**2018 Illinois Legislative Session**

**New Laws and Bills Passed and Vetoed**

*Each bill can be viewed at* [*www.ilga.org*](http://www.ilga.org) *including the language, who proposed it and the vote tally. SB indicates a Senate Bill, HB indicates a House Bill.*

**IL – SB486 Property Tax – Solar Energy Systems PA:100-0781. Effective: 8/10/18** Amends the Simplified Municipal Telecommunications Tax Act. Makes a technical change concerning legislative intent.

**IL – SB585 Property Tax – Tax Purchasers. PA:100-1070. Effective: 1/1/19 -** Amends the Property Tax Code. Provides that each tax purchaser shall pay to the county collector an automation fee set by the county collector of not more than $10 for each item purchased (currently, each county collector may assess such a fee). Provides that the indemnity fee in counties with less than 3,000,000 inhabitants shall be not more than $20 (currently, the fee is $20). Makes changes concerning the fee imposed by the county board on each person purchasing property at a sale under the Code for payment of interest and costs.

**IL – SB1246 Judgment – Exempt Property. PA:100-0922. Effective: 1/1/19 -** Amends the Code of Civil Procedure. Adds, to the list of personal property that is exempt from judgment, attachment, or distress for rent, moneys held in educational expense accounts and similar types of educational savings accounts, including, but not limited to, funds invested in an ABLE Account as defined by Section 529 of the Internal Revenue Code and funds invested in a 529 Plan as defined by Section 529 of the Internal Revenue Code.

**IL - SB1437 Property Tax – Disabled Veterans. PA:100-0865. Effective: 8/14/18** Amends the Property Tax Code. Removes a provision requiring taxpayers who have been granted a disabled veterans standard homestead exemption to reapply on an annual basis.

**IL – SB1979 Property Tax – Senior Homestead. PA:100-1104. Effective: 8/27/18** Amends the Property Tax Code. In a Section concerning the Senior Citizens Homestead Exemption, provides that in all counties (now, in counties with less than 3,000,000 inhabitants), the county board may by resolution provide that if a person has been granted a senior citizens homestead exemption, the person qualifying need not reapply for the exemption. Provides that the county recorder of deeds shall alert the assessor whenever the transfer of ownership of any property receiving a Senior Citizens Homestead Exemption has occurred. Provides that, if such a transfer occurs, the assessor shall remove the exemption and provide the new property owner with information concerning reapplication.

**IL – 2304 TIF – City of Monmouth. PA:100-0967. Effective: 8/19/18 -** Amends the Tax Increment Allocation Redevelopment Act of the Ill. Municipal Code. Creates a tax increment allocation financing extension for an ordinance adopted on 8/11/99 by the City of Monmouth.

**IL – SB2306 Property Tax – Veterans – Prorate. PA:100-0869. Effective: 8/14/18** Amends the Property Tax Code. Provides that the homestead exemption for veterans with disabilities shall be prorated if the person qualifying for the exemption does not occupy the qualified residence as of January 1 of the taxable year.

**IL – SB2309 Trusts – Transfer of Property. PA:100-07896. Effective: 1/1/19 -** Amends the Trusts and Trustees Act. Deletes language requiring that a conveyance of real property to a trust include evidence of acceptance by the trustee.

**IL – SB2432 Summons/Foreclosure Proceeds. PA:100-1048. Effective: 8/23/18** Amends the Code of Civil Procedure. Provides that a summons that otherwise complies with Supreme Court Rules and is properly served is not invalidated and the court's jurisdiction is not affected by an error in format. Provides that a summons is not defective if the named defendant is listed on a document attached to the summons. Provides that the changes to the Code of Civil Procedure are declarative of existing law set forth by the Illinois Supreme Court in Fleshner v. Copeland, 13 Ill.2d 72 (1958). Amends the Mortgage Rescue Fraud Act. Provides that it is a violation for a distressed property consultant to, among other things, enter into, enforce, or act upon any agreement with a foreclosure defendant, whether the foreclosure is completed or otherwise, if the agreement provides for a division of proceeds between the foreclosure defendant and the distressed property consultant derived from litigation related to the foreclosure.

**IL – SB2539 Property Tax – Notice. PA:100-0975. Effective: 8/19/18 -** Amends the Property Tax Code. In a Section requiring a receipt for payment of certain fees and costs incurred by a certificate holder, provides that the county clerk shall write or stamp the date of receiving upon the receipt. In a Section concerning notice of an extended period of redemption, provides that the county clerk shall write or stamp the date of receipt upon the notice, and provides that the county clerk is not required to extend the period of redemption unless the purchaser or his or her assignee obtains that acknowledgement of delivery.

