



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3183

Introduced 2/19/2021, 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 January 1, 2025.

LRB102 13258 AWJ 18602 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
18 Board of Directors of the Authority for the following
19 purposes: to promote redevelopment and reuse of vacant,
20 abandoned, and tax-delinquent properties; support targeted
21 efforts to stabilize neighborhoods; and stimulate residential,
22 commercial, and industrial development all in ways that are

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

4 (55 ILCS 5/5-45010 new)

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

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

8 "County" means Peoria County.

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

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

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

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

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

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

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

24 "Real property" means all land and the buildings on the
25 land, all things permanently attached to land or to the

1 buildings on the land, and any interest existing in, issuing
2 out of, or dependent upon land or the buildings on the land.

3 (55 ILCS 5/5-45015 new)

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11 repealed under Section 5-45999.

12 (55 ILCS 5/5-45020 new)

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

16 (55 ILCS 5/5-45025 new)

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

20 (55 ILCS 5/5-45030 new)

21 Sec. 5-45030. Tax-exempt status. The activities of the
22 land bank are governmental functions carried out by an

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

9 (55 ILCS 5/5-45035 new)

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

18 (55 ILCS 5/5-45040 new)

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

22 (55 ILCS 5/5-45045 new)

23 Sec. 5-45045. No third-party beneficiaries. Except as

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

8 (55 ILCS 5/5-45050 new)

9 Sec. 5-45050. Board of Directors. The land bank shall be
10 governed by a Board of Directors that shall be appointed by the
11 chairman of the County Board, subject to approval by the
12 County Board, no later than 45 days after the effective date of
13 this amendatory Act of the 102nd General Assembly. Members of
14 the Board of Directors shall be residents of the County. The
15 Board of Directors shall consist of 15 members.

16 (55 ILCS 5/5-45055 new)

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

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

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

1 managers;

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

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

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

8 (6) one representative from the banking community;

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

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

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

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

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

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

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

22 (55 ILCS 5/5-45060 new)

23 Sec. 5-45060. Term of office.

24 (a) Except as otherwise provided in this Section or
25 Section 5-45075, the members of the Board of Directors shall

1 be appointed for a term of 3 years.

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

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

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

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

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

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

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

26 (e) A member shall serve until a successor is appointed

1 and has qualified.

2 (f) A member who is appointed to fill a vacancy, other than
3 a vacancy caused by the expiration of the predecessor's term,
4 shall serve until the expiration of his or her predecessor's
5 term.

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

8 (55 ILCS 5/5-45065 new)

9 Sec. 5-45065. Officers.

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

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

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

23 (55 ILCS 5/5-45070 new)

24 Sec. 5-45070. Removal. A member may be removed for good

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

13 (55 ILCS 5/5-45075 new)

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

23 (55 ILCS 5/5-45080 new)

24 Sec. 5-45080. Meetings. The Board of Directors shall

1 conduct its first meeting no later than 60 days after the
2 appointment of the Board of Directors. The place, date, and
3 time of the land bank meetings shall be determined at the
4 discretion of the Board of Directors. All meetings of the
5 Board of Directors shall comply with the Open Meetings Act.

6 (55 ILCS 5/5-45085 new)

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

12 (55 ILCS 5/5-45090 new)

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

22 (55 ILCS 5/5-45095 new)

23 Sec. 5-45095. Records of meetings. Minutes of all meetings

1 of the Board of Directors and its committees shall be made and
2 maintained as required by the Open Meetings Act.

3 (55 ILCS 5/5-45100 new)

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

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

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

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

15 (55 ILCS 5/5-45105 new)

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

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

24 (2) elect additional officers, including, but not

1 limited to, initial officers who shall be elected at the
2 first meeting of the Board of Directors in accordance with
3 the bylaws;

4 (3) provide for a system of accounting;

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

9 (5) adopt, amend, or repeal policies and procedures
10 for contracting and procurement;

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

15 (7) establish banking arrangements for the land bank;
16 and

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

22 (55 ILCS 5/5-45110 new)

23 Sec. 5-45110. Fiduciary duty. The members of the Board of
24 Directors are under a fiduciary duty to conduct the activities
25 and affairs of the land bank in the best interests of the

1 residents of the County, including the safekeeping and use of
2 all land bank moneys and assets. The members of the Board of
3 Directors shall discharge their duties in good faith with the
4 care an ordinarily prudent person in a like position would
5 exercise under similar circumstances.

6 (55 ILCS 5/5-45115 new)

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

15 (55 ILCS 5/5-45120 new)

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

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

13 (55 ILCS 5/5-45125 new)

14 Sec. 5-45125. Staffing services.

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

22 (b) If the Board of Directors elects to have staff, staff
23 employed by the Board of Directors for the land bank not
24 otherwise retained through the Board of Directors' procurement
25 rules shall be recruited or employed through the County's

1 employment plan, if any, and are County employees.

