



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1647

Introduced 2/26/2021, by Sen. Donald P. DeWitte

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Disposition of Big Box Property Act. Defines "big box property" as property located in the State consisting of one or more property identification numbers under common ownership that contains at least one building of 30,000 square feet or more. Provides that the owner of a big box property shall provide written notice of listing the property or entering into a contract for sale of the property to the corporate authorities of the municipality in which the property is located within 7 days of the property first being listed for sale or under contract for sale. Provides that the notice of the contract for sale shall include the identity of the purchaser, the terms of the sale, and intended use of the property after the transfer. Provides that the municipality has the right to purchase the big box property within 60 days of receipt of the notice, on the same terms as contained in the listing or offered to any purchaser. Provides that the municipality may require the purchaser of any big box property to maintain the current use or similar commercial operations of the building, and if the purchaser fails to do so, the municipality may exercise the authority to purchase the property at the same purchase price as paid by purchaser. Provides that the municipality in which the big box property is located may impose a fine not to exceed \$750 per day on the owner of a big box property who is in violation of the Act.

LRB102 16576 LNS 21973 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the  
5 Disposition of Big Box Property Act.

6 Section 5. Definitions. As used in this Act:

7 "Big box property" means a property located in the State  
8 consisting of one or more property identification numbers  
9 under common ownership that contains at least one building of  
10 30,000 square feet or more.

11 "Corporate authorities" has the same meaning as provided  
12 in subsection (2) of Section 1-1-2 of the Illinois Municipal  
13 Code.

14 "Municipality" has the same meaning as provided in  
15 subsection (1) of Section 1-1-2 of the Illinois Municipal  
16 Code.

17 Section 10. Notice requirements.

18 (a) The owner of a big box property shall provide, by  
19 certified mail, written notice of the possible sale of the big  
20 box property to the corporate authorities of the municipality  
21 in which the property is located within 7 days of the property  
22 first being listed for sale.

1           (b) The owner of a big box property shall provide written  
2 notice of a contract for sale to the corporate authorities of  
3 the municipality in which the big box property is located  
4 within 7 days of the property being under contract for sale.

5           (c) The notice of the contract for sale to the  
6 municipality shall include the identity of the purchaser, the  
7 terms of the sale, and intended use of the property after the  
8 transfer.

9           Section 15. Rights of parties.

10           (a) A municipality in which the big box property is  
11 located has the right to purchase the big box property within  
12 60 days of receipt of notice that the property is listed for  
13 sale, or under contract for sale, on the same terms as  
14 contained in the listing or offered to any purchaser. The  
15 municipality may also substitute a purchaser that intends to  
16 maintain the use of the property or an alternate use  
17 acceptable to the municipality.

18           (b) The municipality in which the big box property is  
19 located has the right to enjoin the sale of the big box  
20 property for up to 60 days if the notice of the contract for  
21 sale reveals a change in the use of the property. The  
22 municipality is entitled to extend the initial 60-day period  
23 one time for up to an additional 60 days for the purpose of  
24 securing funds for the purchase or an alternate purchaser.

25           (c) The municipality may require by ordinance that the

1 purchaser of any big box property maintain the current use or  
2 similar commercial operations of the building, and if the  
3 purchaser fails to do so, the municipality may exercise the  
4 authority to purchase the property at the same purchase price  
5 paid by purchaser.

6 (d) The municipality may require by ordinance that the  
7 purchaser provide an agreement secured by a bond providing for  
8 the demolition of the building and stabilization of the site  
9 if the purchaser ceases operations or abandons the property.

10 (e) The owner of the big box property is entitled to a  
11 rebate of the municipal real estate taxes incurred, if any,  
12 during the period of the injunction provided for in this  
13 Section. The taxes shall be rebated as expenses for economic  
14 development pursuant to Section 8-1-2.5 of the Illinois  
15 Municipal Code.

16 Section 20. Penalties. The municipality in which the big  
17 box property is located may impose by ordinance a fine not to  
18 exceed \$750 per day on the owner of a big box property who is  
19 in violation of this Act.