



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0842

by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

See Index

Creates a new Division in the Counties Code. Creates the Peoria County Land Bank Authority pilot program with the purpose to use available resources to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use in order to combat community deterioration, create economic growth, and stabilizing the housing and job market. Provides that the Authority is an agency of and funded by Peoria County and that the Authority's Board of Directors are accountable to the Peoria County Board. Contains provisions relating to the appointment of members to the Authority's Board of Directors and operation of the Authority. Allows the hiring of an Executive Director and other staff. Provides that Peoria County shall defend and indemnify the Authority's Board of Directors under specified circumstances. Requires Peoria County to yearly report to the General Assembly of the Authority's effectiveness in meeting the Authority's purposes. Repeals the Division 3 years after the effective date of the amendatory Act.

LRB101 04952 AWJ 52093 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Division
5 5-45 as follows:

6 (55 ILCS 5/Div. 5-45 heading new)

7 Division 5-45. Peoria County Land Bank
8 Authority Pilot Program

9 (55 ILCS 5/5-45005 new)

10 Sec. 5-45005. Purpose. The purpose of this Division is to
11 create the Peoria County Land Bank Authority that will use
12 available resources to facilitate the return of vacant,
13 abandoned, and tax-delinquent properties to productive use
14 thereby combating community deterioration, creating economic
15 growth, and stabilizing the housing and job market.

16 The land bank will acquire, hold, and transfer interest in
17 real property throughout Peoria County as approved by the Board
18 of Directors of the Authority for the following purposes: to
19 promote redevelopment and reuse of vacant, abandoned, and
20 tax-delinquent properties; support targeted efforts to
21 stabilize neighborhoods; stimulate residential, commercial,
22 and industrial development; all in ways that are consistent

1 with goals and priorities established by this Division, local
2 government partners, and other community stakeholders.

3 (55 ILCS 5/5-45010 new)

4 Sec. 5-45010. Definitions. As used in this Division:

5 "Board of Directors" means the Board of Directors of the
6 Peoria County Land Bank Authority.

7 "County" means Peoria County.

8 "County Board" means the County Board of Peoria County.

9 "Director" means the Executive Director of the Peoria
10 County Land Bank Authority.

11 "Fiscal Year" means the fiscal year of the land bank, which
12 is the same as Peoria County's fiscal year.

13 "Good cause" includes inefficiency, neglect of duty,
14 malfeasance, or any cause which renders the Director or Board
15 of Director member unfit for the position or unable to perform
16 the duties of the position or the scope of the work.

17 "Land bank" means the Peoria County Land Bank Authority.

18 "Member" means a member of the Board of Directors.

19 "Person" means any individual, corporation, limited
20 liability corporation, organization, government, governmental
21 subdivision or agency, business trust, estate, trust,
22 partnership, association, and any other legal entity.

23 "Real property" means all land and the buildings on the
24 land, all things permanently attached to land or to the
25 buildings on the land, and any interest existing in, issuing

1 out of, or dependent upon land or the buildings on the land.

2 (55 ILCS 5/5-45015 new)

3 Sec. 5-45015. Establishment. The Peoria County Land Bank
4 Authority is established as an agency of Peoria County. All
5 personnel, facilities, equipment, and supplies within the land
6 bank shall be governed by a Board of Directors as provided in
7 this Division. The Board of Directors shall be accountable to
8 the County Board. The land bank shall be funded by the County.
9 The Authority is dissolved on the date this Division is
10 repealed under Section 5-45999.

11 (55 ILCS 5/5-45020 new)

12 Sec. 5-45020. Principal office. The principal office of the
13 land bank shall be at a location within the County, as
14 determined by the Board of Directors.

15 (55 ILCS 5/5-45025 new)

16 Sec. 5-45025. Title to land bank assets. Except as
17 otherwise provided in this Division, the County shall hold
18 title to all real property controlled by the land bank.

19 (55 ILCS 5/5-45030 new)

20 Sec. 5-45030. Tax-exempt status. The activities of the land
21 bank are governmental functions carried out by an
22 instrumentality or political subdivision of the State as

1 described in Section 115 of Title 26 of the United States
2 Internal Revenue Code, or any corresponding provisions of any
3 future tax code. The activities of the land bank are
4 governmental functions carried out by a political subdivision
5 of the State, exempt to the extent provided under Illinois law
6 from taxation by this State, including, but not limited to, ad
7 valorem property tax exemption under the Property Tax Code.

8 (55 ILCS 5/5-45035 new)

9 Sec. 5-45035. Waiver of special assessments. Upon the
10 request of the land bank and for the purposes of fostering the
11 goals and objectives of the land bank, the County, as permitted
12 by law, may extinguish special assessments levied by it prior
13 to the date of acquisition by the land bank against real
14 property controlled by the land bank, and may seek to exempt
15 real property controlled by the land bank from the imposition
16 of special assessments.