2 (55 ILCS 5/5-45130 new)

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

7 (55 ILCS 5/5-45135 new)

8 Sec. 5-45135. Indemnification.

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

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

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

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

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

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

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

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

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

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

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

1 (55 ILCS 5/5-45140 new)

2 Sec. 5-45140. General powers. The land bank has the
3 authority to do all things necessary or convenient to
4 implement the purposes, objectives, and provisions of this
5 Division or the purposes, objectives, and powers granted to
6 the land bank by any federal, state, or local government unit
7 consistent with the County's annual budget, including, but not
8 limited to, the following:

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

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

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

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

24 (5) to acquire, accept, or retain equitable interests,
25 security interests, or other interests in real property or

1 other fixtures by loan agreement, note, mortgage, deed to
2 secure debt, trust deed, security agreement, assignment,
3 pledge, conveyance, contract, lien, or other consensual
4 transfer in order to secure the repayment of any moneys
5 loaned or credit extended by the land bank;

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

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

25 (8) to enter into agreements with the federal
26 government or any agency of the federal government to use

1 the facilities or services of the federal government or
2 agency in order to further or carry out the public
3 purposes of the land bank;

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

23 (10) as security for repayment of any note, or other
24 obligations of the land bank, to pledge, mortgage, convey,
25 assign, hypothecate, or otherwise encumber any property of
26 the land bank, including, but not limited to, real

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

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

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

25 (13) to procure insurance or guarantees from the State
26 or federal government of the payments of any debts or

1 parts incurred by the land bank and to pay premiums in
2 connection with the insurance or guarantees;

3 (14) to procure, if required, insurance against losses
4 in connection with the real property, assets, or
5 activities of the land bank;

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

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

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

24 (18) to finance (by loan, grant, lease, or otherwise),
25 refinance, construct, erect, assemble, purchase, acquire,
26 own, repair, remodel, rehabilitate, modify, maintain,

1 extend, improve, install, sell, equip, expand, add to,
2 operate, or manage real property or rights or interests in
3 real property and to pay the costs of any such project from
4 the proceeds of revenue bonds or loans by persons,
5 corporations, partnerships, whether limited or general, or
6 other entities, all of which the land bank is authorized
7 to receive, accept, and use;

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

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

14 (21) to enter into contracts with not-for-profit
15 community land trusts, including, but not limited to,
16 long-term lease contracts;

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

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

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

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

4 (26) to dispose of property; and

5 (27) to do all other things necessary or convenient to
6 achieve the objectives and purposes of the land bank and
7 this Division.

8 (55 ILCS 5/5-45145 new)

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

12 (55 ILCS 5/5-45150 new)

13 Sec. 5-45150. Discrimination.

14 (a) The land bank shall comply with all applicable laws
15 prohibiting discrimination.

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

24 (c) The land bank shall not refuse to hire, recruit,

1 promote, demote, discharge, or otherwise discriminate against
2 an individual with respect to employment, compensation or a
3 term, condition, or privilege of employment because of the
4 actual or perceived status, practice, or expression of that
5 individual's race, color, sex, age, religion, disability,
6 national origin, ancestry, sexual orientation, marital status,
7 parental status, military discharge status, source of income,
8 gender identity, or housing status or the actual or perceived
9 association with such an individual.

10 (55 ILCS 5/5-45155 new)

11 Sec. 5-45155. Acquisition of property.

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

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

22 (c) All deeds, mortgages, contracts, leases, purchases, or
23 other agreements regarding real property of the land bank,
24 including agreements to acquire or dispose of real property,
25 shall be approved by and executed by the land bank in the name

1 of the County.

2 (d) The land bank may purchase property in the name of the
3 County at tax sales conducted under the Property Tax Code. The
4 land bank may tender a bid at a tax sale that is a credit bid
5 consisting of the obligation of the land bank to satisfy the
6 component parts of the bid by payments to the respective
7 political subdivisions.

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

13 (55 ILCS 5/5-45160 new)

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

21 (55 ILCS 5/5-45165 new)

22 Sec. 5-45165. Holding and managing property. The land bank
23 may control, manage, maintain, operate, repair, lease as
24 lessor, license, secure, prevent the waste or deterioration

1 of, demolish, or take all other actions necessary to preserve
2 the value of the real property it controls on behalf of the
3 County. The land bank shall maintain all real property held by
4 the land bank in accordance with applicable laws and codes.
5 Real property shall be inventoried and classified by the land
6 bank according to suitability for use. The inventory shall be
7 maintained as a public record and shall be filed
8 electronically and in the principal office of the land bank.

