



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3864

Introduced 2/22/2021, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-1-10	from Ch. 24, par. 1-1-10
310 ILCS 10/8.24 new	
310 ILCS 10/9	from Ch. 67 1/2, par. 9
310 ILCS 10/17	from Ch. 67 1/2, par. 17
310 ILCS 20/2	from Ch. 67 1/2, par. 54
310 ILCS 20/3b	from Ch. 67 1/2, par. 55b
310 ILCS 20/4	from Ch. 67 1/2, par. 56
310 ILCS 20/10	from Ch. 67 1/2, par. 62
310 ILCS 20/10a new	
310 ILCS 30/1	from Ch. 67 1/2, par. 92
315 ILCS 20/3-12	from Ch. 67 1/2, par. 253-12
315 ILCS 25/3	from Ch. 67 1/2, par. 91.10
315 ILCS 30/2	from Ch. 67 1/2, par. 91.102
315 ILCS 30/3	from Ch. 67 1/2, par. 91.103
315 ILCS 30/12	from Ch. 67 1/2, par. 91.112
315 ILCS 30/19	from Ch. 67 1/2, par. 91.119
315 ILCS 30/30	from Ch. 67 1/2, par. 91.130
315 ILCS 30/33	from Ch. 67 1/2, par. 91.133
735 ILCS 30/15-5-25	
315 ILCS 5/Act rep.	

Repeals the Blighted Areas Redevelopment Act of 1947. Makes conforming changes to the Illinois Municipal Code, the Housing Authorities Act, the Housing Development and Construction Act, the Urban Community Conservation Act, the Redevelopment Project Rehousing and Capital Improvements Act, the Neighborhood Redevelopment Corporation Law, the Urban Community Conservation Act, the Urban Renewal Consolidation Act of 1961, and the Eminent Domain Act. Effective immediately.

LRB102 15830 KTG 21199 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning urban problems.

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

4 Section 1. Findings.

5 (1) The General Assembly finds that in the 20th Century
6 African-American communities in Illinois were substantially
7 economically disadvantaged due to the policy of "redlining",
8 whereby mortgage opportunities were denied to
9 African-Americans or provided at greater than average interest
10 rates.

11 (2) The General Assembly finds that through these
12 policies, the African-American population of Illinois became
13 concentrated in certain neighborhoods in Illinois cities. Due
14 to the lack of access to capital, many of the renters in these
15 neighborhoods were at the mercy of unscrupulous landlords, who
16 failed to provide the proper maintenance and improvements to
17 their properties. African-American homeowners in these
18 neighborhoods often lacked the funds for proper upkeep. As a
19 result, these neighborhoods began to become rundown and
20 dilapidated. Soon thereafter these neighborhoods were deemed
21 "blighted". Policymakers began to look for solutions to the
22 problem of "blighted areas".

23 (3) The Blighted Areas Redevelopment Act of 1947 was
24 enacted in an attempt to address the blighted areas problem.

1 However, the General Assembly finds that the ultimate effect
2 of this Act was to codify discriminatory housing practices by
3 declaring large swaths of African-American neighborhoods
4 blighted areas. This resulted in these areas being condemned
5 and demolished and the residents being forced to move without
6 affordable housing readily available. The ultimate result was
7 that the condemned areas were not redeveloped with affordable
8 housing, but rather converted to mixed industrial or highway
9 use, effectively serving as a "moat" between African-American
10 neighborhoods and the rest of the city.

11 (4) The General Assembly finds that the stain of the
12 discriminatory effects of the Blighted Areas Redevelopment Act
13 of 1947 cannot be erased. However, the effects can be
14 recognized and with the repeal of the Act, the path toward
15 healing can begin.

16 Section 5. The Illinois Municipal Code is amended by
17 changing Section 1-1-10 as follows:

18 (65 ILCS 5/1-1-10) (from Ch. 24, par. 1-1-10)

19 Sec. 1-1-10. It is the policy of this State that all powers
20 granted, either expressly or by necessary implication, by this
21 Code, by Illinois statute, or by the Illinois Constitution to
22 municipalities may be exercised by those municipalities, and
23 the officers, employees, and agents of each, notwithstanding
24 effects on competition.

1 It is further the policy of this State that home rule
2 ~~home rule~~ municipalities and, the officers, employees, and
3 agents of each may (1) exercise any power and perform any
4 function pertaining to their government and affairs or (2)
5 exercise those powers within traditional areas of municipal
6 activity, except as limited by the Illinois Constitution or a
7 proper limiting statute, notwithstanding effects on
8 competition.

9 It is the intention of the General Assembly that the
10 "State action exemption" to the application of federal
11 antitrust statutes be fully available to all municipalities,
12 and the agents, officers, and employees of each to the extent
13 they are exercising authority as aforesaid, including, but not
14 limited to, the provisions of Sections 6, 7, and 10 of Article
15 VII of the Illinois Constitution or the provisions of the
16 following Illinois statutes, as each is now in existence or
17 may hereinafter be amended:

18 (a) The Illinois Local Library Act; Article 27 of the
19 Property Tax Code ~~"An Act to provide the manner of levying or~~
20 ~~imposing taxes for the provision of special services to areas~~
21 ~~within the boundaries of home rule units and non-home rule~~
22 ~~municipalities and counties", approved September 21, 1973, as~~
23 ~~amended; the Housing Development and Construction Act ~~"An Act~~
24 ~~to facilitate the development and construction of housing, to~~
25 ~~provide governmental assistance therefor, and to repeal an Act~~
26 ~~herein named", approved July 2, 1947, as amended; or the~~~~

1 Housing Authorities Act, the Housing Cooperation Law, ~~the~~
2 ~~Blighted Areas Redevelopment Act of 1947,~~ the Blighted Vacant
3 Areas Development Act of 1949, the Urban Community
4 Conservation Act, the Illinois Enterprise Zone Act, or any
5 other power exercised pursuant to the Intergovernmental
6 Cooperation Act; or

7 (b) Divisions 1, 2, 3, 4, 5 and 6 of Article 7 of the
8 Illinois Municipal Code; Divisions 9, 10 and 11 of Article 8
9 of the Illinois Municipal Code; Divisions 1, 2, 3, 4 and 5 of
10 Article 9 of the Illinois Municipal Code; and all of Divisions
11 of Articles 10 and 11 of the Illinois Municipal Code; or

12 (c) Any other Illinois statute or constitutional provision
13 now existing or which may be enacted in the future, by which
14 any municipality may exercise authority.