**IL - SB2620 CDB – State Building Codes. PA:100-1083. Effective: 8/3/18 -** Amends the Capital Development Board Act. Provides that the Capital Development Board shall maintain on its website links to all currently applicable State building codes. Requires State agencies that propose to adopt new building or construction requirements, or amendments to existing requirements, to report certain information to the Capital Development Board.

**IL – SB2826 Human Rights – Protection Status. PA:100-0714. Effective: 1/1/19 -** Amends the Illinois Human Rights Act. Provides that "order of protection status" includes status as a person protected under the Protective Orders Article of the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act and the Civil No Contact Order Act.

**IL – SB2958 Tax Lien – Real Property. PA:100-0722. Effective: 8/3/18 -** Amends the State Tax Lien Registration Act. Provides that the notice of tax lien shall also include the county or counties where the real property of the debtor to which the lien will attach is located. Provides that a tax lien that is filed in the registry shall be attached to all of the existing and after-acquired real and personal property of the debtor.

**IL – HB2984 Health – Tech. PA:100-0711. Effective: 8/22/18 -** Amends the Comprehensive Lead Education, Reduction, and Window Replacement Program Act. Makes a technical change in a Section concerning the short title.

**IL – SB3036 Realty Licenses – Boards. PA:100-0886. Effective: 8/14/18 -** Amends the Auction License Act, the Community Association Manager Licensing and Disciplinary Act, the Real Estate License Act of 2000, and the Real Estate Appraiser Licensing Act of 2002. Makes changes to the terms for members of the Auction Advisory Board, the Community Association Manager Licensing and Disciplinary Board, the Real Estate Administration and Disciplinary Board, and the Real Estate Appraisal Administration and Disciplinary Board. Provides that the members' terms shall be for 4 years and the term expires upon completion of the term. Provides that the Community Association Manager Licensing and Disciplinary Board that are serving on the Board on the Effective of the amendatory Act may serve the remainder of their unexpired terms. Provides that no member of the Real Estate Administration and Disciplinary Board shall be reappointed to the Board for a term that would cause his or her cumulative service to the Board to exceed 10 years (rather than 12 years). Makes changes to the appointment process for vacancies on the Auction Advisory Board, the Community Association Manager Licensing and Disciplinary Board, and the Real Estate Appraisal Administration and Disciplinary Board.

**IL – SB3081 Public Housing – Waiting List. PA:100-1021. Effective: 1/1/19 -** Amends the Housing Authorities Act. Requires each Housing Authority to provide, upon request by the State, a list of all applicants waiting for admission to any public housing or housing project operated by the Housing Authority, including information on each applicant's position on the waiting list.

**IL – SB3085 Property Tax – Notice HOA. PA:100-1095. Effective: 1/1/19 -** Amends the Property Tax Code. In a Section concerning notice of application for judgment and sale, provides that, in the case of a drainage or retention basin serving a residential common area, notice shall also be given to each residential homeowner whose property is served by that drainage or retention basin.

**IL – SB3131 Utilities – Various. PA:100-0840. Effective: 8/13/18 -** Amends the Public Utilities Act. Changes references to "hearing examiner" to references to "administrative law judge" throughout the Act. Repeals provisions concerning emission allowances, conducting a study on billing practices and policies, conducting a study on strategic options for changing the structure of energy service markets, conducting a study on the feasibility of wheeling electricity in the State, rules for recovering costs of canceled facilities, recovery of additional charges refunded to customers, conducting a study on implementing promotional rates for industrial and commercial customers, alternative rate regulations, and conducting a study on patterns of entry and exit for each relevant market for telecommunications services. Removes references to repealed provisions. Makes conforming changes in the High Speed Internet Services and Information Technology Act. Makes other changes.

**IL – SB3134 Flood Control Commission. PA:100-0730. Effective: 1/1/19 -** Amends the Flood Control Act of 1945. Creates the Flood Control Commission. Provides that the Commission shall study current flood control practices within the counties of DuPage, Kane, Lake, McHenry, and Will. Adds provisions concerning the membership and duties of the Commission. Provides that the Commission shall conduct a survey of the 5 counties and submit a report of the survey, including specific information, to the General Assembly by December 31, 2019. Repeals the new provisions on January 1, 2021.

