



Rep. Luis Arroyo

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LRB097 14125 AJ0 68082 a

1 AMENDMENT TO HOUSE BILL 5453

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5453 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Vacant Building in Foreclosure Responsibility Act.

6 Section 5. Definitions. As used in this Act:

7 "Owner" means any person who alone, jointly or severally  
8 with others: (i) has legal title to any real estate with or  
9 without accompanying actual possession of the real estate; or  
10 (ii) is a mortgagee who holds a mortgage on the real estate, or  
11 is an assignee or agent of the mortgagee.

12 "Real estate" has the meaning ascribed to that term in  
13 Section 15-1213 of the Code of Civil Procedure.

14 "Mortgage" means any consensual lien created by a written  
15 instrument which grants or retains an interest in real estate  
16 to secure a debt or other obligation. The term includes,

1 without limitation: (i) mortgages securing reverse mortgage  
2 loans; (ii) mortgages securing revolving credit loans; (iii)  
3 every deed conveying real estate, although an absolute  
4 conveyance in its terms, which shall have been intended only as  
5 a security in the nature of a mortgage; and (iv) equitable  
6 mortgages. The term does not include: (i) a mechanics or  
7 materialman lien; (ii) a judgment; (iii) a receiver's  
8 certificate, or (iv) a tax lien.

9 "Mortgagee" means: (i) the holder of an indebtedness, the  
10 obligee of a non-monetary obligation secured by a mortgage, any  
11 assignee of the mortgage, or any person designated or  
12 authorized to act on behalf of a holder; (ii) any person or  
13 entity that previously initiated a foreclosure of the vacant  
14 residential property or obtained a foreclosure judgment  
15 against the vacant residential property if the deed to the  
16 vacant residential property has not been transferred to the  
17 purchaser at the judicial sale; (iii) any person claiming  
18 through a mortgagee as successor; and (iv) any person  
19 identified as such in a recorded document which has not been  
20 released, assigned, or superseded of record.

21 "Mortgagor" means (i) the person whose interest in the real  
22 estate is the subject of the mortgage and (ii) any person  
23 claiming through a mortgagor as successor. Where a mortgage is  
24 executed by a trustee of a land trust, the mortgagor is the  
25 trustee and not the beneficiary or beneficiaries.

26 "Vacant building" means a structure located on real estate

1 which is lacking habitual presence of human beings who have a  
2 legal right to be on the premises, or at which substantially  
3 all lawful business, construction operations, or residential  
4 occupancy has ceased, or which is substantially devoid of  
5 content. In determining whether a building is vacant, it is  
6 relevant to consider, among other factors, the percentage of  
7 the overall square footage of the building or floor to the  
8 occupied space, the condition and value of any items in the  
9 building and the presence of rental or for sale signs on the  
10 property; provided that a residential property shall not be  
11 deemed vacant if it has been used as a residence by a person  
12 entitled to possession for a period of at least 3 months within  
13 the previous 9 months and a person entitled to possession  
14 intends to resume residing at the property; and further  
15 provided that multi-family residential property containing 10  
16 or more dwelling units shall be considered vacant when 90%  
17 percent or more of the dwelling units are unoccupied.

18 Section 10. Vacant building in foreclosure; owner  
19 registration statement.

20 (a) The owner and the mortgagee of any vacant building  
21 located on real estate that is the subject of a foreclosure  
22 proceeding shall each, within 30 days after the foreclosure  
23 proceeding commenced or within 30 days after assuming ownership  
24 of a vacant building, whichever is sooner, file a registration  
25 statement for that building with the applicable municipality or

1 county on forms provided by the applicable municipality or  
2 county for that purpose. If a vacant building is known to exist  
3 within the zoning jurisdiction of a municipality, an owner or  
4 mortgagee need not report that building to the county in which  
5 the building is located. The registration shall remain valid  
6 for 6 months from the date of registration. The owner and  
7 mortgagee are each required to renew the registration for  
8 successive 6-month periods as long as the building remains  
9 vacant and each shall pay a registration or renewal fee in the  
10 amount prescribed in Section 20 for each registered building;  
11 however, all eleemosynary, religious, educational, benevolent,  
12 or charitable associations organized on a not-for-profit basis  
13 and all governmental agencies are exempt from the payment of  
14 the registration fee.

