or approval is filed and posted by the certificate
18 holder with the county clerk. Only actual costs expended
19 may be posted on the tax judgment, sale, redemption and
20 forfeiture record.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.