17 (55 ILCS 5/5-45040 new)

18 Sec. 5-45040. Compliance with law. The land bank shall
19 comply with all applicable federal and state laws, rules,
20 regulations, and orders.

21 (55 ILCS 5/5-45045 new)

22 Sec. 5-45045. No third-party beneficiaries. Except as
23 otherwise provided, this Division does not create for any

1 person, other than the County, and is not intended to create by
2 implication or otherwise, a direct or indirect benefit,
3 obligation, duty, promise, right to be indemnified (such as
4 contractually, legally, equitably, or by implication), right
5 to be subrogated to the County's rights under this Division, or
6 any other right or benefit.

7 (55 ILCS 5/5-45050 new)

8 Sec. 5-45050. Board of Directors. The land bank shall be
9 governed by a Board of Directors that shall be appointed by the
10 chairman of the County Board, subject to approval by the County
11 Board, no later than 45 days after the effective date of this
12 amendatory Act of the 101st General Assembly. Members of the
13 Board of Directors shall be residents of the County. The Board
14 of Directors shall consist of 15 members.

15 (55 ILCS 5/5-45055 new)

16 Sec. 5-45055. Appointment of members. Candidates for the
17 Board of Directors appointed by the chairman shall be selected
18 from the following categories:

19 (1) one County Board member to serve as an ex officio
20 member with voting rights. The ex officio member shall
21 serve as a liaison between the County Board and the Board
22 of Directors;

23 (2) 3 Peoria County mayors, presidents, or village
24 managers;

1 (3) one representative from the City of Peoria as
2 recommended by the mayor of the City of Peoria;

3 (4) one representative from the Greater Peoria
4 Economic Development Council;

5 (5) one representative from a community development
6 finance institution;

7 (6) one representative from the banking community;

8 (7) one representative from a local or State realtor
9 association;

10 (8) one representative from the non-profit housing
11 development community;

12 (9) one representative from the commercial or
13 industrial development community;

14 (10) one representative from a City of Peoria community
15 organization;

16 (11) one representative from a Peoria County community
17 organization;

18 (12) one representative from the legal community; and

19 (13) one representative with commercial retail
20 development experience.

21 (55 ILCS 5/5-45060 new)

22 Sec. 5-45060. Term of office.

23 (a) Except as otherwise provided in this Section or Section
24 5-45075, the members of the Board of Directors shall be
25 appointed for a term of 3 years.

1 (b) The ex officio member shall serve until the expiration
2 of his or her County Board term.

3 (c) The initial members, except as provided in subsection
4 (b), shall serve terms as follows as determined by lot at the
5 Board of Directors first meeting next following all member
6 appointments:

7 (1) Four of the members shall serve a term that expires
8 on the January 1 next following the establishment of the
9 land bank, except that these members shall serve until the
10 2nd January 1 next following the establishment of the land
11 bank if the land bank was established after July 1.

12 (2) Four of the members shall serve a term that expires
13 on the January 1 next following the expiration of the
14 members' terms under item (1).

15 (3) Three of the members shall serve a term that
16 expires on the January, 1 next following the expiration of
17 the members' terms under item (2).

18 (4) Three of the members shall serve a term that
19 expires on the January 1 next following the expiration of
20 the members' terms under item (3).

21 (d) After the initial appointed terms under subsection (c),
22 each member, other than the ex officio member, shall serve a
23 term of 3 years.

24 (e) A member shall serve until a successor is appointed and
25 has qualified.

26 (f) A member who is appointed to fill a vacancy, other than

1 a vacancy caused by the expiration of the predecessor's term,
2 shall serve until the expiration of his or her predecessor's
3 term.

4 (g) Other than the ex officio member, a member may not
5 serve more than 2 consecutive full terms.

6 (55 ILCS 5/5-45065 new)

7 Sec. 5-45065. Officers.

8 (a) The Board of Directors shall select an initial
9 chairperson from among the initial members. The chairperson
10 shall serve a 2-year term as chairperson and, thereafter, the
11 Board of Directors shall annually elect a chairperson from
12 among its members. A member may be elected to serve successive
13 terms as chairperson.

14 The chairperson shall preside at meetings of the Board of
15 Directors and is entitled to vote on all matters before the
16 Board of Directors.

17 (b) The Board of Directors may appoint from its members a
18 member to serve as the land bank secretary and appoint
19 additional officers from its members as it may deem
20 appropriate.

21 (55 ILCS 5/5-45070 new)

22 Sec. 5-45070. Removal. A member may be removed for good
23 cause by the chairman of the County Board prior to the
24 expiration of the member's term of appointment. The chairman of

1 the County Board shall provide written notice to that member,
2 the Director, and the County Board of the removal of that
3 member from the Board of Directors. The notice shall state the
4 specific grounds which constitute cause for removal. The
5 member, in receipt of a notice, may request to appear before
6 the County Board and present reasons in support of his or her
7 retention. Thereafter, the County Board shall vote upon whether
8 there are sufficient grounds to remove that member from office.
9 The chairman of the County Board shall notify the member of the
10 final action of the County Board.

