



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2445

Introduced 2/26/2021, by Sen. Mattie Hunter - Ann Gillespie - Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 3805/13.1 new

35 ILCS 5/232 new

35 ILCS 120/5m new

35 ILCS 200/15-178 new

215 ILCS 5/409

from Ch. 73, par. 1021

215 ILCS 5/444

from Ch. 73, par. 1056

310 ILCS 67/15

310 ILCS 67/25

310 ILCS 67/50

310 ILCS 67/70 new

Creates the Build Illinois Homes Tax Credit Act. Provides that owners of qualified low-income housing developments are eligible for credits against (i) State income taxes and (ii) any privilege tax or retaliatory tax, penalty, fee, charge, or payment imposed under the Illinois Insurance Code. Amends the Illinois Housing Development Act. Provides that the Illinois Housing Development Authority shall develop a form and include it with certain financing agreements. Amends the Retailers' Occupation Tax Act. Creates an exemption for building materials to be incorporated into an 100% affordable housing project by rehabilitation or new construction. Amends the Property Tax Code. Provides for a reduction in assessed value for affordable rental housing construction or rehabilitation. Amends the Affordable Housing Planning and Appeal Act. Provides that an affordable housing plan, or any revision thereof, shall not be adopted by a non-exempt local government until notice and opportunity for public hearing have first been afforded. Makes other changes. Effective immediately.

LRB102 17214 HLH 22672 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Article 1. Build Illinois Homes Tax Credit Act

5 Section 1-1. Short title. This Act may be cited as the
6 Build Illinois Homes Tax Credit Act. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act, unless the
9 context clearly requires otherwise:

10 "Allocation" means an award of tax credits to the owner of
11 a qualified development in any allocation round, to be claimed
12 ratably annually over the credit period.

13 "Allocation round" means all allocations by the Authority
14 of credits under this Act to qualified developments in any
15 calendar year.

16 "Allocation schedule certification" means the
17 certification issued by the owner of a qualified development
18 or its designee pursuant to subsection (d) of Section 1-10 of
19 this Act.

20 "Authority" means:

- 21 (1) the Illinois Housing Development Authority; or
22 (2) the City of Chicago Department of Housing.

1 "Credit" means the credit allowed pursuant to this Act.

2 "Credit period" means the period of 10 taxable years
3 beginning with the taxable year in which a qualified
4 development is placed in service. If a qualified development
5 consists of more than one building, the qualified development
6 is deemed to be placed in service in the taxable year during
7 which the last building of the qualified development is placed
8 in service.

9 "Department" means the Department of Revenue.

10 "Federal tax credit" means the federal low-income housing
11 tax credit provided by Section 42 of the federal Internal
12 Revenue Code, including federal low-income housing tax credits
13 issued pursuant to 26 U.S.C. 42(h)(3) and 26 U.S.C. 42(h)(4).

14 "Qualified allocation plan" means the qualified allocation
15 plan adopted by the Authority pursuant to Section 42(m) of the
16 federal Internal Revenue Code of 1986.

17 "Qualified basis" means the qualified basis of the
18 qualified development as determined pursuant to Section 42 of
19 the federal Internal Revenue Code of 1986.

20 "Qualified development" means a qualified low-income
21 housing project, as that term is defined in Section 42 of the
22 federal Internal Revenue Code of 1986, that is located in the
23 State and is determined to be eligible for the federal tax
24 credit set forth in Section 42 of the Internal Revenue Code,
25 whether or not a federal tax credit is allocated with respect
26 to that qualified development.

1 "Qualified taxpayer" means an individual, person, firm,
2 corporation, or other entity that owns an interest, direct or
3 indirect, in a qualified development and is subject to any or
4 all of the following: (i) the taxes imposed by the Illinois
5 Income Tax Act; or (ii) any privilege tax or retaliatory tax,
6 penalty, fee, charge or payment imposed by the Illinois
7 Insurance Code.

8 "State credit eligibility statement" means a statement
9 issued by the Authority under Section 1-7.

10 "State tax return" means the income tax return filed with
11 the Department or the privilege and retaliatory tax return
12 filed with the Department of Insurance, as applicable.

13 Section 1-7. State credit eligibility statements. A State
14 credit eligibility statement shall be issued by the Authority
15 with respect to each building within the qualified development
16 following construction or rehabilitation of the qualified
17 development certifying that each such building within that
18 qualified development qualifies for the credit and specifying:

19 (1) the calendar year in which the last building of
20 the qualified development was placed in service;

21 (2) the amount of the credit allowed for each year of
22 the credit period;

23 (3) the maximum qualified basis of the qualified
24 development taken into account in determining such annual
25 credit amount; and

1 (4) a unique identification number for each State
2 credit eligibility statement issued.

3 The State credit eligibility statement shall be issued by
4 the Authority simultaneously with IRS Form 8609 if the
5 qualified development was also allocated federal tax credits.

6 The State credit eligibility statement shall include a
7 Section to be completed by the owner of the qualified
8 development annually for each year of the credit period
9 certifying that the qualified development was in conformance
10 with all compliance requirements. That certification shall be
11 filed with the project owner's State tax return annually of
12 each year of the credit period.

13 Section 1-10. Credit for low-income housing developments.

14 (a) The Authority shall include the credit in its annual
15 qualified allocation plan each year until expiration of this
16 Act. Each allocation round shall be simultaneous with
17 allocations of federal tax credits.

18 (b) For taxable years beginning on or after January 1,
19 2021, the Authority may allocate a credit to the owner of a
20 qualified development in any allocation round in an amount
21 determined by the Authority, subject to the following
22 guidelines:

23 (1) the Authority must find that the credit is
24 necessary for the financial feasibility of the qualified
25 development;

1 (2) the aggregate sum of credits allocated to
2 qualified developments in any allocation round shall not
3 exceed \$35,000,000, plus the amount of unallocated
4 credits, if any, from the preceding allocation round, plus
5 the amount of any credit recaptured or otherwise returned
6 to the Authority since the previous allocation round;

7 (3) of the \$35,000,000 annual allocation: (i) 75.5% of
8 the available credits in each allocation round shall be
9 allocated by the Illinois Housing Development Authority,
10 plus any credits the Illinois Housing Development
11 Authority did not allocate from the previous allocation
12 round, plus the amount of any credits recaptured or
13 otherwise returned to the Illinois Housing Development
14 Authority since the previous allocation round; and (ii)
15 24.5% of the available credits in each allocation round
16 shall be allocated by the City of Chicago Department of
17 Housing, plus any credits the City of Chicago Department
18 of Housing did not allocate from the previous allocation
19 round, plus the amount of any credits recaptured or
20 otherwise returned to the City of Chicago Department of
21 Housing since the previous allocation round; and

22 (4) unless otherwise provided in this Act, or unless
23 the context clearly requires otherwise, the Authority must
24 determine eligibility for credits and allocate credits in
25 accordance with the standards and requirements set forth
26 in Section 42 of the federal Internal Revenue Code of

1 1986.

2 (c) For tax years during the credit period, any qualified
3 taxpayer is allowed a credit as provided in this Act against
4 any or all of the following: (i) the taxes imposed by
5 subsections (a) and (b) of Section 201 of the Illinois Income
6 Tax Act; or (ii) any privilege tax or retaliatory tax,
7 penalty, fee, charge, or payment imposed under the Illinois
8 Insurance Code.