15 The "State action exemption" for which provision is made
16 by this Section shall be liberally construed in favor of such
17 municipalities and the agents, employees and officers
18 thereof, and such exemption shall be available notwithstanding
19 that the action of the municipality or its agents, officers
20 or employees constitutes an irregular exercise of
21 constitutional or statutory powers. However, this exemption
22 shall not apply where the action alleged to be in violation of
23 antitrust law exceeds either (1) powers granted, either
24 expressly or by necessary implication, by Illinois statute or
25 the Illinois Constitution or (2) powers granted to a home rule
26 municipality to perform any function pertaining to its

1 government and affairs or to act within traditional areas of
2 municipal activity, except as limited by the Illinois
3 Constitution or a proper limiting statute.

4 Notwithstanding the foregoing, where it is alleged that a
5 violation of the antitrust laws has occurred, the relief
6 available to the plaintiffs shall be limited to an injunction
7 which enjoins the alleged activity.

8 Nothing in this Section is intended to prohibit or limit
9 any cause of action other than under an antitrust theory.

10 (Source: P.A. 84-1050; revised 8-7-19.)

11 Section 10. The Housing Authorities Act is amended by
12 changing Sections 9 and 17 and by adding Section 8.24 as
13 follows:

14 (310 ILCS 10/8.24 new)

15 Sec. 8.24. Land clearance commissions. Any Land Clearance
16 Commission created prior to the effective date of this
17 amendatory Act of the 102nd General Assembly in accordance
18 with the Blighted Areas Redevelopment Act of 1947 (repealed)
19 shall be deemed lawful and valid except as provided under the
20 Urban Renewal Consolidation Act of 1961. Nothing herein
21 contained shall affect or impair the validity of any act or
22 proceeding done or performed by such Land Clearance Commission
23 under the Blighted Areas Redevelopment Act of 1947 prior to
24 the effective date of this amendatory Act of the 102nd General

1 Assembly.

2 (310 ILCS 10/9) (from Ch. 67 1/2, par. 9)

3 Sec. 9. Whenever it shall be deemed necessary by an
4 Authority in connection with the exercise of its powers herein
5 conferred to take or acquire the fee of any real property in
6 the area of operation or any interest therein or right with
7 respect thereto, such Authority may acquire the same directly
8 or through its agent or agents from the owner or owners thereof
9 or may acquire the same by the exercise of eminent domain in
10 the manner provided by the Eminent Domain Act.

11 If any of such property is devoted to a public use it may
12 nevertheless be acquired, provided that no property belonging
13 to a government may be acquired without its consent and that no
14 property belonging to a corporation subject to the
15 jurisdiction of the Illinois Commerce Commission may be
16 acquired without the approval of the Illinois Commerce
17 Commission.

18 The power of eminent domain shall apply not only to
19 improved or unimproved property which may be acquired for or
20 as an incident to the development or operation of a project or
21 projects, but also to: (a) any improved or unimproved property
22 the acquisition of which is necessary or appropriate for the
23 rehabilitation or redevelopment of any blighted or slum area,
24 or (b) any improved or unimproved property which the Authority
25 may require to carry out the provisions of this Act. Such power

1 may be exercised by the Housing Authority on its own
2 initiative or as an agent of the city, village, incorporated
3 town, county or counties, or any government, or for the
4 purpose of sale or lease to: (a) a housing corporation
5 operating under "An Act in relation to housing", approved July
6 12, 1933, as amended; (b) neighborhood redevelopment
7 corporations operating under the "Neighborhood Redevelopment
8 Corporation Law", approved July 9, 1941, as amended; (c)
9 insurance companies operating under Section 125a of the
10 "Illinois Insurance Code", approved June 29, 1937, as amended;
11 (d) non-profit corporations organized for the purpose of
12 constructing, managing and operating housing projects and for
13 the improvement of housing conditions, including the rental or
14 sale of housing units to persons in need thereof; or to any
15 other individual, association or corporation desiring to
16 engage in a development or redevelopment project. No sale or
17 lease shall be made hereunder to any of the aforesaid
18 corporations, associations or individuals unless a plan has
19 been approved by the Authority and the Department for the
20 development or redevelopment of such property and unless the
21 purchaser or lessee furnishes the Authority a bond, with
22 satisfactory sureties, in an amount not less than 10% of the
23 cost of such development or redevelopment, conditioned on the
24 completion of such development or redevelopment in accordance
25 with the approved plan; provided that the requirement of the
26 bond may be waived by the Department if it is satisfied of the

1 financial ability of the purchaser or lessee to complete such
2 development or redevelopment in accordance with the approved
3 plan. To further assure that the real property so sold or
4 leased shall be used in accordance with the plan, the
5 Department may require the purchaser or lessee to execute in
6 writing such undertakings as the Department deems necessary to
7 obligate such purchaser or lessee (1) to use the property for
8 the purposes presented in plans; (2) to commence and complete
9 the building of the improvements designated in the plan within
10 the periods of time that the Department fixes as reasonable;
11 and (3) to comply with such other conditions as are necessary
12 to carry out the purpose of this Act. Any such property may be
13 sold pursuant to this section for any legal consideration in
14 an amount to be approved by the Department.

15 If the area of operation of a housing authority includes a
16 city, village or incorporated town having a population in
17 excess of 500,000 as determined by the last preceding Federal
18 census, no real property or interest in real property shall be
19 acquired in such municipality by the housing authority until
20 such time as the housing authority has advised the governing
21 body of such municipality of the description of the real
22 property, or interest therein, proposed to be acquired, and
23 the governing body of the municipality has approved the
24 acquisition thereof by the housing authority.