11 (55 ILCS 5/5-45075 new)

12 Sec. 5-45075. Vacancies. Any vacancy on the Board of
13 Directors caused by death, resignation, disqualification, or
14 removal shall be filled by the chairman of the County Board as
15 soon as practicable, but not to exceed 60 days following the
16 occurrence of the vacancy. The vacancy shall be filled for the
17 remainder of the unexpired term in the same manner as the
18 original appointment. Expired terms shall be filled by the
19 chairman of the County Board within 60 days of the term's
20 expiration in the same manner as the original appointment.

21 (55 ILCS 5/5-45080 new)

22 Sec. 5-45080. Meetings. The Board of Directors shall
23 conduct its first meeting no later than 60 days after the
24 appointment of the Board of Directors. The place, date, and

1 time of the land bank meetings shall be determined at the
2 discretion of the Board of Directors. All meetings of the Board
3 of Directors shall comply with the Open Meetings Act.

4 (55 ILCS 5/5-45085 new)

5 Sec. 5-45085. Initial bylaws and policies and procedures.
6 The Board of Directors shall adopt bylaws and policies and
7 procedures consistent with the provisions of this Division no
8 later than 120 days after the first meeting of the Board of
9 Directors.

10 (55 ILCS 5/5-45090 new)

11 Sec. 5-45090. Quorum; voting. A quorum is necessary for the
12 transaction of any business by the Board of Directors. A
13 majority of the members of the Board of Directors shall
14 constitute a quorum. The Board of Directors shall act by a
15 majority vote of the members at a meeting at which a quorum is
16 present, except as otherwise provided in this Division.
17 Presence for both quorum and voting at the land bank shall be
18 articulated by the Board of Directors in its bylaws or
19 procedures in a manner consistent with the Open Meetings Act.

20 (55 ILCS 5/5-45095 new)

21 Sec. 5-45095. Records of meetings. Minutes of all meetings
22 of the Board of Directors and its committees shall be made and
23 maintained as required by the Open Meetings Act.

1 (55 ILCS 5/5-45100 new)

2 Sec. 5-45100. Board of Directors responsibilities. The
3 Board of Directors shall:

4 (1) ensure that all personnel matters are conducted
5 free from any political interference and in accordance with
6 all applicable laws;

7 (2) ensure that all operations, including contractual
8 matters, are conducted free from any political
9 interference; and

10 (3) ensure efficiency in service delivery and sound
11 fiscal management of all aspects of the land bank including
12 the collection of all revenues from all sources.

13 (55 ILCS 5/5-45105 new)

14 Sec. 5-45105. Board of Directors actions. The Board of
15 Directors shall do all of the following:

16 (1) adopt, amend, or repeal rules and policies and
17 procedures governing the Board of Directors and its actions
18 and meetings and adopt, amend, or repeal policies and
19 procedures to implement day-to-day operation of the land
20 bank, including policies governing any staff of the land
21 bank;

22 (2) elect additional officers, including, but not
23 limited to, initial officers who shall be elected at the
24 first meeting of the Board of Directors in accordance with

1 the bylaws;

2 (3) provide for a system of accounting;

3 (4) adopt or amend the land bank's budget to submit
4 annually to the County Board for approval and adoption in a
5 time frame mandated by Peoria County's Chief Financial
6 Officer;

7 (5) adopt, amend, or repeal policies and procedures for
8 contracting and procurement;

9 (6) commission, collect, and receive data from public,
10 private, professional, and volunteer sources to compile an
11 inventory and analysis of desirable properties for
12 acquisition;

13 (7) establish banking arrangements for the land bank;
14 and

15 (8) organize and reorganize the executive,
16 administrative, clerical, and other departments of the
17 land bank and fix the duties, powers, and compensation of
18 all employees, agents, and consultants of the land bank
19 hired pursuant to Section 5-45125.

20 (55 ILCS 5/5-45110 new)

21 Sec. 5-45110. Fiduciary duty. The members of the Board of
22 Directors are under a fiduciary duty to conduct the activities
23 and affairs of the land bank in the best interests of the
24 residents of the County, including the safekeeping and use of
25 all land bank monies and assets. The members of the Board of

1 Directors shall discharge their duties in good faith with the
2 care an ordinarily prudent person in a like position would
3 exercise under similar circumstances.

4 (55 ILCS 5/5-45115 new)

5 Sec. 5-45115. Compensation. The members of the Board of
6 Directors shall receive no compensation for the performance of
7 their duties. A member may engage in private or public
8 employment or in a profession or business, except to the extent
9 prohibited by law or County ordinance. The land bank may
10 reimburse members of the Board of Directors for actual and
11 necessary expenses incurred in the discharge of their official
12 duties as provided by the Board of Directors.