9 (d) If a taxpayer receiving an allocation of a credit is
10 (i) a corporation that has an election in effect under
11 Subchapter S of the federal Internal Revenue Code, (ii) a
12 partnership, or (iii) a limited liability company that is
13 taxed as a partnership, the credit provided under this Act may
14 be claimed by the shareholders of the corporation, the
15 partners of the partnership, or the members of the limited
16 liability company as such terms are defined under applicable
17 State law in the same manner as those shareholders, partners,
18 or members account for their proportionate shares of the
19 income or losses of the corporation, partnership, or limited
20 liability company, or as provided in the bylaws or other
21 executed agreement of the corporation, partnership, or limited
22 liability company. Credits granted to a partnership, a limited
23 liability company taxed as a partnership, or other multiple
24 owners of property shall be passed through to the partners,
25 members, or owners respectively on a pro rata basis or
26 pursuant to an executed agreement among the partners, members,

1 or owners documenting any alternative distribution method. A
2 qualified taxpayer may claim a credit so long as its direct or
3 indirect interest in the qualified development is acquired
4 prior to the filing of its tax return claiming the credit. On
5 or before February 28th following each year of the credit
6 period, the owner must submit an allocation schedule
7 certification in an electronic format prescribed by the
8 Department and the Department of Insurance to the Department
9 and the Department of Insurance detailing the amount of credit
10 allocated to each qualified taxpayer for the applicable year
11 and whether each qualified taxpayer intends to apply the
12 credit to income tax or insurance premium tax, or the owner
13 must notify the Department and the Department of Insurance
14 that it has assigned the duty of the allocation schedule
15 certification to its designee who must provide such allocation
16 schedule certification to the Department and the Department of
17 Insurance by the deadline. Such allocation schedule
18 certification may be amended in the event the State credit
19 eligibility statement for a project is received after the
20 deadline for filing the allocation schedule certification. Any
21 such amendment shall be filed prior to any taxpayer attempting
22 to claim tax credits associated with the applicable State
23 credit eligibility statement. Each qualified taxpayer is
24 allowed to claim its allocated amount of credit subject to any
25 restrictions set forth in this Section.

26 (e) No credit may be allocated pursuant to this Act unless

1 the qualified development is the subject of a recorded
2 restrictive covenant requiring the development to be
3 maintained and operated as a qualified development; this
4 requirement for a recorded restrictive covenant may be
5 satisfied by the agreement for an extended low-income housing
6 commitment required for the federal tax credits as defined in
7 Section 42(h)(6)(B) of the federal Internal Revenue Code of
8 1986.

9 (f) If, during a taxable year, there is a determination
10 that no recorded restrictive covenant meeting the requirements
11 of subsection (e) was in effect as of the beginning of that
12 year, such determination shall not apply to any period before
13 that year and subsection (e) shall be applied without regard
14 to that determination if the failure is corrected within one
15 year from the date of the determination.

16 (g) The credit amount may be taken against the taxes
17 imposed by the Illinois Income Tax Act for each taxable year of
18 the credit period. The credit amount may be taken against the
19 taxes, penalties, fees, charges, and payments imposed by the
20 Illinois Insurance Code for each reporting period in the
21 credit period. Any credit amount that exceeds the tax due for a
22 taxable year may be carried forward as a tax credit against
23 payments due for up to 5 taxable years following the tax year
24 to which the credit relates and must be applied first to the
25 earliest reporting periods possible. Credits that are not
26 claimed may not be refunded to the qualified taxpayer.

1 (h) By January 15, 2022 and by January 15 of each year
2 thereafter, the Authority shall provide to the Department and
3 the Department of Insurance an electronic file containing all
4 data related to all State credit eligibility statements issued
5 during the preceding year in the manner and form as provided by
6 the Department.

7 Section 1-15. Recapture. If, under Section 42 of the
8 Internal Revenue Code of 1986, a portion of any federal tax
9 credit claimed with respect to a qualified development is
10 required to be recaptured during the first 10 years after a
11 project is placed in service, then the Authority shall provide
12 written notice, upon a form created by the Authority, to the
13 Department and the Department of Insurance of the amount to be
14 recaptured. The amount of credit subject to recapture shall be
15 proportionately equal to the amount of the qualified
16 development's federal tax credits which are subject to
17 recapture. The Department and the Department of Insurance, as
18 applicable, shall notify the qualified taxpayer that claimed
19 the credit of the amount recaptured, and the qualified
20 taxpayer subject to recapture shall increase the qualified
21 taxpayer's tax by the amount of any credit wrongfully claimed
22 in the tax year the qualified taxpayer is notified of the
23 recapture.

24 Section 1-20. Filing requirements. An owner of a qualified

1 development that has received an allocation and each qualified
2 taxpayer claiming any portion of the credit must file with
3 their State tax returns a copy of the State credit eligibility
4 statement issued by the Authority for that qualified
5 development. A qualified taxpayer receiving an allocation of
6 credit through a pass-through entity shall attach to its State
7 tax return a copy of the Schedule K-1-P or other written
8 statement from the pass-through entity stating the portion of
9 the annual credit shown on the State credit eligibility
10 statement that is allocated to that partner, member or
11 shareholder for that taxable year. In addition, the owner of a
12 qualified development or its designee shall file a copy of the
13 allocation schedule certification prior to any tax return
14 being filed claiming a State credit for such qualified
15 development.

16 Section 1-25. Rules. The Illinois Housing Development
17 Authority, the Department, and the Department of Insurance, in
18 consultation with each other, shall adopt such rules as are
19 necessary to carry out their respective responsibilities under
20 this Act.

21 Section 1-30. Compliance monitoring. The Authority, in
22 consultation with the Department, shall monitor and oversee
23 compliance with the provisions of this Act and shall report
24 specific occurrences of noncompliance to the Department and

1 the Department of Insurance.

2 Section 1-35. Report to the General Assembly.

3 (a) The Illinois Housing Development Authority and the
4 Chicago Department of Housing must, by December 31 of each
5 allocation year, provide a written report to the General
6 Assembly and must publish that report on their websites.

7 (b) The report shall:

8 (1) set forth the number of qualified developments
9 that have been allocated tax credits under this Act during
10 the allocation year and the total number of units
11 supported by each qualified development;

12 (2) describe each qualified development that has been
13 allocated tax credits under this Act including, without
14 limitation, the geographic location of the qualified
15 development, the household type and any specific
16 demographic information available about residents intended
17 to be served by the qualified development, the income
18 levels intended to be served by the qualified development,
19 and the rents or set-asides authorized for each qualified
20 development;

21 (3) provide housing market and demographic information
22 that demonstrates how the qualified developments supported
23 by the tax credits are addressing the need for affordable
24 housing within the communities they are intended to serve
25 as well as information about any remaining disparities in

1 the affordability of housing within those communities; and
2 (4) provide information on the percentage of qualified
3 developments allocated credits that received incentive
4 scoring points in the qualified allocation plan as a
5 result of the general contractor, property manager,
6 architect, or sponsor being certified under the Business
7 Enterprise Program for Minorities, Females, and Persons
8 with a Disability.

9 Section 1-40. Exempt from automatic sunset. The credit
10 under this Act is exempt from the provisions of Section 250 of
11 the Illinois Income Tax Act.

12 Article 90. Amendatory Provisions

13 Section 90-5. The Illinois Housing Development Act is
14 amended by adding Section 13.1 as follows:

15 (20 ILCS 3805/13.1 new)

16 Sec. 13.1. Form for local agencies. The Authority shall
17 develop a form and include it with the final financing
18 agreement that summarizes the terms of the financing
19 agreement, which should include the following: the length of
20 the affordability period guaranteed under the financing
21 agreement; a legal description; if then available, the address
22 and property index numbers for all applicable property

1 contemplated by the agreement; and any other information that
2 may be relevant for a local county assessor's office and local
3 county and municipal housing development authority to qualify
4 or evidence eligibility for an applicable reduction in the
5 assessed value of an affordable rental housing. This form may
6 vary by county only if the Authority deems necessary. The
7 nonprofit corporation, housing corporation, limited-profit
8 entity, developer, or other entity receiving financing or
9 other assistance under this Act shall file the form with the
10 local county assessor's office and, where applicable, the
11 local county and municipal housing authority for the county in
12 which the property is located. No fees shall be levied against
13 the nonprofit corporation, housing corporation, limited-profit
14 entity, developer, or other entity for filing the form with
15 the county assessor's office of local housing authority.

16 Section 90-10. The Illinois Income Tax Act is amended by
17 adding Section 232 as follows:

18 (35 ILCS 5/232 new)

19 Sec. 232. Build Illinois Homes Tax Credit Act.

20 (a) For taxable years beginning on or after January 1,
21 2022, any eligible taxpayer with respect to a credit awarded
22 in accordance with the Build Illinois Homes Tax Credit Act on
23 or after January 1, 2021 that is named on the allocation
24 schedule certification for a particular tax year is entitled

1 to a credit against the taxes imposed by subsections (a) and
2 (b) of Section 201 as provided in the Build Illinois Homes Tax
3 Credit Act.