25 A "blighted or slum area" means any area of not less, in
26 the aggregate, than one acre, excepting that in any

1 municipality having a population in excess of 500,000, as
2 determined by the last preceding Federal census, a "blighted
3 or slum area" means any area of not less in the aggregate of 2
4 acres which area, in either case, has been designated by
5 municipal ordinance or by the Authority as an integrated
6 project for rehabilitation, development or redevelopment,
7 where (a) buildings or improvements, by reason of
8 dilapidation, obsolescence, overcrowding, faulty arrangement
9 or design, lack of ventilation, light or sanitary facilities,
10 excessive land coverage, deleterious land use or layout or any
11 combination of these factors, are a detriment to public
12 safety, health or morals, or welfare, or (b) there exists
13 platted land which is predominantly open and which, because of
14 obsolete platting, diversity of ownership, deterioration of
15 structures or of site improvements, or otherwise substantially
16 impairs or arrests the sound growth of the community and which
17 is to be developed for predominantly residential uses, or (c)
18 there exists open unplatted land necessary for sound community
19 growth which is to be developed for predominantly residential
20 uses, or (d) parcels of land remain undeveloped because of
21 improper platting, delinquent taxes or special assessments,
22 scattered or uncertain ownerships, clouds on title, artificial
23 values due to excessive utility costs, or any other impediment
24 to the use of such area for predominantly residential uses;
25 provided, that if in any city, village or incorporated town
26 there exists a land clearance commission, created under the

1 "Blighted Areas Redevelopment Act of 1947 (repealed) prior to
2 the effective date of this amendatory Act of the 102nd General
3 Assembly ", having the same area of operation as a housing
4 authority created in and for any such municipality, such
5 housing authority shall have no power to acquire land of the
6 character described in sub-paragraphs (b), (c) or (d) of the
7 definition of "blighted or slum area", in this paragraph for
8 the purpose of development or redevelopment by private
9 enterprise.

10 The Housing Authority shall have power to hold or use any
11 such property for uses authorized by this Act, or to sell,
12 lease or exchange such property as is not required for such
13 uses by the Authority. In case of sale or lease to other than a
14 public corporation or public agency, notice shall be given and
15 bids shall be received in the manner provided by Section
16 11-76-2 of the Illinois Municipal Code, as amended, and bids
17 may be accepted by vote of three of the five Commissioners of
18 the Authority; provided, however, that such requirement of
19 notice and bidding shall not apply to a sale or lease to any
20 individual, association or corporation described in the
21 preceding paragraph; nor to a sale or lease of an individual
22 dwelling unit in a project, to be used by the purchaser as a
23 dwelling for his family; nor to a sale or lease of a project or
24 part thereof to an association to be so used by its members. In
25 case of exchange of property for property privately owned,
26 three disinterested appraisers shall be appointed to appraise

1 the value of the property to be exchanged, and such exchange
2 shall not be made unless the property to be received by the
3 Authority is equal or greater in value than the property to be
4 exchanged therefor, or if less than such value, that the
5 difference shall be paid in money.

6 (Source: P.A. 94-1055, eff. 1-1-07.)

7 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

8 Sec. 17. Definitions. The following terms, wherever used
9 or referred to in this Act shall have the following respective
10 meanings, unless in any case a different meaning clearly
11 appears from the context:

12 (a) "Authority" or "housing authority" shall mean a
13 municipal corporation organized in accordance with the
14 provisions of this Act for the purposes, with the powers and
15 subject to the restrictions herein set forth.

16 (b) "Area" or "area of operation" shall mean: (1) in the
17 case of an authority which is created hereunder for a city,
18 village, or incorporated town, the area within the territorial
19 boundaries of said city, village, or incorporated town, and so
20 long as no county housing authority has jurisdiction therein,
21 the area within three miles from such territorial boundaries,
22 except any part of such area located within the territorial
23 boundaries of any other city, village, or incorporated town;
24 and (2) in the case of a county shall include all of the county
25 except the area of any city, village or incorporated town

1 located therein in which there is an Authority. When an
2 authority is created for a county subsequent to the creation
3 of an authority for a city, village or incorporated town
4 within the same county, the area of operation of the authority
5 for such city, village or incorporated town shall thereafter
6 be limited to the territory of such city, village or
7 incorporated town, but the authority for such city, village or
8 incorporated town may continue to operate any project
9 developed in whole or in part in an area previously a part of
10 its area of operation, or may contract with the county housing
11 authority with respect to the sale, lease, development or
12 administration of such project. When an authority is created
13 for a city, village or incorporated town subsequent to the
14 creation of a county housing authority which previously
15 included such city, village or incorporated town within its
16 area of operation, such county housing authority shall have no
17 power to create any additional project within the city,
18 village or incorporated town, but any existing project in the
19 city, village or incorporated town currently owned and
20 operated by the county housing authority shall remain in the
21 ownership, operation, custody and control of the county
22 housing authority.

23 (c) "Presiding officer" shall mean the presiding officer
24 of the board of a county, or the mayor or president of a city,
25 village or incorporated town, as the case may be, for which an
26 Authority is created hereunder.

1 (d) "Commissioner" shall mean one of the members of an
2 Authority appointed in accordance with the provisions of this
3 Act.

4 (e) "Government" shall include the State and Federal
5 governments and the governments of any subdivisions, agency or
6 instrumentality, corporate or otherwise, of either of them.

7 (f) "Department" shall mean the Department of Commerce and
8 Economic Opportunity.

9 (g) "Project" shall include all lands, buildings, and
10 improvements, acquired, owned, leased, managed or operated by
11 a housing authority, and all buildings and improvements
12 constructed, reconstructed or repaired by a housing authority,
13 designed to provide housing accommodations and facilities
14 appurtenant thereto (including community facilities and
15 stores) which are planned as a unit, whether or not acquired or
16 constructed at one time even though all or a portion of the
17 buildings are not contiguous or adjacent to one another; and
18 the planning of buildings and improvements, the acquisition of
19 property, the demolition of existing structures, the clearing
20 of land, the construction, reconstruction, and repair of
21 buildings or improvements and all other work in connection
22 therewith. As provided in Sections 8.14 to 8.18, inclusive,
23 "project" also means, for Housing Authorities for
24 municipalities of less than 500,000 population and for
25 counties, the conservation of urban areas in accordance with
26 an approved conservation plan. "Project" shall also include