**IL – SB3212 Disaster Tax Credit – Reports. PA:100-0731. Effective: 1/1/19 -** Amends the Illinois Income Tax Act. Provides that nothing in the Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with the natural disaster credit. Amends the Freedom of Information Act. Repeals a Section providing that nothing in the Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with the natural disaster income tax credit.

**IL – SB3215 Property Tax – Sale in Error. PA:100-0890. Effective: 1/1/19 -** Amends the Property Tax Code. In provisions concerning sales in error, provides that, in cases where improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy, the court may order the holder of the certificate of purchase to assign the certificate to the county collector, upon request of the county collector. Provides that the county collector may further assign the certificate to the county, acting as trustee for taxing districts, or to a taxing district having an interest in the taxes sold. Provides that, if the certificate of purchase is assigned to the county delinquent tax agent because the improvements have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy, then the county delinquent tax agent shall extend the redemption period by 36 months.

**IL – SB3216 Abandoned Mobile Homes. PA:100-1083. Effective: 1/1/19 -** Amends the Abandoned Mobile Homes Act. Repeals and deletes provisions authorizing a municipality to remove and dispose of an abandoned mobile home within the municipality upon notice to each owner and each lienholder and provisions regarding various matters relating to the removal or disposal of an abandoned mobile home. Adds provisions authorizing a mobile home park owner or operator to commence a proceeding seeking a declaration by a court that a manufactured home has been abandoned and seeking removal of the manufactured home if specified conditions are met. Also adds provisions regarding: procedure; execution of judgments; disposition of property; responsibility for costs; and other matters. Defines "manufactured home resident" and "manufactured home owner". Makes corresponding changes in the Mobile Home Local Services Tax Act and the Illinois Vehicle Code. Makes other changes.

**IL – HB4268 Home Repair – Consumer Notices. PA:100-0670. Effective: 1/1/19 -** Amends the Home Repair and Remodeling Act. Provides that "residence" means a single-family home or dwelling or a multiple-family home or dwelling containing 6 or fewer apartments, condominiums, town houses, or dwelling units, used or intended to be used by the consumer as his or her dwelling place (instead of "by occupants as dwelling places"). In the home repair consumer rights pamphlet, replaces notice language concerning lien waivers with the following: "Illinois law requires that, before payment, your contractor give you a sworn statement which lists: (1) all the persons or companies your contractor hired to work on your home and their addresses; and (2) the amounts previously paid, the amounts about to be paid, and the total amount owed after the payment to these persons or companies. The sworn statement should be fully completed, signed, and notarized. When the contractor's sworn statement lists an amount due or to become due to a subcontractor, or when a subcontractor gives you notice of an amount due to the subcontractor, you must retain sufficient funds to pay that subcontractor. Subcontractors give the contractors lien waivers when they are paid. Ask your contractor for copies of these lien waivers. If your contractor tells you he or she needs a payment from you in order to pay subcontractors, you have the right to pay the subcontractors directly."

**IL – HB4317 Service Members – Leases. PA:100-0616. Effective: 07/20/18 -** Amends the Service Member Residential Property Act. Provides that if a service member who has entered into certain residential leases is killed in action or while on active duty, then the immediate family or dependents of the service member may terminate the lease.

**IL – HB4404 Residential Mortgage – Loan Processing. PA:100-0851. Effective: 8/14/18** Amends the Residential Mortgage License Act of 1987. Provides that "soliciting, processing, placing, or negotiating a residential mortgage loan" excludes independent loan processing as permitted by the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

**IL – HB4508 Utility – Water and Sewer Value. PA: 100-0751. Effective: 8/10/18 -** Amends the Public Utilities Act. Modifies the definition of "water or sewer utility" to remove language specifying water or sewer service provided to 7,500 or fewer customer connections as provided by certain entities. Provides that appraisals of the fair market value of the water or sewer utility that is being acquired shall be performed by 3 appraisers approved (rather than selected) by the Illinois Commerce Commission's Executive Director or designee (rather than the water department manager) and engaged by either the water or sewer utility being acquired or by the large public utility. Allows appraisers to engage one disinterested engineer who is licensed in this State who may be the same engineer that is engaged by other appraisers. Provides that in the Commission's order that approves the large public utility's acquisition of the water or sewer utility, the Commission shall issue its decision establishing, among other requirements, the rates to be charged to customers in the water or sewer utility. Provides that a large public utility may (rather than shall) recommend the district or tariff group of which the water or sewer utility shall become a part of after the acquisition, or may recommend a lesser rate for the water or sewer utility. Provides that from the date of acquisition until the date that new rates are effective in an acquiring large public utility's next rate case, the customers of the acquired water or sewer utility shall pay the approved then-existing rates of the district or tariff group as ordered by the Commission, or some lesser rates as recommended by the large public utility and approved by the Commission. Provides that in an acquiring large public utility's 2 rate cases following an acquisition, the public utility may file a rate tariff for an acquired water or sewer utility that establishes lesser rates than the district or tariff group into which the water or sewer utility is combined. Extends the repeal date of the valuation of water and sewer utilities Section from June 1, 2018 to June 1, 2028. Makes conforming changes.