4 (b) The taxpayer shall attach a copy of the allocation
5 schedule certification and the State credit eligibility
6 certificate issued under the Build Illinois Homes Tax Credit
7 Act to the tax return on which the credits are to be claimed.

8 (c) If, during any taxable year, a taxpayer is notified of
9 a recapture of a credit previously claimed on a State income
10 tax return in accordance with the Build Illinois Homes Tax
11 Credit Act, the tax imposed under subsections (a) and (b) of
12 Section 201 for that taxpayer for that taxable year shall be
13 increased. The amount of the increase shall be determined by

14 (i) recomputing the Build Illinois Homes Tax Credit that would
15 have been allowed for the year in which the credit was
16 originally allowed by eliminating the recaptured amount from
17 such computation, and (ii) subtracting that recomputed credit
18 from the amount of credit previously allowed. No Build
19 Illinois Homes tax Credit shall be allowed with respect to any
20 credit subject to a recapture notice for any taxable year
21 ending after the issuance of a recapture notice.

22 (d) This Section is exempt from the provisions of Section
23 250.

24 Section 90-15. The Retailers' Occupation Tax Act is
25 amended by changing Section 5m as follows:

1 (35 ILCS 120/5m new)

2 Sec. 5m. Building materials exemption; affordable housing.

3 (a) Beginning July 1, 2022, each retailer located within a
4 disproportionately impacted area who makes a qualified sale of
5 building materials to be incorporated into an 100% affordable
6 housing project by rehabilitation or new construction, may
7 deduct receipts from those sales when calculating the tax
8 imposed by this Act. For purposes of this Section, "qualified
9 sale" means a sale of building materials from a business
10 located in a disproportionately impacted area that will be
11 incorporated an 100% affordable housing project for which an
12 Affordable Housing Building Materials Exemption Certificate
13 has been issued to the purchaser by the Department. A
14 construction contractor or other entity shall not make
15 tax-free purchases unless it has an active exemption
16 certificate issued by the Department at the time of the
17 purchase.

18 (b) To document the exemption allowed under this Section,
19 the retailer must obtain from the purchaser the certification
20 required under subsection (c), which must contain the
21 Affordable Housing Building Materials Exemption Certificate
22 number issued to the purchaser by the Department. The
23 Department shall make the exemption certificates available
24 directly to each construction contractor or other entity. The
25 request for an Affordable Housing Building Materials Exemption

1 Certificate from the Department must include the following
2 information:

3 (1) the name and address of the construction
4 contractor or other entity;

5 (2) the name and location or address of the 100%
6 affordable housing project;

7 (3) the estimated amount of the exemption for each
8 construction contractor or other entity for which a
9 request for exemption certificate is made, based on a
10 stated estimated average tax rate and the percentage of
11 the contract that consists of materials;

12 (4) the period of time over which supplies for the
13 project are expected to be purchased;

14 (5) statement demonstrating the commitment to provide
15 affordable units that will remain affordable 10 years
16 after being put into service; this statement must provide
17 evidence by a financing agreement with the State or unit
18 of local government, certification from a local housing
19 development authority, or other documentation as
20 determined by the Department; and

21 (6) other reasonable information as the Department may
22 require, including, but not limited to FEIN numbers, to
23 determine if the contractor or other entity, or any
24 partner, or a corporate officer, and in the case of a
25 limited liability company, any manager or member, of the
26 construction contractor or other entity, is or has been

1 the owner, a partner, a corporate officer, and in the case
2 of a limited liability company, a manager or member, of a
3 person that is in default for moneys due to the Department
4 under this Act or any other tax or fee Act administered by
5 the Department.

6 The Department shall issue the Affordable Housing Building
7 Materials Exemption Certificate within 5 business days after
8 receipt of a request to the Department. This requirement does
9 not apply in circumstances where the Department, for
10 reasonable cause, is unable to issue the exemption certificate
11 within 5 business days. The Department may refuse to issue an
12 exemption certificate under this Section if the owner, any
13 partner, any corporate officer, or, in the case of a limited
14 liability company, any manager or member, of the construction
15 contractor or other entity is or has been the owner, a partner,
16 a corporate officer, or, in the case of a limited liability
17 company, a manager or member, of a person that is in default
18 for moneys due to the Department under this Act or any other
19 tax or fee Act administered by the Department.

20 The Department, in its discretion, may require that
21 requests for Affordable Housing Building Materials Exemption
22 Certificates be submitted electronically. The Department may,
23 in its discretion, issue exemption certificates
24 electronically. The Affordable Housing Building Materials
25 Exemption Certificate number shall be designed in such a way
26 that the Department can identify, from the unique number on

1 the exemption certificate issued to a given construction
2 contractor or other entity, the project for which the
3 exemption certificate is issued and the construction
4 contractor or other entity to whom the exemption certificate
5 is issued. The exemption certificate shall contain an
6 expiration date, which shall be no more than 2 years after the
7 date of issuance. The Department may adopt rules allowing a
8 contractor or other entity to renew an exemption certificate.
9 A contractor or other entity may request that the Department
10 rescind an Affordable Housing Building Materials Exemption
11 Certificate previously issued by the Department that has not
12 yet expired.

13 If the Department determines that a construction
14 contractor or other entity that was issued an Affordable
15 Housing Building Materials Exemption Certificate made a
16 tax-exempt purchase, as described in this Section, that was
17 not eligible for exemption under this Section or allowed
18 another person to make a tax-exempt purchase, as described in
19 this Section, that was not eligible for exemption under this
20 Section, then, in addition to any tax or other penalty
21 imposed, the construction contractor or other entity is
22 subject to a penalty equal to the tax that would have been paid
23 by the retailer under this Act as well as any applicable local
24 retailers' occupation tax on the purchase that was not
25 eligible for the exemption. The Affordable Housing Building
26 Materials Exemption Certificate shall contain language stating

1 that if the construction contractor or other entity who is
2 issued the exemption certificate makes a tax-exempt purchase,
3 as described in this Section, that is not eligible for
4 exemption under this Section or allows another person to make
5 a tax-exempt purchase, as described in this Section, that is
6 not eligible for exemption under this Section, then, in
7 addition to any tax or other penalty imposed, the construction
8 contractor or other entity is subject to a penalty equal to the
9 tax that would have been paid by the retailer under this Act as
10 well as any applicable local retailers' occupation tax on the
11 purchase that is not eligible for the exemption.

12 (c) In addition, the retailer must obtain certification
13 from the purchaser that contains:

14 (1) a statement that the building materials are being
15 purchased for a 100% affordable housing project;

16 (2) the location or address of the real estate into
17 which the building materials will be incorporated;

18 (3) a description of the building materials being
19 purchased;

20 (4) the purchaser's Affordable Housing Building
21 Materials Exemption Certificate number issued by the
22 Department; and

23 (5) the purchaser's signature and date of purchase.

24 (d) The deduction allowed by this Section for the sale of
25 building materials may be limited, to the extent authorized by
26 ordinance adopted after the effective date of this amendatory

1 Act of the 102nd General Assembly, by a municipality or county
2 located in a disproportionately impacted area into which the
3 building materials will be incorporated. The ordinance may
4 neither require nor prohibit the purchase of building
5 materials from any retailer or class of retailers in order to
6 qualify for the exemption allowed under this Section. The
7 provisions of this Section are exempt from Section 2-70.

8 (e) For the purposes of this Section, the following terms
9 have the same meanings given to those terms in the Illinois
10 Affordable Housing Act: "affordable housing"; "low-income
11 household"; and "very low-income household".

12 In addition, the following terms have the following
13 meanings:

14 "Disproportionately impacted area" means a census tract or
15 comparable geographic area that meets at least one of the
16 following criteria, as determined by the Department of
17 Commerce and Economic Opportunity:

18 (1) the area has a poverty rate of at least 20%
19 according to the latest federal decennial census; or

20 (2) 75% or more of the children in the area
21 participate in the federal free lunch program according to
22 reported statistics from the State Board of Education; or

23 (3) at least 20% of the households in the area receive
24 assistance under the Supplemental Nutrition Assistance
25 Program; or

26 (4) the area has an average unemployment rate, as

1 determined by the Department of Employment Security, that
2 is more than 120% of the national unemployment average, as
3 determined by the United States Department of Labor, for a
4 period of at least 2 consecutive calendar years preceding
5 the date of the application.