1 (1) acquisition of (i) a slum or blighted area or a
2 deteriorated or deteriorating area which is predominantly
3 residential in character, or (ii) any other deteriorated or
4 deteriorating area which is to be developed or redeveloped for
5 predominantly residential uses, or (iii) platted urban or
6 suburban land which is predominantly open and which because of
7 obsolete platting, diversity of ownership, deterioration of
8 structures or of site improvements, or otherwise substantially
9 impairs or arrests the sound growth of the community and which
10 is to be developed for predominantly residential uses, or (iv)
11 open unplatted urban or suburban land necessary for sound
12 community growth which is to be developed for predominantly
13 residential uses, or (v) any other area where parcels of land
14 remain undeveloped because of improper platting, delinquent
15 taxes or special assessments, scattered or uncertain
16 ownerships, clouds on title, artificial values due to
17 excessive utility costs, or any other impediments to the use
18 of such area for predominantly residential uses; (2)
19 installation, construction, or reconstruction of streets,
20 utilities, and other site improvements essential to the
21 preparation of sites for uses in accordance with the
22 development or redevelopment plan; and (3) making the land
23 available for development or redevelopment by private
24 enterprise or public agencies (including sale, initial
25 leasing, or retention by the local public agency itself). If
26 in any city, village or incorporated town there exists a land

1 clearance commission created under the "Blighted Areas
2 Redevelopment Act of 1947 (repealed) prior to the effective
3 date of this amendatory Act of the 102nd General Assembly "
4 having the same area of operation as a housing authority
5 created in and for any such municipality such housing
6 authority shall have no power to acquire land of the character
7 described in subparagraph (iii), (iv) or (v) of paragraph 1 of
8 the definition of "project" for the purpose of development or
9 redevelopment by private enterprise.

10 (h) "Community facilities" shall include lands, buildings,
11 and equipment for recreation or social assembly, for
12 education, health or welfare activities and other necessary
13 utilities primarily for use and benefit of the occupants of
14 housing accommodations to be constructed, reconstructed,
15 repaired or operated hereunder.

16 (i) "Real property" shall include lands, lands under
17 water, structures, and any and all easements, franchises and
18 incorporeal hereditaments and estates, and rights, legal and
19 equitable, including terms for years and liens by way of
20 judgment, mortgage or otherwise.

21 (j) The term "governing body" shall include the city
22 council of any city, the president and board of trustees of any
23 village or incorporated town, the council of any city or
24 village, and the county board of any county.

25 (k) The phrase "individual, association, corporation or
26 organization" shall include any individual, private

1 corporation, limited or general partnership, limited liability
2 company, insurance company, housing corporation, neighborhood
3 redevelopment corporation, non-profit corporation,
4 incorporated or unincorporated group or association,
5 educational institution, hospital, or charitable organization,
6 and any mutual ownership or cooperative organization.

7 (l) "Conservation area", for the purpose of the exercise
8 of the powers granted in Sections 8.14 to 8.18, inclusive, for
9 housing authorities for municipalities of less than 500,000
10 population and for counties, means an area of not less than 2
11 acres in which the structures in 50% or more of the area are
12 residential having an average age of 35 years or more. Such an
13 area ~~is not yet a slum or blighted area as defined in the~~
14 ~~Blighted Areas Redevelopment Act of 1947, but such an area by~~
15 reason of dilapidation, obsolescence, deterioration or illegal
16 use of individual structures, overcrowding of structures and
17 community facilities, conversion of residential units into
18 non-residential use, deleterious land use or layout, decline
19 of physical maintenance, lack of community planning, or any
20 combination of these factors may become a slum and blighted
21 area.

22 (m) "Conservation plan" means the comprehensive program
23 for the physical development and replanning of a "Conservation
24 Area" as defined in paragraph (l) embodying the steps required
25 to prevent such Conservation Area from becoming a slum and
26 blighted area.

1 (n) "Fair use value" means the fair cash market value of
2 real property when employed for the use contemplated by a
3 "Conservation Plan" in municipalities of less than 500,000
4 population and in counties.

5 (o) "Community facilities" means, in relation to a
6 "Conservation Plan", those physical plants which implement,
7 support and facilitate the activities, services and interests
8 of education, recreation, shopping, health, welfare, religion
9 and general culture.

10 (p) "Loan agreement" means any agreement pursuant to which
11 an Authority agrees to loan the proceeds of its revenue bonds
12 issued with respect to a multifamily rental housing project or
13 other funds of the Authority to any person upon terms
14 providing for loan repayment installments at least sufficient
15 to pay when due all principal of, premium, if any, and interest
16 on the revenue bonds of the Authority issued with respect to
17 the multifamily rental housing project, and providing for
18 maintenance, insurance, and other matters as may be deemed
19 desirable by the Authority.

20 (q) "Multifamily rental housing" means any rental project
21 designed for mixed-income or low-income occupancy.

22 (Source: P.A. 94-793, eff. 5-19-06; 95-887, eff. 8-22-08.)

23 Section 15. The Housing Development and Construction Act
24 is amended by changing Sections 2, 3b, 4, and 10 and by adding
25 Section 10a as follows:

1 (310 ILCS 20/2) (from Ch. 67 1/2, par. 54)

2 Sec. 2. Any housing authority now or hereafter organized
3 under the "Housing Authorities Act," approved March 19, 1934,
4 as amended, and any Land Clearance Commission heretofore
5 organized under the Act herein repealed or organized prior to
6 the effective date of this amendatory Act of the 102nd General
7 Assembly hereafter organized under the provisions of the
8 "Blighted Areas Redevelopment Act of 1947 (repealed) ,"
9 ~~enacted by the 65th General Assembly,~~ may make application to
10 the Department of Commerce and Economic Opportunity for a
11 grant of state funds from the appropriation designated for the
12 making of grants under this Act. No such housing authority or
13 Land Clearance Commission shall apply for a sum larger than
14 the proportion of the population of its area of operation to
15 the population of the State, and where an authority and Land
16 Clearance Commission have been created by the governing body
17 of the same municipality, an amount not in excess of one-half
18 (1/2) of the maximum grant allocable for such municipality on
19 the foregoing basis of proportion of population may be
20 allocated to the housing authority and an amount not in excess
21 of one-half (1/2) of the maximum grant so allocable for such
22 municipality may be allocated to the Land Clearance
23 Commission.

24 The foregoing provisions of this Section in respect to
25 maximum allocable grants to housing authorities and land

1 clearance commissions from funds appropriated by the 66th or
2 any succeeding General Assembly, and applications therefor,
3 shall be subject to the provisions of Section 3a of this Act.

