

1 AN ACT in relation to taxes.

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 Sections 15-10, 21-310, 21-315, 21-320, 21-325, 21-330, and
6 21-335 and by adding Section 21-251 as follows:

7 (35 ILCS 200/15-10)

8 Sec. 15-10. Exempt property; procedures for
9 certification. All property granted an exemption by the
10 Department pursuant to the requirements of Section 15-5 and
11 described in the Sections following Section 15-30 and
12 preceding Section 16-5, to the extent therein limited, is
13 exempt from taxation. In order to maintain that exempt
14 status, the titleholder or the owner of the beneficial
15 interest of any property that is exempt must file with the
16 chief county assessment officer, on or before January 31 of
17 each year (May 31 in the case of property exempted by Section
18 15-170), an affidavit stating whether there has been any
19 change in the ownership or use of the property or the status
20 of the owner-resident, or that a disabled veteran who
21 qualifies under Section 15-165 owned and used the property as
22 of January 1 of that year. The nature of any change shall be
23 stated in the affidavit. Failure to file an affidavit
24 shall, in the discretion of the assessment officer,
25 constitute cause to terminate the exemption of that property,
26 notwithstanding any other provision of this Code. Owners of 5
27 or more such exempt parcels within a county may file a single
28 annual affidavit in lieu of an affidavit for each parcel.
29 The assessment officer, upon request, shall furnish an
30 affidavit form to the owners, in which the owner may state
31 whether there has been any change in the ownership or use of

1 the property or status of the owner or resident as of January
2 1 of that year. The owner of 5 or more exempt parcels shall
3 list all the properties giving the same information for each
4 parcel as required of owners who file individual affidavits.

5 However, titleholders or owners of the beneficial
6 interest in any property exempted under any of the following
7 provisions are not required to submit an annual filing under
8 this Section:

9 (1) Section 15-45 (burial grounds) in counties of
10 less than 3,000,000 inhabitants and owned by a
11 not-for-profit organization.

12 (2) Section 15-40.

13 (3) Section 15-50 (United States property).

14 ~~(4) --As-is-otherwise-provided-in-Sections-15-170-and~~
15 ~~15-175-(senior-and-general-homestead-exemptions)-~~

16 If there is a change in use or ownership, however, notice
17 must be filed pursuant to Section 15-20.

18 Annual application for homestead exemptions shall be
19 filed as provided in Section 15-170 (senior citizens
20 homestead exemption), Section 15-172 (senior citizens
21 assessment freeze homestead exemption), and Section 15-175
22 (general homestead exemption), respectively.

23 (Source: P.A. 92-333, eff. 8-10-01.)

24 (35 ILCS 200/21-251 new)

25 Sec. 21-251. Registry of owners of certificates of
26 purchase.

27 (a) The county clerk of each county shall create and
28 maintain a registry system that permanently records the
29 names, addresses, and telephone numbers of owners or
30 assignees of certificates of purchase issued pursuant to any
31 tax sale conducted under this Code. The registry may consist
32 of a single record or a combination of records maintained in
33 paper or electronic form and may include copies of records

1 kept by the county treasurer for other purposes, all to be
2 used as the county clerk deems appropriate to carry out the
3 purposes of this Section. The information in the registry
4 shall be made available to the public.

5 (b) The county clerk of each county is authorized to
6 promulgate reasonable rules, procedures, and forms for
7 purposes of creating and maintaining the registry and for
8 access to the registry information by members of the public.
9 In counties with 3,000,000 or more inhabitants, any owner of
10 a certificate of purchase pursuant to assignment may elect
11 whether to register that assignment as provided in this
12 Section, but all owners of certificates of purchase shall be
13 subject to the provisions of subsection (d) of this Section.
14 In counties with less than 3,000,000 inhabitants, the county
15 clerk shall provide by rule whether registration of
16 assignments of certificates of purchase shall be elective or
17 mandatory.

18 (c) The owner of a certificate of purchase pursuant to
19 assignment, in order to register that assignment, shall
20 submit to the county clerk the owner's name, address, and
21 telephone number in accordance with any rules, procedures,
22 and forms promulgated by the clerk. Any registered owner of a
23 certificate of purchase may update the registration at any
24 time without charge by submitting to the county clerk any
25 lawful change of name, address, or telephone number.