6 "One hundred percent affordable housing project" means a
7 residential housing project that, after rehabilitation or new
8 construction will lead to 100% of the units being utilized as
9 affordable housing units. These units must remain affordable
10 housing for 10 years commencing from the time a unit is put
11 into operation.

12 Section 90-20. The Property Tax Code is amended by adding
13 Section 15-178 as follows:

14 (35 ILCS 200/15-178 new)

15 Sec. 15-178. Reduction in assessed value for affordable
16 rental housing construction or rehabilitation.

17 (a) The General Assembly finds that there is a shortage of
18 high quality affordable rental homes for low-income and
19 very-low-income households throughout Illinois; that owners
20 and developers of rental housing face significant challenges
21 building newly constructed apartments or undertaking
22 rehabilitation of existing properties that results in rents
23 that are affordable for low-income and very-low-income
24 households; and that it will help Cook County and other parts

1 of Illinois address the extreme shortage of affordable rental
2 housing by developing a Statewide policy to determine the
3 assessed value for newly constructed and rehabilitated
4 affordable rental housing that both encourages investment and
5 incentivizes property owners to keep rents affordable.

6 (b) Each chief county assessment officer shall implement
7 special assessment programs to reduce the assessed value of
8 all eligible newly-constructed residential real property or
9 qualifying rehabilitation to all eligible existing residential
10 real property in accordance with subsection (c) for 10 taxable
11 years after the newly constructed residential real property or
12 improvements to existing residential real property are put in
13 service. Any county with less than 3,000,000 inhabitants may
14 decide not to implement one or both of the special assessment
15 programs defined in in subparagraph (1) of subsection (c) of
16 this Section and subparagraph (2) of subsection (c) of this
17 Section upon passage of an ordinance by a majority vote of the
18 county board. Subsequent to a vote to opt-out of this special
19 assessment program, any county with less than 3,000,000
20 inhabitants may decide to implement one or both of the special
21 assessment programs defined in in subparagraph (1) of
22 subsection (c) of this Section and subparagraph (2) of
23 subsection (c) of this Section upon passage of an ordinance by
24 a majority vote of the county board. Property is eligible for
25 the special assessment program if and only if all of the
26 following factors have been met:

1 (1) at the conclusion of the new construction or
2 qualifying rehabilitation, the property consists of a
3 newly-constructed multifamily building containing 7 or
4 more rental dwelling units or an existing multifamily
5 building that has undergone qualifying rehabilitation
6 resulting in 7 or more rental dwelling units; and

7 (2) the property meets the application requirements
8 defined in subsection (f).

9 (c) For those counties that are required to implement the
10 special assessment program and do not opt-out of such special
11 assessment program, the chief county assessment officer for
12 that county shall require that residential real property is
13 eligible for the special assessment program if and only if one
14 of the additional factors have been met:

15 (1) except as defined in subparagraphs (E), (F), and
16 (G) of paragraph (5) of subsection (f) of this Section,
17 prior to the newly-constructed residential real property
18 or improvements to existing residential real property
19 being put in service, the owner of the residential real
20 property commits that, for a period of 10 years, at least
21 15% of the multifamily building's units will have rents as
22 defined in this Section that are at or below maximum rents
23 and are occupied by households with household incomes at
24 or below maximum income limits; or

25 (2) except as defined in subparagraphs (E), (F), and
26 (G) of paragraph (5) of subsection (f) of this Section,

1 prior to the newly constructed residential real property
2 located in a low affordability community being put in
3 service, the owner of the residential real property
4 commits that, for a period of 30 years after the newly
5 constructed residential real property or improvements to
6 existing residential real property are put in service, at
7 least 20% of the multifamily building's units will have
8 rents as defined in this Section that are at or below
9 maximum rents and are occupied by households with
10 household incomes at or below maximum income limits.

11 If a reduction in assessed value is granted under one
12 special assessment program provided for in this Section, then
13 that same residential real property is not eligible for an
14 additional special assessment program under this Section at
15 the same time.

16 (d) The amount of the reduction in assessed value for
17 residential real property meeting the conditions set forth in
18 subparagraph (1) of subsection (c) shall be calculated as
19 follows:

20 (1) if the owner of the residential real property
21 commits for a period of at least 10 years that at least 15%
22 but fewer than 35% of the multifamily building's units
23 have rents at or below maximum rents and are occupied by
24 households with household incomes at or below maximum
25 income limits, the assessed value of the property used to
26 calculate the tax bill shall be reduced by an amount equal

1 to 25% of the assessed value of the property as determined
2 by the assessor for the property in the current taxable
3 year for the newly-constructed residential real property
4 or based on the improvements to an existing residential
5 real property; and

6 (2) if the owner of the residential real property
7 commits for a period of at least 10 years that at least 35%
8 of the multifamily building's units have rents at or below
9 maximum rents and are occupied by households with
10 household incomes at or below maximum income limits, the
11 assessed value of the property used to calculate the tax
12 bill shall be reduced by an amount equal to 35% of the
13 assessed value of the property as determined by the
14 assessor for the property in the current assessment year
15 for the newly constructed residential real property or
16 based on the improvements to an existing residential real
17 property.

18 (e) The amount of the reduction for residential real
19 property meeting the conditions set forth in subparagraph (2)
20 of subsection (c) shall be calculated as follows:

21 (1) for the first, second, and third taxable year
22 after the residential real property or improvements are
23 placed in service, the residential real property is
24 entitled to a reduction in its assessed value in an amount
25 equal to the difference between the assessed value in the
26 year for which the incentive is sought and the assessed

1 value for the residential real property in the base year;

2 (2) for the fourth, fifth, and sixth taxable year
3 after the residential real property or improvements are
4 placed in service, the property is entitled to a reduction
5 in its assessed value in an amount equal to 80% of the
6 difference between the assessed value in the year for
7 which the incentive is sought and the assessed value for
8 the residential real property in the base year;

9 (3) for the seventh, eighth, and ninth taxable year
10 after the property or improvements are placed in service,
11 the residential real property is entitled to a reduction
12 in its assessed value in an amount equal to 60% of the
13 difference between the assessed value in the year for
14 which the incentive is sought and the assessed value for
15 the residential real property in the base year;

16 (4) for the tenth, eleventh, and twelfth taxable year
17 after the residential real property or improvements are
18 placed in service, the residential real property is
19 entitled to a reduction in its assessed value in an amount
20 equal to 40% of the difference between the assessed value
21 in the year for which the incentive is sought and the
22 assessed value for the residential real property in the
23 base year; and

24 (5) for the thirteenth through the thirtieth taxable
25 year after the residential real property or improvements
26 are placed in service, the residential real property is

1 entitled to a reduction in its assessed value in an amount
2 equal to 20% of the difference between the assessed value
3 in the year for which the incentive is sought and the
4 assessed value for the residential real property in the
5 base year.

6 (f) Application requirements.

7 (1) In order to receive the reduced valuation under
8 this Section, the owner must submit an application
9 containing the following information to the chief county
10 assessment officer for review in the form and by the date
11 required by the chief county assessment officer:

12 (A) the owner's name;

13 (B) the postal address and permanent index number
14 or numbers of the parcel or parcels for which the owner
15 is applying to receive reduced valuation under this
16 Section;

17 (C) a deed or other instrument conveying the
18 parcel or parcels to the current owner;

19 (D) written evidence that the new construction or
20 qualifying rehabilitation has been completed with
21 respect to the residential real property, including,
22 but not limited to, copies of building permits, a
23 notarized contractor's sworn affidavit, and
24 photographs of the interior and exterior of the
25 building after new construction or rehabilitation is
26 completed;

1 (E) written evidence that the residential real
2 property meets local building codes, or if there are
3 no local building codes, Housing Quality Standards, as
4 determined by the United States Department of Housing
5 and Urban Development;

6 (F) a list identifying the affordable units in
7 residential real property and a written statement that
8 the affordable units are comparable to the market rate
9 units in terms of unit type, number of bedrooms per
10 unit, quality of exterior appearance, energy
11 efficiency, and overall quality of construction;

12 (G) a written schedule certifying the rents in
13 each affordable unit and a written statement that
14 these rents do not exceed the maximum rents allowable
15 for the area in which the residential real property is
16 located;

17 (H) documentation from the administering agency
18 verifying the owner's participation in a qualifying
19 income-based rental subsidy program as defined in
20 subsection (e) of this Section if units receiving
21 rental subsidies are to be counted among the
22 affordable units in order to meet the thresholds
23 defined in this Section;

24 (I) a written statement identifying the household
25 income for every household occupying an affordable
26 unit and certifying that the household income does not

1 exceed the maximum income limits allowable for the
2 area in which the residential real property is
3 located;

4 (J) a written statement that the owner has
5 verified and retained documentation of household
6 income for every household occupying an affordable
7 unit; and

8 (K) any additional information consistent with
9 this Section as reasonably required by the chief
10 county assessment officer, including, but not limited
11 to, any information necessary to ensure compliance
12 with applicable local ordinances and to ensure the
13 owner is complying with the provisions of subparagraph
14 (F) of paragraph (4) of subsection (d) of this
15 Section.