13 (55 ILCS 5/5-45120 new)

14 Sec. 5-45120. Executive Director. The Board of Directors
15 shall retain the professional services of an individual to
16 perform the duties of an Executive Director on a contractual
17 basis with the advice and consent of the chairman of the County
18 Board. The Director is not an employee of the land bank or
19 County. The Director shall administer the land bank in
20 accordance with the operating budget approved by the County
21 Board, general policy guidelines established by the Board of
22 Directors, other applicable governmental procedures and
23 policies, and this Division. The Director is responsible for
24 the day-to-day operations of the land bank; the control,

1 management, and oversight of the land bank's functions; and
2 supervision of all land bank contractual agreements. All terms
3 and conditions of the Director's service shall be specified in
4 a written contract between the Director and the Board of
5 Directors. The Director may be removed by the chairman of the
6 County Board or the Board of Directors, for good cause, prior
7 to the expiration of the Director's contract. The Board of
8 Directors may delegate to the Director any powers or duties it
9 considers proper under such terms, conditions, and to the
10 extent that the Board of Directors may specify.

11 (55 ILCS 5/5-45125 new)

12 Sec. 5-45125. Staffing services.

13 (a) The Board of Directors may approve contracts for
14 staffing as requested by the Director that are deemed necessary
15 to carry out the duties and responsibilities of the land bank
16 and in accordance with the policies and procedures established
17 by the Board of Directors. Such staff shall be retained
18 pursuant to contracts entered into in accordance with the
19 procurement rules established by the Board of Directors.

20 (b) If the Board of Directors elects to have staff, staff
21 employed by the Board of Directors for the land bank not
22 otherwise retained through the Board of Directors' procurement
23 rules shall be recruited or employed through the County's
24 employment plan, if any, and are County employees.

1 (55 ILCS 5/5-45130 new)

2 Sec. 5-45130. Ethics and oversight. The land bank and its
3 Director, Board of Directors, employees, and contractors are
4 subject to County ethics rules or ordinances and County ethics
5 officers, if any.

6 (55 ILCS 5/5-45135 new)

7 Sec. 5-45135. Indemnification.

8 (a) Except as otherwise provided in this Section, the
9 County shall defend and indemnify the land bank and its members
10 from all claims or judgments arising out of their activities as
11 members for all negligence claims and claims or judgments
12 arising out of land bank activities performed on behalf of the
13 County.

14 (b) The County is not obligated to indemnify the land bank
15 or its members for:

16 (1) Punitive damages or liability arising out of
17 conduct which is based upon willful or wanton conduct.

18 (2) Conduct which is outside of the scope of the land
19 bank's authority.

20 (3) A settlement or judgment in which the County did
21 not participate.

22 (4) The defense of any criminal or disciplinary
23 proceeding.

24 (c) To be eligible for defense and indemnification, the
25 land bank or its members shall:

1 (1) notify, within 5 days of receipt, the County
2 Administrator and the Civil Division of the Peoria County
3 State's Attorney's Office of any claim made against the
4 member or land bank and deliver all written demands,
5 complaints, and other legal papers received by the
6 practitioner with respect to such claim to the County
7 Administrator;

8 (2) cooperate with the State's Attorney's Office in the
9 investigation and defense of any claim against the County
10 or any member, including, but not limited to, preparing for
11 and attending depositions, hearings, and trials and
12 otherwise assisting in securing and giving evidence; and

13 (3) promptly notify the County Administrator and the
14 Civil Division of the Peoria County State's Attorney's
15 Office of any change in the member's address or telephone
16 number.

17 (d) All actions shall be defended by the Peoria County
18 State's Attorney. Decisions to settle indemnified claims shall
19 be made by the County or the State's Attorney's Office, as
20 delegated by the County, and shall not require the consent of
21 the indemnified member. If a member declines representation by
22 the State's Attorney's Office, the County shall have no
23 obligation to defend or indemnify the member.

24 (55 ILCS 5/5-45140 new)

25 Sec. 5-45140. General powers. The land bank has the

1 authority to do all things necessary or convenient to implement
2 the purposes, objectives, and provisions of this Division or
3 the purposes, objectives, and powers granted to the land bank
4 by any federal, state, or local government unit consistent with
5 the County's annual budget, including, but not limited to, the
6 following:

7 (1) to adopt, amend, and repeal bylaws for the
8 regulation of its affairs and the conduct of its business;

9 (2) to acquire by purchase, donation, or other
10 transfers and to hold, lease, manage, and dispose of real
11 property of every kind and character, or any interest
12 therein, in furtherance of the public purposes of the land
13 bank;

14 (3) to discharge and extinguish real property taxes
15 owed to the County, State, or unit of local government
16 pursuant to an agreement with the County, State, or unit of
17 local government that encumber real property owned by the
18 County through the land bank, as permitted by the Property
19 Tax Code or other applicable law;

