



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0665

Introduced 2/24/2021, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-11-4 new

Amends the Illinois Municipal Code. Provides that a leasehold for a term not in excess of 50 years may be made with a nonprofit corporation or association and extended for an additional 25 years by ordinance or resolution thereafter for specified purposes, including, but not limited to: cultivation or use of vacant lots for gardening or recreational purposes; and the lease of a tract of land of less than 5 acres to sell fresh fruits and vegetables. Provides that, when the city council of a municipality determines that all or any part of a municipal-owned tract of land, with or without improvements, is not then needed for municipal purposes, the city council may, by resolution or ordinance, authorize a private sale and conveyance of the same, or any part thereof, for nominal consideration without compliance with any other law governing disposal of lands by municipalities requiring adequate consideration. Limits the use of the property leased or conveyed under the provisions. Provides that property leased or conveyed under the provisions is exempt from property taxation under the Property Tax Code if the property is actually used for the cultivation and sale of fresh fruits and vegetables and leased or owned by a nonprofit organization or association that includes among its principal purposes the cultivation and sale of fresh fruits and vegetables. Contains a statement of findings.

LRB102 15453 AWJ 20816 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Illinois Municipal Code is amended by
5 adding Section 11-11-4 as follows:

6 (65 ILCS 5/11-11-4 new)

7 Sec. 11-11-4. Lease or sale of property for cultivation
8 and sale of fresh fruits and vegetables or recreation.

9 (a) The General Assembly finds:

10 (1) There exists in certain older, urban
11 municipalities an excess of vacant property that is not
12 needed for public use.

13 (2) Vacant properties present numerous problems for
14 these municipalities, such as: presenting the opportunity
15 for criminal activity; deterring neighboring property
16 owners from improving their properties and prospective
17 purchasers and renters from locating into these areas; and
18 servng as a location to dispose of unwanted items.

19 (3) These municipalities are often centers of high and
20 increasing populations and population densities comprised,
21 in part, of lower-income families.

22 (4) Due, in part, to increasing population densities,
23 the deterioration of infrastructure, such as parks, and

1 fiscal constraints, these municipalities have been
2 challenged to offer residents opportunities to enhance the
3 quality of their lives.

4 (5) Due to the scarcity of full service supermarkets
5 and farmer's markets within these municipalities,
6 municipal residents often suffer from a shortage of fresh
7 fruits and vegetables.

8 (6) The shortages of recreational opportunities and
9 sources of fresh fruits and vegetables have contributed to
10 alarming increases in childhood obesity and other adverse
11 health consequences for municipal residents.

12 (7) It would be beneficial to enlist nonprofit
13 corporation or associations to develop these properties
14 for a range of public purposes that could enhance the
15 recreational, educational, and nutritional needs of local
16 residents.

17 (8) Authorization for municipalities to lease and sell
18 vacant land to nonprofit entities to cultivate these lands
19 can provide both recreational opportunities and a source
20 of fresh, locally-grown fruits and vegetables for local
21 residents.

22 (9) The nonprofit cultivation of previously vacant
23 land by nonprofit entities is a public purpose for which
24 the long term lease and sale of these properties, and
25 exemption from property taxation, is warranted, even in
26 those instances when produce is sold to further the

1 mission of these nonprofit corporations or associations.

2 (b) A leasehold for a term not in excess of 50 years may be
3 made with a nonprofit corporation or association and extended
4 for an additional 25 years by ordinance or resolution
5 thereafter for any purpose described under subsection (a),
6 including, but not limited to:

7 (1) The cultivation or use of vacant lots for
8 gardening or recreational purposes.

9 (2) The lease of a tract of land of less than 5 acres
10 to sell fresh fruits and vegetables. Any lease entered
11 into pursuant to this paragraph may permit the nonprofit
12 corporation or association to sell fresh fruits and
13 vegetables on the leased land, off the leased land, or
14 both, provided, that the sales are related and incidental
15 to the nonprofit purposes of the corporation or
16 association and the net proceeds received by the nonprofit
17 corporation or association are used to further the
18 nonprofit purposes of the corporation or association.

19 (c) When the city council of a municipality determines
20 that all or any part of a municipal-owned tract of land, with
21 or without improvements, is not then needed for municipal
22 purposes, the city council may, by resolution or ordinance,
23 authorize a private sale and conveyance of the same, or any
24 part thereof, for nominal consideration without compliance
25 with any other law governing disposal of lands by
26 municipalities requiring adequate consideration. Such

1 conveyance shall contain a limitation that the lands or
2 buildings shall be used only for the purposes of such
3 organization or association, and to render such services or to
4 provide such facilities as may be agreed upon and, if said
5 lands or buildings are not used in accordance with the
6 limitation, title shall revert back to the municipality
7 without any entry or reentry made on the property on behalf of
8 the municipality.

9 Whenever a sale of property is proposed pursuant to this
10 subsection, the municipality shall give at least 10 days'
11 notice of such sale prior to a public hearing where an
12 ordinance or resolution approving the sale is adopted.

13 (d) If the nonprofit organization or association uses the
14 property leased or purchased under this Section for the
15 cultivation and sale of fresh fruits and vegetables on a tract
16 of land of less than 5 acres, the nonprofit organization or
17 association may not be controlled, directly or indirectly, by
18 any agricultural, commercial, or other business. The nonprofit
19 organization or association is authorized to sell fresh fruits
20 and vegetables either on the land that was leased or conveyed,
21 off that land, or both, and the sales must be related and
22 incidental to the nonprofit purposes of the organization or
23 association and the net proceeds received by the nonprofit
24 organization or association must be used to further the
25 nonprofit purposes of the organization or association.

26 (e) Property leased or conveyed under this Section is

1 exempt from property taxation under under the Property Tax
2 Code if the property is actually used for the cultivation and
3 sale of fresh fruits and vegetables and owned by a nonprofit
4 organization or association that includes among its principal
5 purposes the cultivation and sale of fresh fruits and
6 vegetables.