16 (2) The application requirements contained in
17 paragraph (1) of subsection (f) are continuing
18 requirements for the duration of the reduction in assessed
19 value received and may be annually or periodically
20 verified by the chief county assessment officer for the
21 county whereby the benefit is being issued.

22 (3) In lieu of submitting an application containing
23 the information prescribed in paragraph (1) of subsection
24 (f), the chief county assessment officer may allow for
25 submission of a substantially similar certification
26 granted by the Illinois Housing Development Authority or a

1 comparable local authority provided that the chief county
2 assessment officer independently verifies the veracity of
3 the certification with the Illinois Housing Development
4 Authority or comparable local authority.

5 (4) The chief county assessment officer shall notify
6 the owner as to whether or not the property meets the
7 requirements of this Section. If the property does not
8 meet the requirements of this Section, the chief county
9 assessment officer shall provide written notice of any
10 deficiencies to the owner, who shall then have 30 days
11 from the date of notification to provide supplemental
12 information showing compliance with this Section. The
13 chief county assessment officer shall, in its discretion,
14 grant additional time to cure any deficiency. If the owner
15 does not exercise this right to cure the deficiency, or if
16 the information submitted, in the sole judgment of the
17 chief county assessment officer, is insufficient to meet
18 the requirements of this Section, the chief county
19 assessment officer shall provide a written explanation of
20 the reasons for denial.

21 (5) The chief county assessment officer may charge a
22 reasonable application fee to offset the administrative
23 expenses associated with the program.

24 (6) The reduced valuation conferred by this Section is
25 limited as follows:

26 (A) The owner is eligible to apply for the reduced

1 valuation conferred by this Section beginning in the
2 first assessment year after the effective date of this
3 amendatory Act of the 102nd General Assembly through
4 December 31, 2031. If approved, the reduction will be
5 effective for the current assessment year, which will
6 be reflected in the tax bill issued in the following
7 calendar year. Owners that are approved for the
8 reduced valuation under this Section before December
9 31, 2031 shall, at minimum, be eligible for annual
10 renewal of the reduced valuation during an initial
11 10-year period if annual certification requirements
12 are met for each of the 10 years, as described in
13 subparagraph (B) of paragraph (4) of subsection (d) of
14 this Section until December 31, 2041.

15 (B) Property receiving a reduction outlined in
16 paragraph (1) of subsection (c) of this Section shall
17 continue to be eligible for an initial period of up to
18 10 years if annual certification requirements are met
19 for each of the 10 years, but shall be extended for up
20 to 2 additional 10-year periods with annual renewals
21 if the owner continues to meet the requirements of
22 this Section, including annual certifications, and
23 excluding the requirements regarding new construction
24 or qualifying rehabilitation defined in subparagraph
25 (D) of paragraph (1) of this subsection.

26 (C) The annual certification materials in the year

1 prior to final year of eligibility for the reduction
2 in assessed value must include a dated copy of the
3 written notice provided to tenants informing them of
4 the date of the termination if the owner is not seeking
5 a renewal.

6 (D) If the property is sold or transferred, the
7 purchaser or transferee must comply with all
8 requirements of this Section, excluding the
9 requirements regarding new construction or qualifying
10 rehabilitation defined in subparagraph (D) of
11 paragraph (1) of this subsection, in order to continue
12 receiving the reduction in assessed value. Purchasers
13 and transferees who comply with all requirements of
14 this Section excluding the requirements regarding new
15 construction or qualifying rehabilitation defined in
16 subparagraph (D) of paragraph (1) of this subsection
17 are eligible to apply for renewal on the schedule set
18 by the initial application.

19 (E) The owner may apply for the reduced valuation
20 if the residential real property meets all
21 requirements of this Section and the newly-constructed
22 residential real property or improvements to existing
23 residential real property were put in service on or
24 after January 1, 2015. However, the initial 10-year
25 eligibility period shall be reduced by the number of
26 years between the placed in service date and the date

1 the owner first receives this reduced valuation.

2 (F) The owner may apply for the reduced valuation
3 within 2 years after the newly-constructed residential
4 real property or improvements to existing residential
5 real property are put in service. However, the initial
6 10 year eligibility period shall be reduced for the
7 number of years between the placed in service date and
8 the date the owner first receives this reduced
9 valuation.

10 (G) Owners of a multifamily building receiving a
11 reduced valuation through the Cook County Class 9
12 program during the year in which this amendatory Act
13 of the 102nd General Assembly takes effect shall be
14 deemed automatically eligible for the reduced
15 valuation defined in this Section in terms of meeting
16 the criteria for new construction or substantial
17 rehabilitation for a specific multifamily building
18 regardless of when the newly-constructed residential
19 real property or improvements to existing residential
20 real property were put in service. If a Cook County
21 Class 9 owner had Class 9 status revoked on or after
22 January 1, 2017 but can provide documents sufficient
23 to prove that the revocation was in error or any
24 deficiencies leading to the revocation have been
25 cured, the chief county assessment officer may deem
26 the owner to be eligible. However, owners may not

1 receive both the reduced valuation under this Section
2 and the reduced valuation under the Cook County Class
3 9 program in any single assessment year. In addition,
4 the number of years during which an owner has
5 participated in the Class 9 program shall count
6 against the 3 10-year periods of eligibility for the
7 reduced valuation as defined in subparagraph (1) of
8 subsection (c) of this Section.

9 (H) At the completion of the assessment reduction
10 period described in this Section, the entire parcel
11 will be assessed as otherwise provided by law.

12 (e) For the purposes of this Section,

13 "Affordable units" means units that have rents that do not
14 exceed the maximum rents as defined in this Section.

15 "Household income" includes the annual income for all the
16 people who occupy a housing unit that is anticipated to be
17 received from a source outside of the family during the
18 12-month period following admission or the annual
19 recertification, including related family members and all the
20 unrelated people who share the housing unit. Household income
21 includes the sum total of the following income sources: wages,
22 salaries and tips before any payroll deductions; net business
23 income; interest and dividends; payments in lieu of earnings,
24 such as unemployment and disability compensation, worker's
25 compensation and severance pay; Social Security income,
26 including lump sum payments; payments from insurance policies,

1 annuities, pensions, disability benefits and other types of
2 periodic payments, alimony, child support, and other regular
3 monetary contributions; and public assistance, except for
4 assistance from the Supplemental Nutrition Assistance Program
5 (SNAP). "Household income" does not include: earnings of
6 children under age 18; temporary income such as cash gifts;
7 reimbursement for medical expenses; lump sums from
8 inheritance, insurance payments, settlements for personal or
9 property losses; student financial assistance paid directly to
10 the student or to an educational institution; foster child
11 care payments; receipts from government-funded training
12 programs; assistance from the Supplemental Nutrition
13 Assistance Program (SNAP).

14 "Low affordability community" means (1) a municipality or
15 jurisdiction in which 40% or less of its total year-round
16 housing units are affordable, as determined by the Illinois
17 Housing Development Authority during the exemption
18 determination process under the Affordable Housing Planning
19 and Appeal Act; or (2) a jurisdiction located in a
20 municipality with 1,000,000 or more inhabitants that has been
21 designated as a low affordability community by passage of a
22 local ordinance by that municipality, specifying the census
23 tract or property by permanent index number or numbers.