**IL – HB4594 Fees – Fines – Assessments. PA:100-0987. Effective: 8/20/18 -** Creates the Criminal and Traffic Assessment Act. Provides a minimum fine is $25. Provides when any defendant is convicted, pleads guilty, or placed on court supervision for a violation of a law or local ordinance, the court shall order one schedule of assessments in the case plus any conditional assessment applicable to a conviction in the case, as set forth in the Act, for the defendant to pay in addition to any fine, restitution, or forfeiture ordered by the court. Provides all money collected by the clerk of the court based on the schedules or conditional assessments shall be remitted to the appropriate treasurer as directed in the Act. Provides the treasurers shall deposit the money as indicated in the ordered schedule or conditional assessment. Amends the Code of Criminal Procedure of 1963. Provides that a defendant may petition the court for full or partial waiver of court assessments imposed under the Criminal and Traffic Assessment Act. Provides the court shall grant a full or partial waiver of court assessments if specified conditions are met. Makes corresponding and conforming changes to various Acts and Codes. Repeals various laws. Effective July 1, 2019, except for certain provisions that are effective July 1, 2018.

**IL – HB4765 County Recorder – Fee Schedules. PA:100-1034. Effective: 1/1/19** Amends the Counties Code. Provides that on and after January 1, 2020, counties of the third class (counties with a population of greater than 1,000,000) shall adopt and implement a predictable fee schedule for standard documents that eliminates surcharges or fees based upon the individual attributes of documents to be recorded with the county recorder. Provides for notice and a public hearing prior to approval of the predictable fee schedule. Provides that each standard document shall fall within one of 5 document class flat fee classifications and the fees are inclusive of county and State fees required for each recorded document. Provides that the county board may increase the document flat fees by ordinance or resolution if the established fees are not sufficient to cover the costs of providing the services related to the document class. Makes conforming changes.

**IL – HB4951 Security Deposit – Lease Cost. PA:100-0654. Effective: 7/31/18 -** Amends the Security Deposit Return Act. Provides that for a written lease that specifies costs, the costs specified shall be for damage beyond normal wear and tear and reasonable to restore the leased premises to the same condition at the time the lease began.

**IL – 5176 Property Tax – Notice of Purchase. PA:100-0685. Effective: 8/3/18 -** Amends the Property Tax Code and the Code of Civil Procedure. Provides that a purchaser of a property shall publish a notice in a newspaper published in that municipality or, if the property is not in a municipality or no newspaper is published in the municipality, then the purchaser shall publish a notice in a newspaper in the county (regardless of the property being located in a municipality in a county with less than 3,000,000 inhabitants). Makes conforming changes.

**IL – HB5210 Real Estate – Branch Office. PA:100-0831. Effective: 1/1/19 -** Amends the Real Estate License Act of 2000. Requires a sponsoring broker that maintains more than one office within the State to notify the Department of Financial and Professional Regulation on forms prescribed by the Department (rather than apply for a branch office license) for each office other than the sponsoring broker's principal place of business. Requires the brokerage license (rather than the branch office license) to be displayed conspicuously in each branch office. Removes a reference to "education provider branches". Effective 1/1/19.

**IL – HB5253 Small Business –Economic Impact Analysis PA:100-0688. Effective: 1/1/19** Amends the Illinois Administrative Procedure Act. Modifies the provisions requiring State agencies to issue an economic impact analysis when proposing new rules or amendments to rules that affect small businesses. Provides, among other requirements, that the economic impact analysis shall include: (1) a list of the industries that will have to comply with the proposed rule or amendment; (2) a statement of the impact on small businesses having less than 100 employees, and comparing specified cost factors; and (3) a description of the actions taken by the State agency to mitigate the costs to small businesses created by the proposed rule or amendment, and a description of the involvement of small business advocates in the development of the proposed rule or amendment. Provides that when any rule or amendment to an existing rule is proposed for which a small business economic impact analysis is required, the adopting State agency must provide notice to affected small businesses of the proposed rule through specified means. Makes conforming changes.