26 (d) If notice is required to be given to the owner of
27 the certificate of purchase in any proceeding, whether
28 judicial or administrative, affecting a tax sale conducted
29 under any provision of this Code, the notice may be directed
30 to the most recent owner of the certificate of purchase
31 appearing in the county clerk's registry under this Section.
32 Any notice that has been directed as provided in this Section
33 shall be conclusively presumed to be properly directed to the
34 owner of the certificate of purchase for all purposes related

1 to the proceeding in which the notice is given. No objection
2 or assertion by any assignee of a certificate of purchase in
3 any proceeding shall be heard on grounds that a notice to the
4 tax purchaser was misdirected, unless that assignee's current
5 and lawful name, address, and telephone number were submitted
6 to the county clerk's registry at the time of the notice in
7 question.

8 (e) The county clerk may assess an automation fee of no
9 more than \$10 to be paid by the owner of the certificate of
10 purchase for each assignment of the certificate that is
11 registered under this Section. The fee shall be collected in
12 the same manner as other fees and costs and shall be held by
13 the county clerk in a fund for purposes of automating his or
14 her office. The fee provided for under this Section shall not
15 be chargeable to the cost of redemption under Section 21-355
16 nor shall it be posted under Section 21-360 of this Code.

17 (35 ILCS 200/21-310)

18 Sec. 21-310. Sales in error.

19 (a) When, upon application of the county collector, the
20 owner of the certificate of purchase, or a municipality which
21 owns or has owned the property ordered sold, it appears to
22 the satisfaction of the court which ordered the property sold
23 that any of the following subsections are applicable, the
24 court shall declare the sale to be a sale in error:

25 (1) the property was not subject to taxation, or
26 all or any part of the lien of taxes sold has become null
27 and void pursuant to Section 21-95 or unenforceable
28 pursuant to subsection (c) of Section 18-250 or
29 subsection (b) of Section 22-40,

30 (2) the taxes or special assessments had been paid
31 prior to the sale of the property,

32 (3) there is a double assessment,

33 (4) the description is void for uncertainty,

1 (5) the assessor, chief county assessment officer,
 2 board of review, board of appeals, or other county
 3 official has made an error (other than an error of
 4 judgment as to the value of any property),

5 (5.5) the owner of the homestead property had
 6 tendered timely and full payment to the county collector
 7 that the owner reasonably believed was due and owing on
 8 the homestead property, and the county collector did not
 9 apply the payment to the homestead property; provided
 10 that this provision applies only to homeowners, not their
 11 agents or third-party payors,

12 (6) prior to the tax sale a voluntary or
 13 involuntary petition has been filed by or against the
 14 legal or beneficial owner of the property requesting
 15 relief under the provisions of 11 U.S.C. Chapter 7, 11,
 16 12, or 13, or

17 (7) the property is owned by the United States, the
 18 State of Illinois, a municipality, or a taxing district.

19 (b) When, upon application of the owner of the
 20 certificate of purchase only, it appears to the satisfaction
 21 of the court which ordered the property sold that any of the
 22 following subsections are applicable, the court shall declare
 23 the sale to be a sale in error:

24 (1) A voluntary or involuntary petition under the
 25 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
 26 filed subsequent to the tax sale and prior to the
 27 issuance of the tax deed.

28 (2) The improvements upon the property sold have
 29 been substantially destroyed or rendered uninhabitable or
 30 otherwise unfit for occupancy subsequent to the tax sale
 31 and prior to the issuance of the tax deed.

32 (3) There is an interest held by the United States
 33 in the property sold which could not be extinguished by
 34 the tax deed.

1 (4) The real property contains a hazardous
2 substance, hazardous waste, or underground storage tank
3 that would require cleanup or other removal under any
4 federal, State, or local law, ordinance, or regulation,
5 only if the tax purchaser purchased the property without
6 actual knowledge of the hazardous substance, hazardous
7 waste, or underground storage tank. This paragraph (4)
8 applies only ~~to tax purchases occurring after January 1,~~
9 ~~1990~~ and if the owner of the certificate of purchase has
10 made application for a sale in error at any time before
11 the issuance of a tax deed.