24 "Maximum income limits" means the maximum regular income
25 limits for 60% of area median income for the geographic area in
26 which the multifamily building is located for multifamily

1 programs as determined by the United States Department of
2 Housing and Urban Development and published annually by the
3 Illinois Housing Development Authority.

4 "Maximum rent" means the maximum regular rent for 60% of
5 the area median income for the geographic area in which the
6 multifamily building is located for multifamily programs as
7 determined by the United States Department of Housing and
8 Urban Development and published annually by the Illinois
9 Housing Development Authority. To be eligible for the reduced
10 valuation defined in this Section, maximum rents are to be
11 consistent with the Illinois Housing Development Authority's
12 rules; or if the owner is leasing an affordable unit to a
13 household with an income at or below the maximum income limit
14 who is participating in qualifying income-based rental subsidy
15 program, "maximum rent" means the maximum rents allowable
16 under the guidelines of the qualifying income-based rental
17 subsidy program.

18 "Qualifying income-based rental subsidy program" means a
19 Housing Choice Voucher issued by a housing authority under
20 Section 8 of the United States Housing Act of 1937, a tenant
21 voucher converted to a project-based voucher by a housing
22 authority or any other program administered or funded by a
23 housing authority, the Illinois Housing Development Authority,
24 another State agency, a federal agency, or a unit of local
25 government where participation is limited to households with
26 incomes at or below the maximum income limits as defined in

1 this Section and the tenants' portion of the rent payment is
2 based on a percentage of their income or a flat amount that
3 does not exceed the maximum rent as defined in this Section.

4 "Qualifying rehabilitation" means, at a minimum,
5 compliance with local building codes and the replacement or
6 renovation of at least 2 primary building systems to be
7 approved for the reduced valuation under paragraph (1) of
8 subsection (c) of this Section and at least 5 primary building
9 systems to be approved for the reduced valuation under
10 paragraph (2) of subsection (c) of this Section. Although the
11 cost of each primary building system may vary, to be approved
12 for the reduced valuation under paragraph (1) of subsection
13 (c) of this Section, the combined expenditure for making the
14 building compliant with local codes and replacing primary
15 building systems must be at least \$8 per square foot for work
16 completed between January 1 of the year in which this
17 amendatory Act of the 102nd General Assembly takes effect and
18 December 31 of the year in which this amendatory Act of the
19 102nd General Assembly takes effect and, in subsequent years,
20 \$8 adjusted by the Consumer Price Index for All Urban
21 Consumers, as published annually by the U.S. Department of
22 Labor. To be approved for the reduced valuation under
23 paragraph (2) of subsection (c) of this Section, the combined
24 expenditure for making the building compliant with local codes
25 and replacing primary building systems must be at least \$60
26 per square foot for work completed between January 1 of the

1 year that this amendatory Act of the 102nd General Assembly
2 becomes effective and December 31 of the year that this
3 amendatory Act of the 102nd General Assembly becomes effective
4 and, in subsequent years, \$60 adjusted by the Consumer Price
5 Index for All Urban Consumers, as published annually by the
6 U.S. Department of Labor. "Primary building systems", together
7 with their related rehabilitations, specifically approved for
8 this program are:

9 (1) Electrical. All electrical work must comply with
10 applicable codes; it may consist of a combination of any
11 of the following alternatives:

12 (A) installing individual equipment and appliance
13 branch circuits as required by code (the minimum being
14 a kitchen appliance branch circuit);

15 (B) installing a new emergency service, including
16 emergency lighting with all associated conduits and
17 wiring;

18 (C) rewiring all existing feeder conduits ("home
19 runs") from the main switchgear to apartment area
20 distribution panels;

21 (D) installing new in-wall conduits for
22 receptacles, switches, appliances, equipment, and
23 fixtures;

24 (E) replacing power wiring for receptacles,
25 switches, appliances, equipment, and fixtures;

26 (F) installing new light fixtures throughout the

1 building including closets and central areas;

2 (G) replacing, adding, or doing work as necessary
3 to bring all receptacles, switches, and other
4 electrical devices into code compliance;

5 (H) installing a new main service, including
6 conduit, cables into the building, and main disconnect
7 switch; and

8 (I) installing new distribution panels, including
9 all panel wiring, terminals, circuit breakers, and all
10 other panel devices.

11 (2) Heating. All heating work must comply with
12 applicable codes; it may consist of a combination of any
13 of the following alternatives:

14 (A) installing a new system to replace one of the
15 following heat distribution systems:

16 (i) piping and heat radiating units, including
17 new main line venting and radiator venting; or

18 (ii) duct work, diffusers, and cold air
19 returns; or

20 (iii) any other type of existing heat
21 distribution and radiation/diffusion components;

22 or

23 (B) installing a new system to replace one of the
24 following heat generating units:

25 (i) hot water/steam boiler;

26 (ii) gas furnace; or

1 (iii) any other type of existing heat
2 generating unit.

3 (3) Plumbing. All plumbing work must comply with
4 applicable codes. Replace all or a part of the in-wall
5 supply and waste plumbing; however, main supply risers,
6 waste stacks and vents, and code-conforming waste lines
7 need not be replaced.

8 (4) Roofing. All roofing work must comply with
9 applicable codes; it may consist of either of the
10 following alternatives, separately or in combination:

11 (A) replacing all rotted roof decks and
12 insulation; or

13 (B) replacing or repairing leaking roof membranes
14 (10% is the suggested minimum replacement of
15 membrane); restoration of the entire roof is an
16 acceptable substitute for membrane replacement.

17 (5) Exterior doors and windows. Replace the exterior
18 doors and windows. Renovation of ornate entry doors is an
19 acceptable substitute for replacement.

20 (6) Floors, walls, and ceilings. Finishes must be
21 replaced or covered over with new material. Acceptable
22 replacement or covering materials are as follows:

23 (A) floors must have new carpeting, vinyl tile,
24 ceramic, refurbished wood finish, or a similar
25 substitute;

26 (B) walls must have new drywall, including joint

1 taping and painting; or

2 (C) new ceilings must be either drywall, suspended
3 type, or a similar

4 (7) Exterior walls.

5 (A) replace loose or crumbling mortar and masonry
6 with new material;

7 (B) replace or paint wall siding and trim as
8 needed;

9 (C) bring porches and balconies to a sound
10 condition; or

11 (D) any combination of (A), (B), and (C).

12 (8) Elevators. Where applicable, at least 4 of the
13 following 7 alternatives must be accomplished:

14 (A) replace or rebuild the machine room controls
15 and refurbish the elevator machine (or equivalent
16 mechanisms in the case of hydraulic elevators);

17 (B) replace hoistway electro-mechanical items
18 including: ropes, switches, limits, buffers, levelers,
19 and deflector sheaves (or equivalent mechanisms in the
20 case of hydraulic elevators);

21 (C) replace hoistway wiring;

22 (D) replace door operators and linkage;

23 (E) replace door panels at each opening;

24 (F) replace hall stations, car stations, and
25 signal fixtures; or

26 (G) rebuild the car shell and refinish the

1 interior.

2 (9) Health and safety.

3 (A) install or replace fire suppression systems;

4 (B) install or replace security systems; or

5 (C) environmental remediation of lead-based paint,
6 asbestos, leaking underground storage tanks, or radon.

7 (10) Energy conservation improvements undertaken to
8 limit the amount of solar energy absorbed by a building's
9 roof or to reduce energy use for the property, including,
10 but not limited to, any of the following activities:

11 (A) installing or replacing reflective roof
12 coatings (flat roofs);

13 (B) installing or replacing R-49 roof insulation;

14 (C) installing or replacing R-19 perimeter wall
15 insulation;

16 (D) installing or replacing insulated entry doors;

17 (E) installing or replacing Low E, insulated
18 windows;

19 (F) installing or replacing WaterSense labeled
20 plumbing fixtures;

21 (G) installing or replacing 90% or better sealed
22 combustion heating systems;

23 (H) installing Energy Star hot water heaters;

24 (I) installing or replacing mechanical ventilation
25 to exterior for kitchens and baths;

26 (J) installing or replacing Energy Star

1 appliances;

2 (K) installing or replacing Energy Star certified
3 lighting in common areas; or

4 (L) installing or replacing grading and
5 landscaping to promote on-site water retention if the
6 retained water is used to replace water that is
7 provided from a municipal source.