4 (Source: P.A. 94-793, eff. 5-19-06.)

5 (310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

6 Sec. 3b. In any municipality or county for which a Land
7 Clearance Commission has been established, and for which no
8 Housing Authority has been established, the Land Clearance
9 Commission, if a recipient of state grants under this Act,
10 may, subject to the approval of the Department of Commerce and
11 Economic Opportunity, exercise the powers vested in Housing
12 Authorities under the provisions of this Act and the "Housing
13 Authorities Act," approved March 19, 1934, as amended, and
14 apply state grant funds allocated under this Act to any such
15 purpose. For the purpose of any project so undertaken, the
16 Land Clearance Commission shall be subject to all laws and
17 regulations applicable to Housing Authorities. ~~In If a Housing~~
18 ~~Authority is established for any such municipality or county,~~
19 ~~the Land Clearance Commission shall thereafter exercise only~~
20 ~~those powers designated in the "Blighted Areas Redevelopment~~
21 ~~Act of 1947," approved July 2, 1947, as amended, and, in~~
22 respect to pending, uncompleted or existing projects
23 undertaken as a Housing Authority, the Land Clearance
24 Commission, subject to the approval of the Department of
25 Commerce and Economic Opportunity, may either complete or

1 continue such project, or transfer full and complete power
2 thereover to the Housing Authority.

3 (Source: P.A. 94-793, eff. 5-19-06.)

4 (310 ILCS 20/4) (from Ch. 67 1/2, par. 56)

5 Sec. 4. Grants paid to Land Clearance Commissions pursuant
6 to this Act shall be deposited in a separate fund ~~and, except~~
7 ~~as otherwise authorized by Section 3b, be applied only to the~~
8 ~~uses authorized by the "Blighted Areas Redevelopment Act of~~
9 ~~1947," approved July 2, 1947, as amended.~~ If any such Land
10 Clearance Commission has received state or municipal grants
11 under the "Blighted Areas Redevelopment Act of 1947 (repealed)
12 prior to the effective date of this amendatory Act of the 102nd
13 General Assembly," the sum paid under this Act shall be
14 deposited in the separate fund into which such other grants
15 were placed for use in connection with any redevelopment
16 project or projects undertaken by such commission. No grant to
17 a Land Clearance Commission hereunder shall be conditioned
18 upon the matching thereof by the municipality in which the
19 redevelopment project is located.

20 (Source: Laws 1963, p. 1493.)

21 (310 ILCS 20/10) (from Ch. 67 1/2, par. 62)

22 Sec. 10. "An Act to promote the improvement of housing",
23 approved July 26, 1945, is repealed. The repeal of said Act
24 shall not affect the validity of the organization, acts,

1 contracts, proceedings, conveyances and transactions of
2 housing authorities and land clearance commissions done or
3 performed thereunder prior to the effective date of this Act,
4 and all such acts, contracts, proceedings, conveyances and
5 transactions, done or performed thereunder, and the
6 organization of such authorities and land clearance
7 commissions are ratified, affirmed and declared valid and
8 legal in all respects. Grants paid to such housing authorities
9 and land clearance commissions under the act herein repealed
10 may be used by such authorities and commissions for the
11 purposes for which such grants were made, and all or any
12 portion thereof which remains unexpended and unobligated may,
13 in addition, be used ~~in the manner authorized by Section 22 of~~
14 ~~the "Blighted Areas Redevelopment Act of 1947", enacted by the~~
15 ~~65th General Assembly, or,~~ with the approval of the Department
16 of Commerce and Community Affairs (now Department of Commerce
17 and Economic Opportunity) for any purpose or purposes
18 authorized by this Act.

19 (Source: P.A. 94-793, eff. 5-19-06.)

20 (310 ILCS 20/10a new)

21 Sec. 10a. Blighted Areas Redevelopment Act of 1947;
22 repeal. The repeal of the Blighted Areas Redevelopment Act of
23 1947 does not affect the validity of the organization, acts,
24 contracts, proceedings, conveyances, and transactions of
25 housing authorities and land clearance commissions done or

1 performed thereunder prior to the effective date of this
2 amendatory Act of the 102nd General Assembly and all such
3 acts, contracts, proceedings, conveyances, and transactions,
4 done or performed thereunder, and the organization of such
5 authorities and land clearance commissions are ratified,
6 affirmed, and declared valid and legal in all respects. Grants
7 paid to such housing authorities and land clearance
8 commissions under the Act herein repealed may be used by such
9 authorities and commissions for the purposes for which such
10 grants were made, and all or any portion thereof which remains
11 unexpended and unobligated may, in addition, be used with the
12 approval of the Department of Commerce and Economic
13 Opportunity for any purpose or purposes authorized by this
14 Act.

15 Section 20. The Redevelopment Project Rehousing and
16 Capital Improvements Act is amended by changing Section 1 as
17 follows:

18 (310 ILCS 30/1) (from Ch. 67 1/2, par. 92)

19 Sec. 1. The State shall contribute to the rehousing of
20 persons of low income residing in the areas of redevelopment
21 projects ~~undertaken pursuant to the "Blighted Areas~~
22 ~~Redevelopment Act of 1947", herein called "redevelopment~~
23 ~~projects",~~ in the manner provided by this Act.

24 (Source: Laws 1947, p. 1089.)

1 Section 25. The Neighborhood Redevelopment Corporation Law
2 is amended by changing Section 3-12 as follows:

3 (315 ILCS 20/3-12) (from Ch. 67 1/2, par. 253-12)

4 Sec. 3-12. "Conservation Area" shall mean an area in which
5 the structures in fifty per cent or more of the area are
6 residential having an average age of thirty-five years or
7 more. Such an area ~~is not yet a Slum or Blighted Area as~~
8 ~~defined in the Blighted Areas Redevelopment Act of 1947, but~~
9 ~~such area~~ by reason of dilapidation, obsolescence, or
10 deterioration, or illegal use of individual structures,
11 overcrowding of structures and community facilities,
12 conversion of residential units into non-residential use,
13 deleterious land use or layout or any combination of these
14 factors may become ~~such~~ a Slum and Blighted Area.

15 (Source: Laws 1953, p. 1138.)