20 (4) to pay any tax or special assessment due on real
21 property acquired or owned by the land bank;

22 (5) to acquire, accept, or retain equitable interests,
23 security interests, or other interests in real property or
24 other fixtures by loan agreement, note, mortgage, deed to
25 secure debt, trust deed, security agreement, assignment,
26 pledge, conveyance, contract, lien, or other consensual

1 transfer in order to secure the repayment of any moneys
2 loaned or credit extended by the land bank;

3 (6) borrow money from private lenders, from cities or
4 counties, from the State or from federal government funds,
5 subject to the approval of the County Board, to further or
6 carry out the land bank's public purpose by executing
7 leases, trust indentures, trust agreements, agreements for
8 the sale notes, loan agreements, mortgages, deeds to secure
9 debt, trust deeds, security agreements, assignments, and
10 other agreements or instruments as may be necessary or
11 desirable, in the judgment of the land bank, to evidence
12 and to provide security for the borrowing;

13 (7) to make application directly or indirectly to any
14 federal, state, County, or local unit of government or
15 agency or to any other source, whether public or private,
16 for loans, grants, gifts, guarantees, labor, or other aid
17 or financial assistance in furtherance of the land bank's
18 public purpose and to accept and use the same upon terms
19 and conditions as are prescribed by the federal, state,
20 County, or local unit of government, agency, or other
21 source;

22 (8) to enter into agreements with the federal
23 government or any agency of the federal government to use
24 the facilities or services of the federal government or
25 agency in order to further or carry out the public purposes
26 of the land bank;

1 (9) to extend credit or make loans to any person,
2 subject to limitations established by the County Board, for
3 the costs of land bank projects which credit or loans may
4 be evidenced or secured by loan agreements, notes,
5 mortgages, deeds to secure debt, trust deeds, security
6 agreements, assignments, or other instruments or by
7 rentals, revenues, fees, or charges, upon terms and
8 conditions as the land bank shall determine to be
9 reasonable in connection with such extension of credit or
10 loans, including provision for the establishment and
11 maintenance of reserve funds, and, in the exercise of
12 powers in connection with a land bank project, the land
13 bank may require the inclusion in a loan agreement, note,
14 mortgage, deed to secure debt, trust deed, security
15 agreement, assignment, or other instrument such provisions
16 or requirements, including but not limited to: guarantee an
17 obligation, insurance, construction, use, operation,
18 maintenance, and financing and other terms and conditions
19 as the land bank may deem necessary or desirable;

20 (10) as security for repayment of any note, or other
21 obligations of the land bank, to pledge, mortgage, convey,
22 assign, hypothecate, or otherwise encumber any property of
23 the land bank, including, but not limited to, real
24 property, fixtures, and revenues or other funds, and to
25 execute any lease, trust indenture, trust agreement,
26 agreement for the sale of the land bank's notes or other

1 obligations, loan agreement, mortgage, deed to secure
2 debt, trust deed, security agreement, assignment, or other
3 agreement or instrument as may be necessary or desirable,
4 in the judgment of the land bank, to secure any notes or
5 other obligations, which instruments or agreements may
6 provide for foreclosure or forced sale of any real property
7 of the land bank upon default in any obligation of the land
8 bank, either in payment of principal, premium, or interest
9 or in the performance of a term or condition contained in
10 the agreement or instrument;

11 (11) to receive and administer gifts, grants, and
12 bequests of money and real property consistent with the
13 purpose of the land bank;

14 (12) to use any real property or fixtures, or any
15 interest in real property or fixtures, to rent, license, or
16 lease the real property to or from others or make contracts
17 with respect to the use of the real property or fixtures,
18 or to sell, lease, exchange, transfer, assign, pledge, or
19 otherwise dispose of or grant options for the real property
20 in any manner as it deems to be in the best interests of
21 the land bank and the public purpose;

22 (13) to procure insurance or guarantees from the State
23 or federal government of the payments of any debts or parts
24 incurred by the land bank and to pay premiums in connection
25 with the insurance or guarantees;

26 (14) to procure, if required, insurance against losses

1 in connection with the real property, assets, or activities
2 of the land bank;

3 (15) to enter into contracts and other instruments
4 necessary, incidental, or convenient to the performance of
5 its duties and the exercise of its powers, including, but
6 not limited to, an agreement with a party for the joint
7 exercise of powers. An agreement with a party may include
8 contracts for the performance of services by a party on
9 behalf of the land bank or by the land bank on behalf of a
10 party;

11 (16) to enter into partnerships, joint ventures, and
12 other collaborative relationships with municipalities and
13 other public and private entities for the ownership,
14 management, development, and disposition of real property;

15 (17) to enter into contracts and other instruments
16 necessary, incidental, or convenient to the performance of
17 its duties and the exercise of its powers, including, but
18 not limited to, agreements with a party regarding the
19 disposition of land bank properties located within their
20 boundaries;

