



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3569

Introduced 2/9/2024, by Sen. Erica Harriss

#### SYNOPSIS AS INTRODUCED:

5 ILCS 420/3A-55 new  
5 ILCS 430/99-15 new  
20 ILCS 3805/36 new

Amends the Illinois Housing Development Act. Creates the Fairness in Property Tax Foreclosure Task Force. Sets forth the membership of the Task Force. Provides that the Task Force shall study and make recommendations concerning issues associated with property foreclosure for failure to pay property taxes. Amends the Illinois Governmental Ethics Act and the State Officials and Employees Ethics Act to make conforming changes. Effective immediately.

LRB103 36541 HLH 69571 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 Illinois Governmental Ethics Act is amended  
5 by adding Section 3A-55 as follows:

6 (5 ILCS 420/3A-55 new)

7 Sec. 3A-55. Exemption. Members of the Fairness in Property  
8 Tax Foreclosure Task Force are, in their capacity as members  
9 of the Fairness in Property Tax Foreclosure Task Force, exempt  
10 from any training, disclosure, or filing requirements under  
11 this Act.

12 Section 10. The State Officials and Employees Ethics Act  
13 is amended by adding Section 99-15 as follows:

14 (5 ILCS 430/99-15 new)

15 Sec. 99-15. Exemption. The Fairness in Property Tax  
16 Foreclosure Task Force are, in their capacity as members of  
17 the Fairness in Property Tax Foreclosure Task Force, exempt  
18 from any training, disclosure, or filing requirements under  
19 this Act.

20 Section 15. The Illinois Housing Development Act is

1 amended by adding Section 36 as follows:

2 (20 ILCS 3805/36 new)

3 Sec. 36. The Fairness in Property Tax Foreclosure Task  
4 Force.

5 (a) The General Assembly finds that:

6 (1) homeownership has long been viewed as a foundation  
7 for building wealth;

8 (2) for many Illinoisans, the equity in their home is  
9 the single greatest asset they have;

10 (3) the loss of owner-occupied homes following the  
11 annual tax sale results in a loss of home equity for  
12 impacted households and negatively impacts the ability of  
13 those households to build generational wealth; and

14 (4) the redemption process in Illinois can often be  
15 complicated, confusing, and burdensome, resulting in the  
16 loss of homeownership as well as the equity the homeowner  
17 built up over time.

18 (b) The Fairness in Property Tax Foreclosure Task Force is  
19 hereby created. The Task Force shall consist of the following  
20 members:

21 (1) one member, who shall serve as co-chairperson of  
22 the Task Force, appointed by the President of the Senate;

23 (2) one member, who shall serve as co-chairperson of  
24 the Task Force, appointed by the Speaker of the House of  
25 Representatives;

1           (3) one member appointed by the Minority Leader of the  
2           Senate;

3           (4) one member appointed by the Minority Leader of the  
4           House of Representatives;

5           (5) the Attorney General or his or her designee;

6           (6) one member appointed by the Governor from a  
7           statewide organization representing the interests of  
8           assessors;

9           (7) one member appointed by the Governor from a  
10          statewide organization that represents the interests of  
11          municipalities;

12          (8) one member appointed by the Governor from a  
13          statewide organization representing the interests of  
14          realtors;

15          (9) one member appointed by the Governor from a  
16          statewide organization that represents commercial bankers;

17          (10) one member appointed by the Governor from a  
18          statewide organization that represents attorneys working  
19          in the field of property title law;

20          (11) one member appointed by the Governor from a  
21          statewide organization that represents the interests of  
22          county clerks and recorders;

23          (12) one member appointed by the Governor from a  
24          statewide organization that represents the interests of  
25          county treasurers;

26          (13) one member appointed by the Governor from a

1 statewide organization representing the interests of  
2 circuit court clerks;

3 (14) one member appointed by the Governor from a  
4 statewide organization representing the interests of  
5 counties;

6 (15) up to 2 members, appointed by the co-chairpersons  
7 of the Task Force, representing nonprofit affordable  
8 housing organizations, housing counseling organizations,  
9 or homeownership organizations; and

10 (16) up to 3 members, appointed by the co-chairpersons  
11 of the Task Force, representing taxing districts, other  
12 than municipalities, that contain a significant number of  
13 properties that are included in the annual tax sale.