12 (c) When the county collector discovers, within one year
13 after the date of sale if taxes were sold at an annual tax
14 sale or within 180 days after the date of sale if taxes were
15 sold at a scavenger tax sale, that a tax sale should not have
16 occurred for one or more of the reasons set forth in
17 subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this
18 Section, the county collector shall notify the last known
19 owner of the certificate of purchase by certified and regular
20 mail, or other means reasonably calculated to provide actual
21 notice, that the county collector intends to declare an
22 administrative sale in error and of the reasons therefor,
23 including documentation sufficient to establish the reason
24 why the sale should not have occurred. The owner of the
25 certificate of purchase may object in writing within 28 days
26 after the date of the mailing by the county collector. If an
27 objection is filed, the county collector shall not
28 administratively declare a sale in error, but may apply to
29 the circuit court for a sale in error as provided in
30 subsection (a) of this Section. Thirty days following the
31 receipt of notice by the last known owner of the certificate
32 of purchase, or within a reasonable time thereafter, the
33 county collector shall make a written declaration, based upon
34 clear and convincing evidence, that the taxes were sold in

1 error and shall deliver a copy thereof to the county clerk
 2 within 30 days after the date the declaration is made for
 3 entry in the tax judgment, sale, redemption, and forfeiture
 4 record pursuant to subsection (d) of this Section. The county
 5 collector shall promptly notify the last known owner of the
 6 certificate of purchase of the declaration by regular mail
 7 and shall promptly pay the amount of the tax sale, together
 8 with interest and costs as provided in Section 21-315, upon
 9 surrender of the original certificate of purchase.

10 (d) If a sale is declared to be a sale in error, the
 11 county clerk shall make entry in the tax judgment, sale,
 12 redemption and forfeiture record, that the property was
 13 erroneously sold, and the county collector shall, on demand
 14 of the owner of the certificate of purchase, refund the
 15 amount paid, pay any interest and costs as may be ordered
 16 under Sections 21-315 through 21-335, and cancel the
 17 certificate so far as it relates to the property. The county
 18 collector shall deduct from the accounts of the appropriate
 19 taxing bodies their pro rata amounts paid.

20 (Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99;
 21 91-924, eff. 1-1-01; 92-224, eff. 1-1-02.)

22 (35 ILCS 200/21-315)

23 Sec. 21-315. Refund of costs; interest on refund.

24 (a) If ~~The--court--which--orders~~ a sale in error under
 25 Section 21-310, 22-35, or 22-50 is declared, the amount
 26 refunded shall also include ~~award-a-refund-of~~ all costs paid
 27 by the owner of the certificate of purchase or his or her
 28 assignor which were posted to the tax judgment, sale,
 29 redemption and forfeiture record.

30 (b) In those cases which arise solely under grounds set
 31 forth in Section 21-310, the amount refunded ~~court~~ shall also
 32 include ~~award~~ interest on the refund of the amount paid for
 33 the certificate of purchase, except as otherwise provided in

1 this Section. Interest shall be awarded and paid to the tax
2 purchaser at the rate of 1% per month from the date of sale
3 to the date of payment, or in an amount equivalent to the
4 penalty interest which would be recovered on a redemption at
5 the time of payment pursuant to the order for sale in error,
6 whichever is less. Interest shall not be paid when the sale
7 in error is made pursuant to paragraph (2) or (4) of
8 subsection (b) of Section 21-310, Section 22-35, Section
9 22-50, any ground not enumerated in Section 21-310, or in any
10 other case where the court determines that the tax purchaser
11 had actual knowledge prior to the sale of the grounds on
12 which the sale is declared to be erroneous.

13 (c) When the county collector files a petition for sale
14 in error under Section 21-310 and mails a notice thereof by
15 certified or registered mail to the last known owner of the
16 certificate of purchase tax-purchaser, any interest otherwise
17 payable under this Section shall cease to accrue as of the
18 date the petition is filed, unless the tax purchaser agrees
19 to an order for sale in error upon the presentation of the
20 petition to the court. Notices under this subsection may be
21 mailed to the last known original owner of the certificate of
22 purchase, ~~or to the latest assignee, if known~~. When the
23 owner of the certificate of purchase contests the collector's
24 petition solely to determine whether the grounds for sale in
25 error are such as to support a claim for interest, the court
26 may direct that the principal amount of the refund be paid to
27 the owner of the certificate of purchase forthwith. If the
28 court thereafter determines that a claim for interest lies
29 under this Section, it shall award such interest from the
30 date of sale to the date the principal amount was paid.

31 (Source: P.A. 92-224, eff. 1-1-02.)

32 (35 ILCS 200/21-320)

33 Sec. 21-320. Refund of other taxes paid by holder of

1 certificate of purchase. If a sale in error under Section
 2 21-310, 22-35, or 22-50 is declared, the amount refunded
 3 shall also include ~~The court which orders a sale in error~~
 4 ~~shall order the refund of all~~ other taxes paid or redeemed by
 5 the owner of the certificate of purchase or his or her
 6 assignor subsequent to the tax sale, together with interest
 7 on those other taxes under the same terms as interest is
 8 otherwise payable under Section 21-315. The interest under
 9 this subsection shall be calculated at the rate of 1% per
 10 month from the date the other taxes were paid and not from
 11 the date of sale. The collector shall take credit in
 12 settlement of his or her accounts for the refund of the other
 13 taxes as in other cases of sale in error under Section
 14 21-310.