8 (11) Accessibility improvements. All accessibility
9 improvements must comply with applicable codes. An owner
10 may make accessibility improvements to residential real
11 property to increase access for people with disabilities.
12 As used in this paragraph (11), "disability" has the
13 meaning given to that term in the Illinois Human Rights
14 Act. As used in this paragraph (11), "accessibility
15 improvements" means a home modification listed under the
16 Home Services Program administered by the Department of
17 Human Services (Part 686 of Title 89 of the Illinois
18 Administrative Code) including, but not limited to:
19 installation of ramps, grab bars, or wheelchair lifts;
20 widening doorways or hallways; re-configuring rooms and
21 closets; and any other changes to enhance the independence
22 of people with disabilities.

23 (12) Any applicant who has purchased the property in
24 an arm's length transaction not more than 90 days before
25 applying for this reduced valuation may use the cost of
26 rehabilitation or repairs required by documented code

1 violations, up to a maximum of \$2 per square foot, to meet
2 the qualifying rehabilitation requirements.

3 Section 90-25. The Illinois Insurance Code is amended by
4 changing Sections 409 and 444 as follows:

5 (215 ILCS 5/409) (from Ch. 73, par. 1021)

6 Sec. 409. Annual privilege tax payable by companies.

7 (1) As of January 1, 1999 for all health maintenance
8 organization premiums written; as of July 1, 1998 for all
9 premiums written as accident and health business, voluntary
10 health service plan business, dental service plan business, or
11 limited health service organization business; and as of
12 January 1, 1998 for all other types of insurance premiums
13 written, every company doing any form of insurance business in
14 this State, including, but not limited to, every risk
15 retention group, and excluding all fraternal benefit
16 societies, all farm mutual companies, all religious charitable
17 risk pooling trusts, and excluding all statutory residual
18 market and special purpose entities in which companies are
19 statutorily required to participate, whether incorporated or
20 otherwise, shall pay, for the privilege of doing business in
21 this State, to the Director for the State treasury a State tax
22 equal to 0.5% of the net taxable premium written, together
23 with any amounts due under Section 444 of this Code, except
24 that the tax to be paid on any premium derived from any

1 accident and health insurance or on any insurance business
2 written by any company operating as a health maintenance
3 organization, voluntary health service plan, dental service
4 plan, or limited health service organization shall be equal to
5 0.4% of such net taxable premium written, together with any
6 amounts due under Section 444. Upon the failure of any company
7 to pay any such tax due, the Director may, by order, revoke or
8 suspend the company's certificate of authority after giving 20
9 days written notice to the company, or commence proceedings
10 for the suspension of business in this State under the
11 procedures set forth by Section 401.1 of this Code. The gross
12 taxable premium written shall be the gross amount of premiums
13 received on direct business during the calendar year on
14 contracts covering risks in this State, except premiums on
15 annuities, premiums on which State premium taxes are
16 prohibited by federal law, premiums paid by the State for
17 health care coverage for Medicaid eligible insureds as
18 described in Section 5-2 of the Illinois Public Aid Code,
19 premiums paid for health care services included as an element
20 of tuition charges at any university or college owned and
21 operated by the State of Illinois, premiums on group insurance
22 contracts under the State Employees Group Insurance Act of
23 1971, and except premiums for deferred compensation plans for
24 employees of the State, units of local government, or school
25 districts. The net taxable premium shall be the gross taxable
26 premium written reduced only by the following:

1 (a) the amount of premiums returned thereon which
2 shall be limited to premiums returned during the same
3 preceding calendar year and shall not include the return
4 of cash surrender values or death benefits on life
5 policies including annuities;

6 (b) dividends on such direct business that have been
7 paid in cash, applied in reduction of premiums or left to
8 accumulate to the credit of policyholders or annuitants.
9 In the case of life insurance, no deduction shall be made
10 for the payment of deferred dividends paid in cash to
11 policyholders on maturing policies; dividends left to
12 accumulate to the credit of policyholders or annuitants
13 shall be included as gross taxable premium written when
14 such dividend accumulations are applied to purchase
15 paid-up insurance or to shorten the endowment or premium
16 paying period.

17 (2) The annual privilege tax payment due from a company
18 under subsection (4) of this Section may be reduced by: (a) the
19 excess amount, if any, by which the aggregate income taxes
20 paid by the company, on a cash basis, for the preceding
21 calendar year under Sections 601 and 803 of the Illinois
22 Income Tax Act exceed 1.5% of the company's net taxable
23 premium written for that prior calendar year, as determined
24 under subsection (1) of this Section; and (b) the amount of any
25 fire department taxes paid by the company during the preceding
26 calendar year under Section 11-10-1 of the Illinois Municipal

1 Code. Any deductible amount or offset allowed under items (a)
2 and (b) of this subsection for any calendar year will not be
3 allowed as a deduction or offset against the company's
4 privilege tax liability for any other taxing period or
5 calendar year.

6 (3) If a company survives or was formed by a merger,
7 consolidation, reorganization, or reincorporation, the
8 premiums received and amounts returned or paid by all
9 companies party to the merger, consolidation, reorganization,
10 or reincorporation shall, for purposes of determining the
11 amount of the tax imposed by this Section, be regarded as
12 received, returned, or paid by the surviving or new company.

13 (4)(a) All companies subject to the provisions of this
14 Section shall make an annual return for the preceding calendar
15 year on or before March 15 setting forth such information on
16 such forms as the Director may reasonably require. Payments of
17 quarterly installments of the taxpayer's total estimated tax
18 for the current calendar year shall be due on or before April
19 15, June 15, September 15, and December 15 of such year, except
20 that all companies transacting insurance in this State whose
21 annual tax for the immediately preceding calendar year was
22 less than \$5,000 shall make only an annual return. Failure of a
23 company to make the annual payment, or to make the quarterly
24 payments, if required, of at least 25% of either (i) the total
25 tax paid during the previous calendar year or (ii) 80% of the
26 actual tax for the current calendar year shall subject it to

1 the penalty provisions set forth in Section 412 of this Code.

2 (b) Notwithstanding the foregoing provisions, no annual
3 return shall be required or made on March 15, 1998, under this
4 subsection. For the calendar year 1998:

5 (i) each health maintenance organization shall have no
6 estimated tax installments;

7 (ii) all companies subject to the tax as of July 1,
8 1998 as set forth in subsection (1) shall have estimated
9 tax installments due on September 15 and December 15 of
10 1998 which installments shall each amount to no less than
11 one-half of 80% of the actual tax on its net taxable
12 premium written during the period July 1, 1998, through
13 December 31, 1998; and

14 (iii) all other companies shall have estimated tax
15 installments due on June 15, September 15, and December 15
16 of 1998 which installments shall each amount to no less
17 than one-third of 80% of the actual tax on its net taxable
18 premium written during the calendar year 1998.

19 In the year 1999 and thereafter all companies shall make
20 annual and quarterly installments of their estimated tax as
21 provided by paragraph (a) of this subsection.

22 (5) In addition to the authority specifically granted
23 under Article XXV of this Code, the Director shall have such
24 authority to adopt rules and establish forms as may be
25 reasonably necessary for purposes of determining the
26 allocation of Illinois corporate income taxes paid under

1 subsections (a) through (d) of Section 201 of the Illinois
2 Income Tax Act amongst members of a business group that files
3 an Illinois corporate income tax return on a unitary basis,
4 for purposes of regulating the amendment of tax returns, for
5 purposes of defining terms, and for purposes of enforcing the
6 provisions of Article XXV of this Code. The Director shall
7 also have authority to defer, waive, or abate the tax imposed
8 by this Section if in his opinion the company's solvency and
9 ability to meet its insured obligations would be immediately
10 threatened by payment of the tax due.

11 (6) This Section is subject to the provisions of Section
12 10 of the New Markets Development Program Act.