**IL – HB5502 Real Estate Trainee Appraiser. PA:100-0832. Effective: 1/1/19 -** Amends the Real Estate Appraiser Licensing Act of 2002. Removes language providing that an associate real estate trainee appraiser license may not be renewed more than 2 times and language providing that an applicant for an associate real estate trainee appraiser license shall personally take and pass an examination authorized by the Department of Financial and Professional Regulation.

**Bills Vetoed:**

**IL – SB65: Title Insurance – Multiple Policies. Governor Vetoed on 8/23/18. -** Amends the Title Insurance Act. Provides that in a transaction for the sale and purchase of residential real property, all title insurance policies for that transaction shall be issued through the same policy issuing entity, except as otherwise agreed by the seller and buyer.

**IL – SB2481: Court of Claims Awards Limits. Governor Amendatory Veto on 8/24/18.** Provides that the amendatory Act may be referred to as the Commitment to Justice Act and includes legislative findings. Amends the Court of Claims Act. Replaces the $100,000 limit on awards in tort cases with a $2,000,000 limit. Provides that the changes apply to cases filed on or after July 1, 2015. Governor recommends setting the limit at $300,000.

 **IL – SB2589: Regional Development Authority. Governor Vetoed on 8/23/18.** Amends the Eastern Illinois Economic Development Authority Act. Adds Livingston and McLean counties to the jurisdiction of the Authority. Amends the Quad Cities Regional Economic Development Authority Act. Adds Winnebago, Stark, and Ogle counties to the jurisdiction of the Authority. Also adds Jo Daviess, Carroll, Whiteside, Stephenson, and Knox counties to provisions concerning additional powers and duties of the Authority. Amends the Southeastern Illinois Economic Development Authority Act. Expands the jurisdiction of the Authority to include all of Washington County (rather than Irvington Township in Washington County). Amends the Southwestern Illinois Economic Development Authority Act. Adds Monroe County to the jurisdiction of the Authority. Also adds Bond and Clinton counties to provisions concerning powers of the Authority. Amends the Upper Illinois River Valley Development Authority Act. Adds Boone and DeKalb counties to the jurisdiction of the Authority. Also adds Kendall, Kane, Lake, and McHenry counties to provisions concerning duties and acquisitions of the Authority. In the various Acts, makes conforming changes to board sizes, the number of board members to constitute a quorum, the number of board members needed to perform official acts, board powers and duties, and an election of a board chairperson.

**IL - SB3103: Immigrant Tenant Protection. Governor Vetoed on 8/24/18. -** Creates the Immigrant Tenant Protection Act. Defines terms. Provides that, with exceptions, a landlord shall not require disclosure of, disclose, intimidate, harass, or evict a tenant on the basis of a person's immigration or citizenship status. Provides that an oral or written warning notice or explanation, given in good faith, regarding the applicable rental agreement, rules, regulations, lease, or law is not a violation of the Act. Provides that the Act does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing State or local law; nor does the Act enlarge or diminish any ability of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant. Provides that waiver of a right under the Act by a tenant, occupant, or person known to the landlord to be associated with a tenant or occupant is void as a matter of public policy. Provides remedies. Provides that an action for injunctive relief may be brought by a nonprofit organization. Provides that in a civil action involving a tenant's or occupant's housing rights, no inquiry shall be permitted into the tenant's or occupant's immigration or citizenship status, with exceptions. Contains a severability clause. Amends the Eviction Article of the Code of Civil Procedure. Provides that it is an affirmative defense to an eviction that a landlord engaged in conduct prohibited under the Immigrant Tenant Protection Act. Amends the Mobile Home Landlord and Tenant Rights Act. Provides that an eviction order may not be entered against a tenant as a reprisal for a tenant's efforts to secure remedies under the Immigrant Tenant Protection Act.

**IL – HB4282: Muni-Territory Disconnection. Governor Vetoed on 8/19/18**. **-** Amends the Illinois Municipal Code. Provides that the owner of record of territory may have the territory disconnected from the corporate limits of a municipality if it does not contain any territory designated as part of a redevelopment project area or any territory otherwise subject to tax increment financing by the municipality.