16 Section 30. The Urban Community Conservation Act is
17 amended by changing Section 3 as follows:

18 (315 ILCS 25/3) (from Ch. 67 1/2, par. 91.10)

19 Sec. 3. Definitions.

20 The following terms, wherever used or referred to in this
21 Act shall have the following respective meanings, unless in
22 any case a different meaning clearly appears from the context.

1 (a) "Municipality" shall mean a city, village or
2 incorporated town.

3 (b) "Governing body" shall mean the council or the
4 President and board of Trustees of any city, village or
5 incorporated town, as the case may be.

6 (c) "Presiding officer" shall mean the Mayor or President
7 of a city, village or incorporated town.

8 (d) "Conservation Area" in municipalities with a
9 population of over 500,000 shall mean an area of not less than
10 40 acres, and in other municipalities shall mean an area of not
11 less than 2 acres in which the structures in 50% or more of the
12 area are residential having an average age of 35 years or more.
13 Such an area ~~is not yet a slum or blighted area as defined in~~
14 ~~the Blighted Areas Redevelopment Act of 1947, but such an area~~
15 by reason of dilapidation, obsolescence, deterioration or
16 illegal use of individual structures, overcrowding of
17 structures and community facilities, conversion of residential
18 units into non-residential use, deleterious land use or
19 layout, decline of physical maintenance, lack of community
20 planning, or any combination of these factors may become ~~such~~
21 a slum and blighted area.

22 (e) "Conservation Plan" shall mean the comprehensive
23 program for the physical development and replanning of a
24 "Conservation Area" embodying the steps required to prevent
25 such "Conservation Area" from becoming a slum and blighted
26 area.

1 (f) "Real Property" shall include lands, lands underwater,
2 structures and any and all easements, franchises and
3 incorporeal hereditaments and estates, and rights, legal and
4 equitable, including terms for years and liens by way of
5 judgment, mortgage or otherwise.

6 (g) "Fair Use Value" shall mean the fair cash market value
7 of real property when employed for the use contemplated by the
8 community conservation plan.

9 (h) "Community facilities" shall mean those physical
10 plants which implement, support and facilitate the activities,
11 services and interests of education, recreation, shopping,
12 health, welfare, religion and general culture.

13 (Source: Laws 1959, p. 2200.)

14 Section 35. The Urban Renewal Consolidation Act of 1961 is
15 amended by changing Sections 2, 3, 12, 19, 30, and 33 as
16 follows:

17 (315 ILCS 30/2) (from Ch. 67 1/2, par. 91.102)

18 Sec. 2. It is hereby found and declared (a) that there
19 exist in urban communities within this State with more than
20 500,000 inhabitants land clearance commissions, created prior
21 to the effective date of this amendatory Act of the 102nd
22 General Assembly and acting pursuant to the "Blighted Areas
23 Redevelopment Act of 1947 (repealed) ~~," approved July 2, 1947,~~
24 ~~as amended,~~ and conservation boards, created and acting

1 pursuant to the "Urban Community Conservation Act," approved
2 July 13, 1953, as amended; (b) that the administration of
3 these two closely related programs involving the eradication
4 or prevention of slum and blight areas and the redevelopment
5 of such areas can be accomplished more efficiently by a single
6 instrumentality as an agency of such urban community; (c) that
7 in order to protect the health, safety, morals and welfare of
8 the public by the more efficient administration of programs to
9 aid in the eradication and prevention of slum and blight areas
10 and the redevelopment thereof it is necessary to provide for
11 the creation of a single instrumentality to absorb the
12 functions of land clearance commissions and conservation
13 boards, and to exercise the powers and authority granted by
14 the "~~Blighted Areas Redevelopment Act of 1947~~ (repealed),"
15 ~~approved July 2, 1947, as amended,~~ and the "Urban Community
16 Conservation Act," approved July 13, 1953, as amended; and (d)
17 the eradication and redevelopment of slum and blighted areas,
18 the development and redevelopment of blighted vacant areas,
19 the conservation of urban residential areas and the prevention
20 of slums, by a single instrumentality the creation of which is
21 herein authorized, in the manner provided in this Act, is
22 hereby declared to be a public use essential to the public
23 interest.

24 (Source: Laws 1961, p. 3308.)

25 (315 ILCS 30/3) (from Ch. 67 1/2, par. 91.103)

1 Sec. 3. The following terms, wherever used or referred to
2 in this Act shall have the following respective meanings,
3 unless in any case a different meaning clearly appears from
4 the context:

5 (a) "Department" means a Department of Urban Renewal
6 created pursuant to this Act.

7 (b) "Government" shall mean the United States of America
8 or any agency or instrumentality thereof authorized to make
9 funds available to local public agencies by way of loans or
10 grants for or in aid of any of the purposes of this Act.

11 (c) "Municipality" shall mean a city, village or
12 incorporated town.

13 (d) "Presiding officer" shall mean the mayor or president
14 of a city, village or incorporated town, as the case may be,
15 for which a Department of Urban Renewal is created.

16 (e) "Governing body" shall mean the council or the
17 president and board of trustees of any city, village or
18 incorporated town, as the case may be.

19 (f) "State Housing Board" shall mean the State Housing
20 Board created pursuant to "An Act in relation to Housing,"
21 approved July 12, 1933, as amended.

22 (g) "Area of operation" shall mean the area within the
23 territorial boundaries of such municipality.

24 (h) "Real Property" shall include lands, lands under
25 water, structures, and any and all easements, franchises and
26 incorporeal hereditaments and estates, and rights, legal and

1 equitable, including terms for years and liens by way of
2 judgment, mortgage or otherwise.

3 (i) "Slum and Blighted Area" means any area of not less in
4 the aggregate than two (2) acres located within the
5 territorial limits of a municipality where buildings or
6 improvements, by reason of dilapidation, obsolescence,
7 overcrowding, faulty arrangement or design, lack of
8 ventilation, light and sanitary facilities, excessive land
9 coverage, deleterious land use or layout or any combination of
10 these factors, are detrimental to the public safety, health,
11 morals or welfare.

12 (j) "Slum and Blighted Area Redevelopment Project" means a
13 project involving a slum and blighted area as defined in
14 subsection (i) of this section.