9 (55 ILCS 5/5-45170 new)

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

20 (55 ILCS 5/5-45175 new)

21 Sec. 5-45175. Criteria for conveyance. Real property shall
22 be conveyed by the land bank in accordance with this Division
23 and according to criteria determined in the discretion of the
24 Board of Directors and contained in the policies and

1 procedures adopted by the Board of Directors. The Board of
2 Directors may adopt policies and procedures that set forth
3 priorities for a transferee's use of real property conveyed by
4 the land bank, including, but not limited to, affordable
5 housing.

6 (55 ILCS 5/5-45180 new)

7 Sec. 5-45180. Transactions.

8 (a) Transactions shall be structured in a manner that
9 permits the land bank to enforce contractual agreements, real
10 covenants, and the provisions of any subordinate financing
11 held by the land bank pertaining to development and use of the
12 real property.

13 (b) Notwithstanding any other provision of this Division,
14 any transaction involving property located within a
15 municipality with a population over 100,000 shall only be made
16 pursuant to an agreement between that municipality and the
17 land bank.

18 (55 ILCS 5/5-45185 new)

19 Sec. 5-45185. Disposition of proceeds. Any proceeds from
20 the sale or transfer of real property by the land bank shall be
21 retained, expended, or transferred by the land bank as
22 determined by the Board of Directors in the best interests of
23 the land bank and in accordance with applicable laws and
24 agreements.

1 (55 ILCS 5/5-45190 new)

2 Sec. 5-45190. Intergovernmental agreements.

3 (a) The Board of Directors may negotiate and propose
4 intergovernmental agreements necessary, incidental, or
5 convenient to the performance of its duties and the exercise
6 of its powers with a unit of local government located in whole
7 or in part within the County, subject to the approval of the
8 County Board. An intergovernmental agreement may include, but
9 is not limited to, contracts for the joint exercise of powers,
10 contracts for the ownership, management, development, and
11 disposition of real property, or contracts for the performance
12 of services by a unit of local government on behalf of the land
13 bank or by the land bank on behalf of a unit of local
14 government.

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

23 (c) All intergovernmental agreements shall be interpreted,
24 enforced, and governed under the laws of this State without
25 regard to the doctrines of conflict of laws. The language of an

1 intergovernmental agreements shall in all cases be construed
2 as a whole according to its plain and fair meaning and not
3 construed strictly for or against any party.

4 (55 ILCS 5/5-45195 new)

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

13 (55 ILCS 5/5-45200 new)

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

22 (55 ILCS 5/5-45205 new)

23 Sec. 5-45205. Annual budget.

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

4 (b) For the first complete fiscal year and each fiscal
5 year thereafter, the Board of Directors shall recommend,
6 approve, and submit an annual budget to be included in the
7 County's annual budget for approval by the County Board.

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

14 (55 ILCS 5/5-45210 new)

15 Sec. 5-45210. Deposits and investments.

16 (a) The land bank shall deposit funds of the land bank in a
17 special fund to be held by the treasurer of the County. The
18 fund shall be designated as the "Land Bank Fund" and the moneys
19 in the fund shall be expended exclusively for the operation of
20 the land bank.

21 (b) Expenditures of funds from the Land Bank Fund shall be
22 in accordance with guidelines established by the Board of
23 Directors.

24 (55 ILCS 5/5-45215 new)

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

5 (55 ILCS 5/5-45220 new)

6 Sec. 5-45220. Annual report.

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

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

16 (55 ILCS 5/5-45225 new)

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

1 (55 ILCS 5/5-45230 new)

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

6 (55 ILCS 5/5-45235 new)

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

10 (1) all of the land bank's debts, liabilities, and
11 obligations to its creditors and all expenses incurred in
12 connection with the termination of the land bank and
13 distribution of its assets shall be paid first; and

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

21 (55 ILCS 5/5-45240 new)

22 Sec. 5-45240. Interpretation of Division. All powers
23 granted to the land bank under this Division shall be
24 interpreted broadly to effectuate the intent and purposes of

1 this Division and not to serve as a limitation of powers.

2 (55 ILCS 5/5-45245 new)

3 Sec. 5-45245. Report to General Assembly. On or before
4 January 1, 2023, and each January 1 thereafter, the Board of
5 Directors shall file a report with the General Assembly as
6 provided in Section 3.1 of the General Assembly Organization
7 Act on the Authority's effectiveness in meeting the
8 Authority's purposes.

9 (55 ILCS 5/5-45998 new)

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

12 (55 ILCS 5/5-45999 new)

13 Sec. 5-45999. Repeal. This Division is repealed on January
14 1, 2025.

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