15 (b) In addition to other information required by the  
16 applicable municipality or county, the registration statement  
17 shall include the name, street address, and telephone number of  
18 a natural person 21 years of age or older who is designated by  
19 the owner or the mortgagee as the authorized agent for  
20 receiving notices of violations and for receiving process, in  
21 any court proceeding or administrative enforcement proceeding,  
22 on behalf of the owner or the mortgagee in connection with the  
23 enforcement of this Act. This person must maintain an office in  
24 the county in which the property is located or must actually  
25 reside within the county. An owner or a mortgagee who is a  
26 natural person and who meets the requirements of this

1 subsection as to location of residence or office may designate  
2 himself or herself as agent. By designating an authorized agent  
3 under the provisions of this subsection, the owner or the  
4 mortgagee is consenting to receive any and all notices of  
5 violations concerning the registered building and all process  
6 in any court proceeding or administrative enforcement  
7 proceeding brought to enforce provisions concerning the  
8 registered building by service of the notice or process on the  
9 authorized agent. Any owner or mortgagee who has designated an  
10 authorized agent under the provisions of this subsection shall  
11 be deemed to consent to the continuation of the agent's  
12 designation for the purposes of this Act until the owner or  
13 mortgagee notifies the applicable municipality or county in  
14 writing of a change of authorized agent or until the owner or  
15 the mortgagee files a new registration statement.

16 (c) The owner or mortgagee shall notify the municipality or  
17 county, within 20 days, of any change in the registration  
18 information by filing an amended registration statement on a  
19 form provided by the applicable municipality or county for that  
20 purpose. The registration statement shall be deemed prima facie  
21 proof of the statements therein contained in any administrative  
22 or court proceeding against the owner or the mortgagee of the  
23 building instituted by the applicable municipality or county.

24 (d) After filing a registration statement, the building  
25 owner and mortgagee shall each provide access to the applicable  
26 municipality or county to conduct an exterior and interior

1 inspection of the building to determine compliance with this  
2 Act and the applicable municipal or county ordinances,  
3 following reasonable notice, during the period covered by the  
4 initial registration or any subsequent renewal.

5 (e) Any owner or mortgagee who fails to register a vacant  
6 building under the provisions of this Section shall further be  
7 deemed to consent to receive, by posting at the building, any  
8 and all notices of any violation of this Act or of any  
9 violation of an applicable municipal or county ordinance and  
10 all process in any court proceeding or administrative  
11 proceeding brought to enforce this Act or an applicable  
12 municipal or county ordinance concerning the building.

13 (f) The applicable municipality or county may receive  
14 information about a building being vacant and in foreclosure  
15 from the United States Postal Service or any person, lender,  
16 real estate broker, or title insurance company.

17 Section 15. Registration and renewal fees.

18 (a) The registration fee for each registered vacant  
19 building is \$250.

20 (b) The renewal fee for each registered vacant building is  
21 \$250.

22 (c) The registration and renewal fee shall be paid to the  
23 municipality or county receiving the registration or renewal  
24 from an owner or mortgagee.

25 (d) Fifteen percent of each registration or renewal fee

1 shall be paid by the municipality or county, as the case may  
2 be, to the Vacant Residential Building Database Fund in the  
3 county treasury of the county.

4 Section 20. Vacant building access. After filing a  
5 registration statement, the building owner and mortgagee shall  
6 each provide, following reasonable notice, access to the  
7 municipality or the county in which the property is located to  
8 conduct an exterior and interior inspection of the building to  
9 determine compliance with this Act or with the applicable  
10 municipal or county ordinance during the period covered by the  
11 initial registration or any subsequent renewal.

12 Section 25. Minimum requirements for vacant buildings. In  
13 addition to any other applicable municipal or county ordinance  
14 requirements, each vacant building must be kept in compliance  
15 with the following requirements for as long as the building  
16 remains vacant:

17 (1) Real estate maintenance standards. The real estate the  
18 building stands on and the surrounding public way shall be  
19 maintained as follows:

20 (A) all grass and weeds on the premises including  
21 abutting sidewalks, gutters, and alleys shall be kept below  
22 10 inches in height, and all dead or broken trees, tree  
23 limbs, or shrubbery shall be cut and removed from the  
24 premises;

1 (B) junk, rubbish, waste, and any material that creates  
2 a health, safety, or fire hazard shall not be permitted to  
3 accumulate;

4 (C) no portion of the real estate nor any structure,  
5 vehicle, receptacle, or object on the real estate shall be  
6 maintained or operated in any manner that causes or  
7 produces any health or safety hazard;

8 (D) the real estate shall be maintained so that water  
9 does not accumulate or stand on the ground; and

10 (E) all fences and gates shall be maintained in sound  
11 condition and in good repair.