14 At the discretion of both of the co-chairpersons of the  
15 Task Force, additional individuals may participate as  
16 nonvoting members of the Task Force.

17 (c) Members of the Task Force shall be appointed no later  
18 than 30 days after the effective date of this amendatory Act of  
19 the 103rd General Assembly. If any members are not appointed  
20 within that 30-day period, the appointing authority shall be  
21 deemed to have waived the right to make that appointment.  
22 Vacancies in the Task Force, other than a vacancy occurring  
23 because of a waiver by the appointing authority under this  
24 subsection, shall be filled by the original appointing  
25 authority.

26 (d) Members of the Task Force shall serve without

1 compensation but may be reimbursed for necessary expenses  
2 incurred in connection with the Task Force. The Illinois  
3 Housing Development Authority shall provide administrative  
4 support to the Task Force as needed.

5 (e) The members of the Task Force are, in their capacity as  
6 members of the Fairness in Property Tax Foreclosure Task  
7 Force, exempt from any training, disclosure, or filing  
8 requirements under the State Officials and Employees Ethics  
9 Act, the Illinois Governmental Ethics Act, or any other  
10 applicable State law or rule imposing training, disclosure, or  
11 filing requirements.

12 (f) Once all of the members of the Task Force have been  
13 appointed, other than members appointed under items (15) or  
14 (16) of subsection (b) or members whose appointments have been  
15 waived under subsection (c), the Task Force shall meet not  
16 less than 4 times at the call of one or both of the  
17 co-chairpersons to carry out the duties prescribed in this  
18 Section. Members of the Task Force may attend those meetings  
19 virtually.

20 (g) The Task Force shall study and make recommendations  
21 concerning issues associated with property foreclosures due to  
22 failure of the owner to pay property taxes. Those issues shall  
23 include, but shall not be limited to:

24 (1) the recent decision of the United States Supreme  
25 Court in *Tyler v. Hennepin County*, 598 U.S. 631, regarding  
26 the retention of excess revenue by a government entity

1 after the sale of property acquired following a tax sale  
2 and foreclosure;

3 (2) the requirements of the Illinois and United States  
4 Constitutions, especially with respect to due process and  
5 takings, and the impact of those provisions on the  
6 property tax sale process, including the sufficiency of  
7 notice requirements to delinquent taxpayers and related  
8 entities, such as lienholders and mortgagees, and  
9 conditions under which the holder of the tax deed or any  
10 subsequent owner is or should be entitled to retain excess  
11 funds acquired through the sale of property that has been  
12 acquired during a tax sale;

13 (3) the role of land bank authorities, mortgage  
14 holders, and other lienholders and the rights of each in  
15 the tax sale and foreclosure process;

16 (4) whether the tax lien foreclosure process is or  
17 should be the same for both residential property and  
18 commercial property or whether differences are necessary  
19 or desirable;

20 (5) the rights of former owners, commercial lenders or  
21 lienholders, and government entities when property has  
22 been acquired for nonpayment of property taxes and the tax  
23 deed grantee does not intend to sell the property; and

24 (6) the sufficiency of any current redemption periods  
25 or statutes of limitations with respect to property tax  
26 sales.

1       The recommendations of the Task Force may, but need not  
2 be, in the form of proposed legislation.

3       (g) A report detailing the Task Force's findings,  
4 conclusions, and recommendations shall be filed with the  
5 General Assembly, in accordance with Section 3.1 of the  
6 General Assembly Organization Act, by no later than December  
7 30, 2024. The Task Force is dissolved upon submission of the  
8 report.

9       (h) This Section is repealed on January 1, 2025.

10       Section 99. Effective date. This Act takes effect upon  
11 becoming law.