21 (18) to finance (by loan, grant, lease, or otherwise),
22 refinance, construct, erect, assemble, purchase, acquire,
23 own, repair, remodel, rehabilitate, modify, maintain,
24 extend, improve, install, sell, equip, expand, add to,
25 operate, or manage real property or rights or interests in
26 real property and to pay the costs of any such project from

1 the proceeds of revenue bonds or loans by persons,
2 corporations, partnerships, whether limited or general, or
3 other entities, all of which the land bank is authorized to
4 receive, accept, and use;

5 (19) to fix, charge, and collect rents, fees, licenses,
6 and charges for the use of real property of the land bank
7 and for services provided by the Land Bank;

8 (20) to grant or acquire a license, easement, lease (as
9 lessor or lessee), or option with respect to real property
10 of the land bank;

11 (21) to enter into contracts with not-for-profit
12 community land trusts, including, but not limited to,
13 long-term lease contracts;

14 (22) to contract for goods and services and employ
15 personnel, as necessary, to be paid from the funds of the
16 land bank. The Board of Directors shall determine the
17 qualifications, duties, and compensation of those it
18 contracts with and employs;

19 (23) to organize and reorganize the executive,
20 administrative, clerical, and other departments of the
21 land bank and to fix the duties, powers, and compensation
22 of all employees, agents, and consultants of the land bank;

23 (24) to remediate environmental contamination on any
24 real property held by the land bank;

25 (25) to acquire, hold, and manage property;

26 (26) to dispose of property; and

1 (27) to do all other things necessary or convenient to
2 achieve the objectives and purposes of the land bank and
3 this Division.

4 (55 ILCS 5/5-45145 new)

5 Sec. 5-45145. County's governmental immunity. Nothing in
6 this Division may be construed as a waiver by the County of any
7 governmental immunity provided under any applicable law.

8 (55 ILCS 5/5-45150 new)

9 Sec. 5-45150. Discrimination.

10 (a) The land bank shall comply with all applicable laws
11 prohibiting discrimination.

12 (b) The land bank shall not provide services in a manner
13 that discriminates against an individual because of the actual
14 or perceived status, practice, or expression of that
15 individual's race, color, sex, age, religion, disability,
16 national origin, ancestry, sexual orientation, marital status,
17 parental status, military discharge status, source of income,
18 gender identity, or housing status or the actual or perceived
19 association with such an individual.

20 (c) The land bank shall not refuse to hire, recruit,
21 promote, demote, discharge, or otherwise discriminate against
22 an individual with respect to employment, compensation or a
23 term, condition, or privilege of employment because of the
24 actual or perceived status, practice, or expression of that

1 individual's race, color, sex, age, religion, disability,
2 national origin, ancestry, sexual orientation, marital status,
3 parental status, military discharge status, source of income,
4 gender identity, or housing status or the actual or perceived
5 association with such an individual.

6 (55 ILCS 5/5-45155 new)

7 Sec. 5-45155. Acquisition of property.

8 (a) The land bank may acquire real property or rights or
9 interests in real property by gift, bequest, transfer,
10 exchange, foreclosure, purchase, purchase contracts, lease
11 purchase agreements, installment sales contracts, land
12 contracts, tax sale, scavenger sale, or other method of
13 acquisition on terms and conditions and in a manner the land
14 bank considers proper.

15 (b) The land bank may acquire any property conveyed to it
16 by any person, including, but not limited to, property without
17 clear title.

18 (c) All deeds, mortgages, contracts, leases, purchases, or
19 other agreements regarding real property of the land bank,
20 including agreements to acquire or dispose of real property,
21 shall be approved by and executed by the land bank in the name
22 of the County.

23 (d) The land bank may purchase property in the name of the
24 County at tax sales conducted under the Property Tax Code. The
25 land bank may tender a bid at a tax sale that is a credit bid

1 consisting of the obligation of the land bank to satisfy the
2 component parts of the bid by payments to the respective
3 political subdivisions.

4 (e) The land bank may make offers to purchase real property
5 that is subject to a listing agreement. The offer or purchase
6 of a property by the land bank that is subject to a listing
7 agreement shall not extinguish any legal rights existing under
8 the listing agreement.

9 (55 ILCS 5/5-45160 new)

10 Sec. 5-45160. Execution of legal documents relating to real
11 property. Deeds, mortgages, contracts, easements, leases,
12 licenses, franchises, purchases, covenants or other agreements
13 regarding real property of the land bank, including agreements
14 to acquire or dispose of real property, shall be executed in
15 the name of the County by the land bank and approved in
16 accordance with the bylaws of the land bank.