12 (2) Exterior maintenance standards. The exterior of the  
13 building shall be enclosed, secured, and maintained as follows:

14 (A) foundations, basements, cellars, and crawlspaces  
15 shall be maintained in sound and watertight condition  
16 adequate to support the building, and shall be protected  
17 against the entry of rodents or other animals;

18 (B) exterior walls shall be free of holes, breaks, and  
19 any other conditions which might admit rain or dampness to  
20 the interior and shall be protected against the entry of  
21 rodents or other animals;

22 (C) exterior windows and doors shall be maintained in  
23 sound condition and good repair;

24 (D) the roof shall be adequately supported, and shall  
25 be maintained in weather-tight condition; the gutters,  
26 downspouts, scuppers, and appropriate flashing shall be in



1 good repair and adequate to remove the water from the  
2 building or structure;

3 (E) chimneys and flues shall be kept in sound,  
4 functional, and weather-tight condition;

5 (F) every outside stair, porch, stoop, deck, veranda,  
6 balcony, and walk shall be maintained in sound condition  
7 for its purpose; and

8 (G) all exit areas shall have continuous exterior  
9 lighting from dusk to dawn which may be provided by  
10 battery-powered or solar-powered lighting.

11 (3) Interior maintenance standards. The interior of any  
12 building shall be maintained as follows:

13 (A) it is prohibited to accumulate or permit the  
14 accumulation of junk, trash, or any other materials in such  
15 a manner that may produce any health, fire, or safety  
16 hazard on the premises;

17 (B) every foundation, roof, floor, wall, stair,  
18 ceiling, and any other structural support shall be safe and  
19 capable of supporting the loads of normal use;

20 (C) any plumbing fixtures shall be maintained with no  
21 leaking pipes; and all pipes for water shall be either  
22 completely drained or heated to resist being frozen;

23 (D) every exit door shall be secured with an internal  
24 deadbolt lock and be capable of being opened from the  
25 inside easily and without the use of a key or special  
26 knowledge; and

1           (E) every owner and mortgagee shall be responsible for  
2           the extermination of insects, rodents, and other vermin in  
3           or about the premises.

4           (4) Building security standards. The following standards  
5           apply to the securing of vacant buildings:

6           (A) all building openings shall be closed and secured  
7           using secure doors, glazed windows, or commercial-quality  
8           steel security panels or filled with like-kind material as  
9           the surrounding wall, as applicable, to prevent entry by  
10          unauthorized persons;

11          (B) at least one building entrance shall be accessible  
12          from the exterior and secured with a door that is locked to  
13          allow access only to authorized persons; a minimum of 2  
14          exit doors shall be available to exit from the interior of  
15          the building; and

16          (C) if a building has been vacant for 6 months or  
17          longer, or upon any renewal of the registration statement  
18          required in Section 10, the owner or mortgagee must  
19          implement and provide proof satisfactory to the applicable  
20          municipality or county that the building meets the  
21          standards stated in this Section.

22          Section 30. Rules. A municipality or county may adopt  
23          ordinances for the administration of this Act.

24          Section 35. Penalties. Any owner or mortgagee who violates

1 any provision of this Act may be punished by a fine of not less  
2 than \$500 and not more than \$1,000 for each offense. Every day  
3 that a violation continues shall constitute a separate and  
4 distinct offense.

5 Section 90. Home rule. A home rule unit may not regulate  
6 vacant buildings in foreclosure in a manner less restrictive  
7 than the regulation by the State of vacant buildings in  
8 foreclosure under this Act. This Section is a limitation under  
9 subsection (i) of Section 6 of Article VII of the Illinois  
10 Constitution on the concurrent exercise by home rule units of  
11 powers and functions exercised by the State.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."