15 (Source: P.A. 92-224, eff. 1-1-02.)

16 (35 ILCS 200/21-325)

17 Sec. 21-325. ~~Orders for~~ Payment of interest - Counties
 18 of 3,000,000 or more. In counties with 3,000,000 or more
 19 inhabitants, all payments ~~orders for payment~~ of interest or
 20 costs under Sections 21-315 and 21-320 and subsection (c) of
 21 Section 21-310 shall be paid as provided in Sections 21-330,
 22 21-335 and 21-340. In all other counties, the county
 23 treasurer may determine in his or her discretion whether
 24 payment of interest and costs shall be made as provided in
 25 Sections 21-330, 21-335 and 21-340. In the other counties,
 26 where the treasurer determines not to make payment as
 27 provided in those subsections, the treasurer shall pay any
 28 interest or costs awarded under this Section pro rata from
 29 those accounts where the principal refund of the tax sale
 30 purchase price under Section 21-310 is taken.

31 (Source: P.A. 86-286; 86-415; 87-669; 88-455.)

32 (35 ILCS 200/21-330)

1 Sec. 21-330. Fund for payment of interest. In counties
2 of under 3,000,000 inhabitants, the county board may impose a
3 fee of up to \$60, which shall be paid to the county
4 collector, upon each person purchasing any property at a sale
5 held under this Code, prior to the issuance of any
6 certificate of purchase. Each person purchasing any property
7 at a sale held under this Code in a county with 3,000,000 or
8 more inhabitants shall pay to the county collector, prior to
9 the issuance of any certificate of purchase, a fee of \$100
10 for each item purchased. That amount shall be included in
11 the price paid for the certificate of purchase and the amount
12 required to redeem under Section 21-355.

13 All sums of money received under this Section shall be
14 paid by the collector to the county treasurer of the county
15 in which the property is situated for deposit into a special
16 fund. It shall be the duty of the county treasurer, as
17 trustee of the fund, to invest the principal and income of
18 the fund from time to time, if not immediately required for
19 payments under this Section, in investments as are authorized
20 by Sections 3-10009 and 3-11002 of the Counties Code. The
21 fund shall be held to pay ~~satisfy orders for payment of~~
22 interest and costs by ~~obtained against~~ the county treasurer
23 as trustee of the fund. No payment shall be made from the
24 fund except by order of the court declaring a sale in error
25 under Section 21-310, 22-35, or 22-50 or by declaration of
26 the county collector under subsection (c) of Section 21-310.
27 Any moneys accumulated in the fund by the county treasurer in
28 excess of \$500,000 shall be paid each year prior to the
29 commencement of the annual tax sale, first to satisfy any
30 existing unpaid judgments entered pursuant to Section 21-295,
31 and any funds remaining thereafter shall be paid to the
32 general fund of the county.
33 (Source: P.A. 92-224, eff. 1-1-02.)

1 (35 ILCS 200/21-335)

2 Sec. 21-335. Claims for interest and costs. Any person
3 claiming interest or costs under Sections 21-315 through
4 21-330 shall include the claim in his or her petition for
5 sale in error under Section 21-310, 22-35, or 22-50. Any
6 claim for interest or costs which is not included in the
7 petition is waived. ~~Interest or costs may be~~
8 awarded, however, to the extent permitted by this Section
9 upon a sale in error petition filed by the county collector
10 or municipality or upon a declaration by the county collector
11 pursuant to subsection (c) of Section 21-310, without
12 requiring a separate filing by the claimant. Any refund of
13 ~~order--for~~ interest or costs upon the petition for sale in
14 error or upon a declaration by the county collector pursuant
15 to subsection (c) of Section 21-310 shall be paid by deemed
16 ~~to-be-entered-against~~ the county treasurer as trustee of the
17 fund created by this Section. The fund shall be the sole
18 source for payment and satisfaction of orders for interest
19 or costs, except as otherwise provided in this subsection.
20 If the court determines that the fund has been depleted and
21 will not be restored in time to pay an award with reasonable
22 promptness, the court may authorize the collector to pay the
23 interest portion of the award pro rata from those accounts
24 where the principal refund of the tax sale purchase price
25 under Section 21-310 is taken.

26 (Source: P.A. 92-224, eff. 1-1-02.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.