17 (55 ILCS 5/5-45165 new)

18 Sec. 5-45165. Holding and managing property. The land bank
19 may control, manage, maintain, operate, repair, lease as
20 lessor, license, secure, prevent the waste or deterioration of,
21 demolish, or take all other actions necessary to preserve the
22 value of the real property it controls on behalf of the County.
23 The land bank shall maintain all real property held by the land
24 bank in accordance with applicable laws and codes. Real

1 property shall be inventoried and classified by the land bank
2 according to suitability for use. The inventory shall be
3 maintained as a public record and shall be filed electronically
4 and in the principal office of the land bank.

5 (55 ILCS 5/5-45170 new)

6 Sec. 5-45170. Property disposition. On fair and reasonable
7 terms and conditions and in a manner and for an amount of
8 consideration the land bank considers proper (including for no
9 monetary consideration, if appropriate), the land bank may
10 convey, sell, transfer, exchange, or otherwise dispose of real
11 property or rights or interests in real property which the land
12 bank controls and the County holds a legal interest to any
13 public or private person. The disposition of real property
14 under this Section shall be considered a necessary public
15 purpose and for the benefit of the public.

16 (55 ILCS 5/5-45175 new)

17 Sec. 5-45175. Criteria for conveyance. Real property shall
18 be conveyed by the land bank in accordance with this Division
19 and according to criteria determined in the discretion of the
20 Board of Directors and contained in the policies and procedures
21 adopted by the Board of Directors. The Board of Directors may
22 adopt policies and procedures that set forth priorities for a
23 transferee's use of real property conveyed by the land bank,
24 including, but not limited to, affordable housing.

1 (55 ILCS 5/5-45180 new)

2 Sec. 5-45180. Transactions.

3 (a) Transactions shall be structured in a manner that
4 permits the land bank to enforce contractual agreements, real
5 covenants, and the provisions of any subordinate financing held
6 by the land bank pertaining to development and use of the real
7 property.

8 (b) Notwithstanding any other provision of this Division,
9 any transaction involving property located within a
10 municipality with a population over 100,000 shall only be made
11 pursuant to an agreement between that municipality and the land
12 bank.

13 (55 ILCS 5/5-45185 new)

14 Sec. 5-45185. Disposition of proceeds. Any proceeds from
15 the sale or transfer of real property by the land bank shall be
16 retained, expended, or transferred by the land bank as
17 determined by the Board of Directors in the best interests of
18 the land bank and in accordance with applicable laws and
19 agreements.

20 (55 ILCS 5/5-45190 new)

21 Sec. 5-45190. Intergovernmental agreements.

22 (a) The Board of Directors may negotiate and propose
23 intergovernmental agreements necessary, incidental, or

1 convenient to the performance of its duties and the exercise of
2 its powers with a unit of local government located in whole or
3 in part within the County, subject to the approval of the
4 County Board. An intergovernmental agreement may include, but
5 is not limited to, contracts for the joint exercise of powers,
6 contracts for the ownership, management, development, and
7 disposition of real property, or contracts for the performance
8 of services by a unit of local government on behalf of the land
9 bank or by the land bank on behalf of a unit of local
10 government.

11 (b) A party to an intergovernmental agreement shall agree
12 that no party to an intergovernmental agreement shall be
13 responsible, in whole or in part, for the acts of the
14 employees, agents, and servants of any other party, whether
15 acting separately or in conjunction with the implementation of
16 an intergovernmental agreement. The parties shall only be bound
17 and obligated under an intergovernmental agreement as
18 expressly agreed to by each party.

19 (c) All intergovernmental agreements shall be interpreted,
20 enforced, and governed under the laws of this State without
21 regard to the doctrines of conflict of laws. The language of an
22 intergovernmental agreements shall in all cases be construed as
23 a whole according to its plain and fair meaning and not
24 construed strictly for or against any party.

1 Sec. 5-45195. Land bank records. The land bank shall keep
2 and maintain at the principal office of the land bank all
3 documents and records of the land bank. The records of the land
4 bank shall be available to the public and shall include, but
5 not be limited to, a copy of this Division, the land bank's
6 bylaws, and any agreements and any amendments to an agreement.
7 The records and documents shall be maintained and shall be
8 delivered to any successor entity.

9 (55 ILCS 5/5-45200 new)

10 Sec. 5-45200. Financial statements and reports. The land
11 bank shall annually prepare or have prepared, at the land
12 bank's expense, audited financial statements, including
13 balance sheet, statement of revenue and expense, statement of
14 cash flows, and changes in fund balance. The financial
15 statements shall be prepared in accordance with generally
16 accepted accounting principles and accompanied by a written
17 opinion of an independent certified public accounting firm.

18 (55 ILCS 5/5-45205 new)

19 Sec. 5-45205. Annual budget.

20 (a) The land bank shall prepare an annual budget in a
21 manner and under a time frame mandated by Peoria County's Chief
22 Financial Officer.

23 (b) For the first complete fiscal year and each fiscal year
24 thereafter, the Board of Directors shall recommend, approve,

1 and submit an annual budget to be included in the County's
2 annual budget for approval by the County Board.