15 (k) "Blighted Vacant Area Redevelopment Project" means a
16 project involving (1) predominantly open platted urban land
17 which because of obsolete platting, diversity of ownership,
18 deterioration of structures or of site improvements, or taxes
19 or special assessment delinquencies exceeding the fair value
20 of the land, substantially impairs or arrests the sound growth
21 of the community and which is to be developed for residential
22 or other use, provided that such a project shall not be
23 developed for other than residential use unless the area, at
24 the time the Department adopts the resolution approving the
25 plan for the development of the area, is zoned for other than
26 residential use and unless the Department determines that

1 residential development thereof is not feasible, and such
2 determination is approved by the presiding officer and the
3 governing body of the municipality in which the area is
4 situated, or (2) open unplatted urban land to be developed for
5 predominantly residential uses, or (3) a combination or
6 projects defined in (1) and (2) of this sub-section (k).

7 (1) "Redevelopment Project" shall mean a "Slum and
8 Blighted Area Redevelopment Project" or a "Blighted Vacant
9 Area Redevelopment Project," as the case may be, as designated
10 in the determination of the Department pursuant to Section 11
11 of this Act, or as heretofore designated in the determination
12 of a land clearance commission which is to be dissolved
13 pursuant to this Act, and may include such additional area of
14 not more in the aggregate than one hundred sixty (160) acres
15 (exclusive of the site of any abutting Slum and Blighted Area
16 Redevelopment Project or Blighted Vacant Area Redevelopment
17 Project) located within the territorial limits of the
18 municipality, abutting and adjoining in whole or in part a
19 Slum and Blighted Area Redevelopment Project or Blighted
20 Vacant Area Redevelopment Project, which the Department deems
21 necessary for the protection and completion of such
22 redevelopment project or projects and of the site improvements
23 to be made therein and which has been approved by the governing
24 body of the municipality in which the area is situated, but the
25 Department as to such additional area shall have power only to
26 make studies, surveys and plans concerning services to be

1 performed by the municipality or others, including the
2 extension of project streets and utilities, the provision of
3 parks, playgrounds or schools, and the zoning of such
4 peripheral areas.

5 (m) "Conservation Area" shall mean an area of not less
6 than 40 acres in which the structures in 50% or more of the
7 area are residential, having an average age of 35 years or
8 more. Such an area is not yet a slum or blighted area as
9 defined herein, but such an area, by reason of dilapidation,
10 obsolescence, deterioration or illegal use of individual
11 structures, overcrowding of structures and community
12 facilities, conversion of residential units into
13 non-residential use, deleterious land use or layout, decline
14 of physical maintenance, lack of community planning, or any
15 combination of these factors, may become such a slum and
16 blighted area.

17 (n) "Conservation Plan" shall mean the comprehensive
18 program for the physical development and replanning of a
19 "Conservation Area" embodying the steps required to prevent
20 such "Conservation Area" from becoming a slum and blighted
21 area.

22 (o) "Fair Use Value" shall mean the fair cash market value
23 of real property when employed for the use contemplated by the
24 Community Conservation Plan.

25 (p) "Community facilities" shall mean those physical
26 plants which implement, support and facilitate the activities,

1 services and interests of education, recreation, shopping,
2 health, welfare, religion and general culture.

3 (q) "Land Clearance Commission" shall mean a land
4 clearance commission created prior to the effective date of
5 this amendatory Act of the 102nd General Assembly pursuant to
6 the "Blighted Areas Redevelopment Act of 1947 (repealed) ~~"~~
7 ~~approved July 2, 1947, as amended.~~

8 (r) "Conservation Board" shall mean a conservation board
9 created pursuant to the "Urban Community Conservation Act,"
10 approved July 13, 1953, as amended.

11 (Source: Laws 1961, p. 3308.)

12 (315 ILCS 30/12) (from Ch. 67 1/2, par. 91.112)

13 Sec. 12. Upon approval of the determination as provided in
14 the preceding Section, the Department, as agent for the
15 municipality, may proceed to acquire by gift, purchase or
16 condemnation the fee simple title to all real property lying
17 within the area included in the redevelopment project,
18 including easements and reversionary interests in the streets,
19 alleys and other public places lying within such area. If any
20 such real property is subject to an easement the Department,
21 in its discretion, may acquire the fee simple title to such
22 real property subject to such easement if it determines that
23 such easement will not interfere with the consummation of a
24 redevelopment plan. If any such real property is already
25 devoted to a public use it may nevertheless be acquired,

1 provided that no property belonging to the United States of
2 America, the State of Illinois or any municipality may be
3 acquired without the consent of such governmental unit and
4 that no property devoted to a public use belonging to a
5 corporation subject to the jurisdiction of the Illinois
6 Commerce Commission may be acquired without the approval of
7 the Illinois Commerce Commission. Each Department, as agent
8 for the municipality, is hereby vested with the power to
9 exercise the right of eminent domain. Condemnation proceedings
10 instituted hereunder shall be brought by and in the name of the
11 municipality and shall be in all respects in the manner
12 provided for the exercise of the right of eminent domain under
13 the Eminent Domain Act.

14 Any determination to acquire a particular slum or blighted
15 area, or any other area which may constitute a redevelopment
16 project, as herein defined, heretofore made by a land
17 clearance commission prior to the effective date of this
18 amendatory Act of the 102nd General Assembly pursuant to the
19 "Blighted Areas Redevelopment Act of 1947 (repealed)"
20 ~~approved July 2, 1947, as amended,~~ and heretofore approved by
21 the State Housing Board and the governing body of the
22 municipality, shall be sufficient to authorize acquisition by
23 the Department, as agent for the municipality, of all or any of
24 the real property included in such area.

25 (Source: P.A. 94-1055, eff. 1-1-07.)

1 (315 ILCS 30/19) (from Ch. 67 1/2, par. 91.119)

2 Sec. 19. Prior to making a sale or conveyance of any part
3 of the real property within the area of a redevelopment
4 project pursuant to any of the foregoing Sections of this Act,
5 the Department shall prepare and approve a plan for the
6 development or redevelopment of the project area and shall
7 submit the same to the governing body of the municipality in
8 which the real property is situated for their approval. The
9 Department shall not make a sale or conveyance of any part of
10 the real property in the project area until such time as the
11 plan has been approved by the governing body of the
12 municipality in which the real property is situated; provided,
13 however, that any plan for the development or redevelopment of
14 a project area heretofore prepared and approved by a land
15 clearance commission prior to the effective date of this
16 amendatory Act of the 102nd General Assembly pursuant to the
17 Blighted Areas Redevelopment Act of 1947 (repealed), and
18 heretofore approved by the State Housing Board and the
19 governing body of the municipality shall be sufficient to
20 authorize a sale pursuant to this Section. At the time of
21 making any such sale or conveyance, the purchaser shall agree
22 to reimburse any public utility as defined in the Public
23 Utilities Act for the costs of relocation of the facilities of
24 such public utility made necessary by the plan for the
25 development or redevelopment of the project area, except and
26 excluding, however, any such costs to the extent incurred for

1 the relocation of such facilities located, prior to the
2 development or redevelopment, in a public way or public
3 property which retains its character as such thereafter.

4 (Source: P.A. 100-863, eff. 8-14-18.)

5 (315 ILCS 30/30) (from Ch. 67 1/2, par. 91.130)

6 Sec. 30. The provisions of any other statute to the
7 contrary notwithstanding, funds of a land clearance commission
8 dissolved or in the process of dissolution pursuant to this
9 Act which have been derived from grants made by the State of
10 Illinois shall be transferred and paid over to the
11 municipality for use by a Department of Urban Renewal for any
12 of the purposes of Part I of this Act.

13 Any municipality which has issued and sold bonds prior to
14 the effective date of this amendatory Act of the 102nd General
15 Assembly pursuant to Section 24 of the "Blighted Areas
16 Redevelopment Act of 1947 (repealed), ~~" approved July 2, 1947,~~
17 ~~as amended,~~ for the purpose of raising funds to be paid to a
18 land clearance commission may apply, use and pay the proceeds
19 of such bonds for and in aid of its Department of Urban Renewal
20 and may use such funds for any of the purposes of Part I of
21 this Act.

22 (Source: Laws 1961, p. 3308.)

23 (315 ILCS 30/33) (from Ch. 67 1/2, par. 91.133)

24 Sec. 33. Nothing contained in this Act shall affect or

1 impair the validity of any act or proceeding done or performed
2 by a land clearance commission prior to the effective date of
3 this amendatory Act of the 102nd General Assembly under the
4 Blighted Areas Redevelopment Act of 1947 (repealed) ~~as~~
5 ~~amended,~~ or by a Community Conservation Board under the Urban
6 Community Conservation Act, as amended.

7 (Source: Laws 1961, p. 3308.)

8 Section 40. The Eminent Domain Act is amended by changing
9 Section 15-5-25 as follows:

10 (735 ILCS 30/15-5-25)

11 Sec. 15-5-25. Eminent domain powers in ILCS Chapters 205
12 through 430. The following provisions of law may include
13 express grants of the power to acquire property by
14 condemnation or eminent domain:

15 (220 ILCS 5/8-509); Public Utilities Act; public utilities;
16 for construction of certain improvements.

17 (220 ILCS 15/1); Gas Storage Act; corporations engaged in the
18 distribution, transportation, or storage of natural gas or
19 manufactured gas; for their operations.

20 (220 ILCS 15/2 and 15/6); Gas Storage Act; corporations
21 engaged in the distribution, transportation, or storage of
22 natural gas or manufactured gas; for use of an underground
23 geological formation for gas storage.

1 (220 ILCS 30/13); Electric Supplier Act; electric
2 cooperatives; for general purposes.

3 (220 ILCS 55/3); Telegraph Act; telegraph companies; for
4 telegraph lines.

5 (220 ILCS 65/4); Telephone Company Act; telecommunications
6 carriers; for telephone company purposes.

7 (225 ILCS 435/23); Ferries Act; ferry operators; for a
8 landing, ferryhouse, or approach.

9 (225 ILCS 440/9); Highway Advertising Control Act of 1971;
10 Department of Transportation; for removal of signs
11 adjacent to highways.

12 (310 ILCS 5/6 and 5/38); State Housing Act; housing
13 corporations; for general purposes.

14 (310 ILCS 10/8.3); Housing Authorities Act; housing
15 authorities; for general purposes.

16 (310 ILCS 10/8.15); Housing Authorities Act; housing
17 authorities; for implementation of conservation plans and
18 demolition.

19 (310 ILCS 10/9); Housing Authorities Act; housing authorities;
20 for general purposes.

21 (310 ILCS 20/5); Housing Development and Construction Act;
22 housing authorities; for development or redevelopment.

23 (310 ILCS 35/2); House Relocation Act; political subdivisions
24 and municipal corporations; for relocation of dwellings
25 for highway construction.

26 ~~(315 ILCS 5/14); Blighted Areas Redevelopment Act of 1947;~~

1 ~~land clearance commissions; for redevelopment projects.~~
2 (315 ILCS 10/5); Blighted Vacant Areas Development Act of
3 1949; State of Illinois; for housing development.
4 (315 ILCS 20/9 and 20/42); Neighborhood Redevelopment
5 Corporation Law; neighborhood redevelopment corporations;
6 for general purposes.
7 (315 ILCS 25/4 and 25/6); Urban Community Conservation Act;
8 municipal conservation boards; for conservation areas.
9 (315 ILCS 30/12); Urban Renewal Consolidation Act of 1961;
10 municipal departments of urban renewal; for blighted area
11 redevelopment projects.
12 (315 ILCS 30/20 and 30/22); Urban Renewal Consolidation Act of
13 1961; municipal departments of urban renewal; for
14 implementing conservation areas.
15 (315 ILCS 30/24); Urban Renewal Consolidation Act of 1961;
16 municipal departments of urban renewal; for general
17 purposes.
18 (415 ILCS 95/6); Junkyard Act; Department of Transportation;
19 for junkyards or scrap processing facilities.
20 (420 ILCS 35/1); Radioactive Waste Storage Act; Illinois
21 Emergency Management Agency; for radioactive by-product
22 and waste storage.
23 (Source: P.A. 94-1055, eff. 1-1-07.)

24 (315 ILCS 5/Act rep.)
25 Section 45. The Blighted Areas Redevelopment Act of 1947

1 is repealed.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.