3 (c) The obligations and expenditures of the Board of
4 Directors shall conform to the County's annual budget. The
5 County Board retains the authority to impose additional
6 limitations. A commitment, contract, or other obligation
7 entered into by the Board of Directors in violation of this
8 Section shall be voidable by the County Board.

9 (55 ILCS 5/5-45210 new)

10 Sec. 5-45210. Deposits and investments.

11 (a) The land bank shall deposit funds of the land bank in a
12 special fund to be held by the treasurer of the County. The
13 fund shall be designated as the "Land Bank Fund" and the moneys
14 in the fund shall be expended exclusively for the operation of
15 the land bank.

16 (b) Expenditures of funds from the Land Bank Fund shall be
17 in accordance with guidelines established by the Board of
18 Directors.

19 (55 ILCS 5/5-45215 new)

20 Sec. 5-45215. Performance objectives. Each fiscal year,
21 the Director or other individual designated by the Board of
22 Directors shall prepare, for review and approval by the Board
23 of Directors, objectives for the land bank's performance.

1 (55 ILCS 5/5-45220 new)

2 Sec. 5-45220. Annual report.

3 (a) The Board of Directors shall submit a report to the
4 chairman of the County Board and the County Board, no later
5 than 6 months after the end of each fiscal year, which shall
6 set forth a complete and detailed operating and financial
7 statement of the land bank during the fiscal year.

8 (b) Included in the report shall be any recommendations for
9 additional legislation or other action which may be necessary
10 to carry out the mission, purpose, and intent of the land bank.

11 (55 ILCS 5/5-45225 new)

12 Sec. 5-45225. Management of funds. The Director or other
13 individual designated by the Board of Directors is authorized
14 to make deposits and withdraw funds from the Land Bank Fund for
15 the management of sales proceeds, revenue, and other land bank
16 funds as authorized by the Board of Directors. Standard
17 accounting procedures shall be used in the management of
18 accounts and approved by the County's treasurer.

19 (55 ILCS 5/5-45230 new)

20 Sec. 5-45230. Authorized expenditures. The land bank
21 shall, in its sole discretion and within its budget, expend
22 funds as necessary to carry out the powers, duties, functions,
23 and responsibilities of the land bank under this Division.

1 (55 ILCS 5/5-45235 new)

2 Sec. 5-45235. Distribution of assets. At a reasonable time
3 prior to the repeal of this Division under Section 5-45999, the
4 land bank shall wind up its affairs as follows:

5 (1) all of the land bank's debts, liabilities, and
6 obligations to its creditors and all expenses incurred in
7 connection with the termination of the land bank and
8 distribution of its assets shall be paid first; and

9 (2) the remaining real property and personal property
10 owned by the land bank, if any, shall be distributed to any
11 successor entity, subject to approval by the County. If a
12 successor entity does not exist, the remaining real
13 property, personal property, and other assets of the land
14 bank shall become assets of the County unless provided
15 otherwise in any applicable agreement.

16 (55 ILCS 5/5-45240 new)

17 Sec. 5-45240. Interpretation of Division. All powers
18 granted to the land bank under this Division shall be
19 interpreted broadly to effectuate the intent and purposes of
20 this Division and not to serve as a limitation of powers.

21 (55 ILCS 5/5-45245 new)

22 Sec. 5-45245. Report to General Assembly. On or before each
23 January 1, the Board of Directors shall file a report with the
24 General Assembly as provided in Section 3.1 of the General

1 Assembly Organization Act on the Authority's effectiveness in
2 meeting the Authority's purposes.

3 (55 ILCS 5/5-45998 new)

4 Sec. 5-45998. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute on Statutes.

6 (55 ILCS 5/5-45999 new)

7 Sec. 5-45999. Repeal. This Division is repealed 3 years
8 after the effective date of this amendatory Act of the 101st
9 General Assembly.

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/Div. 5-45

4 heading new

5 55 ILCS 5/5-45005 new

6 55 ILCS 5/5-45010 new

7 55 ILCS 5/5-45015 new

8 55 ILCS 5/5-45020 new

9 55 ILCS 5/5-45025 new

10 55 ILCS 5/5-45030 new

11 55 ILCS 5/5-45035 new

12 55 ILCS 5/5-45040 new

13 55 ILCS 5/5-45045 new

14 55 ILCS 5/5-45050 new

15 55 ILCS 5/5-45055 new

16 55 ILCS 5/5-45060 new

17 55 ILCS 5/5-45065 new

18 55 ILCS 5/5-45070 new

19 55 ILCS 5/5-45075 new

20 55 ILCS 5/5-45080 new

21 55 ILCS 5/5-45085 new

22 55 ILCS 5/5-45090 new

23 55 ILCS 5/5-45095 new

24 55 ILCS 5/5-45100 new

25 55 ILCS 5/5-45105 new

1 55 ILCS 5/5-45110 new
2 55 ILCS 5/5-45115 new
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