13 (7) This Section is subject to the provisions of the Build
14 Illinois Homes Tax Credit Act. For taxable years beginning on
15 or after January 1, 2022, qualified taxpayers are entitled to
16 claim credits awarded in accordance with the Build Illinois
17 Homes Tax Credit on or after January 1, 2021 against the taxes
18 imposed by this Section as provided in the Build Illinois
19 Homes Tax Credit Act. Companies claiming a credit under the
20 Build Illinois Homes Tax Credit Act are not required to pay any
21 additional tax as a result of claiming the credit. The credit
22 may fully offset any amounts imposed under this Section.

23 (Source: P.A. 97-813, eff. 7-13-12; 98-1169, eff. 1-9-15.)

24 (215 ILCS 5/444) (from Ch. 73, par. 1056)

25 Sec. 444. Retaliation.

1 (1) Whenever the existing or future laws of any other
2 state or country shall require of companies incorporated or
3 organized under the laws of this State as a condition
4 precedent to their doing business in such other state or
5 country, compliance with laws, rules, regulations, and
6 prohibitions more onerous or burdensome than the rules and
7 regulations imposed by this State on foreign or alien
8 companies, or shall require any deposit of securities or other
9 obligations in such state or country, for the protection of
10 policyholders or otherwise or require of such companies or
11 agents thereof or brokers the payment of penalties, fees,
12 charges, or taxes greater than the penalties, fees, charges,
13 or taxes required in the aggregate for like purposes by this
14 Code or any other law of this State, of foreign or alien
15 companies, agents thereof or brokers, then such laws, rules,
16 regulations, and prohibitions of said other state or country
17 shall apply to companies incorporated or organized under the
18 laws of such state or country doing business in this State, and
19 all such companies, agents thereof, or brokers doing business
20 in this State, shall be required to make deposits, pay
21 penalties, fees, charges, and taxes, in amounts equal to those
22 required in the aggregate for like purposes of Illinois
23 companies doing business in such state or country, agents
24 thereof or brokers. Whenever any other state or country shall
25 refuse to permit any insurance company incorporated or
26 organized under the laws of this State to transact business

1 according to its usual plan in such other state or country, the
2 director may, if satisfied that such company of this State is
3 solvent, properly managed, and can operate legally under the
4 laws of such other state or country, forthwith suspend or
5 cancel the license of every insurance company doing business
6 in this State which is incorporated or organized under the
7 laws of such other state or country to the extent that it
8 insures in this State against any of the risks or hazards which
9 are sought to be insured against by the company of this State
10 in such other state or country.

11 (2) The provisions of this Section shall not apply to
12 residual market or special purpose assessments or guaranty
13 fund or guaranty association assessments, both under the laws
14 of this State and under the laws of any other state or country,
15 and any tax offset or credit for any such assessment shall, for
16 purposes of this Section, be treated as a tax paid both under
17 the laws of this State and under the laws of any other state or
18 country.

19 (3) The terms "penalties", "fees", "charges", and "taxes"
20 in subsection (1) of this Section shall include: the
21 penalties, fees, charges, and taxes collected on a cash basis
22 under State law and referenced within Article XXV exclusive of
23 any items referenced by subsection (2) of this Section, but
24 including any tax offset allowed under Section 531.13 of this
25 Code; the aggregate Illinois corporate income taxes paid under
26 Sections 601 and 803 of the Illinois Income Tax Act during the

1 calendar year for which the retaliatory tax calculation is
2 being made, less the recapture of any Illinois corporate
3 income tax cash refunds to the extent that the amount of tax
4 refunded was reported as part of the Illinois basis in the
5 calculation of the retaliatory tax for a prior tax year,
6 provided that such recaptured refund shall not exceed the
7 amount necessary for equivalence of the Illinois basis with
8 the state of incorporation basis in such tax year, and after
9 any tax offset allowed under Section 531.13 of this Code;
10 income or personal property taxes imposed by other states or
11 countries; penalties, fees, charges, and taxes of other states
12 or countries imposed for purposes like those of the penalties,
13 fees, charges, and taxes specified in Article XXV of this Code
14 exclusive of any item referenced in subsection (2) of this
15 Section; and any penalties, fees, charges, and taxes required
16 as a franchise, privilege, or licensing tax for conducting the
17 business of insurance whether calculated as a percentage of
18 income, gross receipts, premium, or otherwise.

19 (4) Nothing contained in this Section or Section 409 or
20 Section 444.1 is intended to authorize or expand any power of
21 local governmental units or municipalities to impose taxes,
22 fees, or charges.

23 (5) This Section is subject to the provisions of Section
24 10 of the New Markets Development Program Act.

25 (6) This Section is subject to the provisions of the Build
26 Illinois Homes Tax Credit Act. For taxable years beginning on

1 or after January 1, 2022, qualified taxpayers are entitled to
2 claim credits awarded in accordance with the Build Illinois
3 Homes Tax Credit on or after January 1, 2021 against the taxes
4 imposed by this Section as provided in the Build Illinois
5 Homes Tax Credit Act. Companies claiming a credit under the
6 Build Illinois Homes Tax Credit Act are not required to pay any
7 additional tax as a result of claiming the credit. The credit
8 may fully offset any amounts imposed under this Section.

9 (Source: P.A. 98-1169, eff. 1-9-15.)

10 Section 90-30. The Affordable Housing Planning and Appeal
11 Act is amended by changing Sections 15, 25, and 50 and by
12 adding Section 70 as follows:

13 (310 ILCS 67/15)

14 Sec. 15. Definitions. As used in this Act:

15 "Affordable housing" means housing that has a value or
16 cost or rental amount that is within the means of a household
17 that may occupy moderate-income or low-income housing. In the
18 case of owner-occupied dwelling units, housing that is
19 affordable means housing in which mortgage, amortization,
20 taxes, insurance, and condominium or association fees, if any,
21 constitute no more than 30% of the gross annual household
22 income for a household of the size that may occupy the unit. In
23 the case of dwelling units for rent, housing that is
24 affordable means housing for which the rent, any required

1 parking, maintenance, landlord-imposed fees, and utilities
2 constitute no more than 30% of the gross annual household
3 income for a household of the size that may occupy the unit.

4 "Affordable housing developer" means a nonprofit entity,
5 limited equity cooperative or public agency, or private
6 individual, firm, corporation, or other entity seeking to
7 build an affordable housing development.

8 "Affordable housing development" means (i) any housing
9 that is subsidized by the federal or State government or (ii)
10 any housing in which at least 20% of the dwelling units are
11 subject to covenants or restrictions that require that the
12 dwelling units be sold or rented at prices that preserve them
13 as affordable housing for a period of at least 15 years, in the
14 case of owner-occupied housing, and at least 30 years, in the
15 case of rental housing.

16 "Approving authority" means the governing body of the
17 county or municipality.

18 "Area median household income" means the median household
19 income adjusted for family size for applicable income limit
20 areas as determined annually by the federal Department of
21 Housing and Urban Development under Section 8 of the United
22 States Housing Act of 1937.

23 "Community land trust" means a private, not-for-profit
24 corporation organized exclusively for charitable, cultural,
25 and other purposes and created to acquire and own land for the
26 benefit of the local government, including the creation and

1 preservation of affordable housing.

2 "Development" means any building, construction,
3 renovation, or excavation or any material change in any
4 structure or land, or change in the use of such structure or
5 land, that results in a net increase in the number of dwelling
6 units in a structure or on a parcel of land by more than one
7 dwelling unit.

8 "Exempt local government" means any local government in
9 which at least 10% of its total year-round housing units are
10 affordable, as determined by the Illinois Housing Development
11 Authority pursuant to Section 20 of this Act; or any
12 municipality under 1,000 population.

13 "Household" means the person or persons occupying a
14 dwelling unit.

15 "Housing trust fund" means a separate fund, either within
16 a local government or between local governments pursuant to
17 intergovernmental agreement, established solely for the
18 purposes authorized in subsection (d) of Section 25,
19 including, without limitation, the holding and disbursing of
20 financial resources to address the affordable housing needs of
21 individuals or households that may occupy low-income or
22 moderate-income housing.

23 "Local government" means a county or municipality.

24 "Low-income housing" means housing that is affordable,
25 according to the federal Department of Housing and Urban
26 Development, for either home ownership or rental, and that is

1 occupied, reserved, or marketed for occupancy by households
2 with a gross household income that does not exceed 50% of the
3 area median household income.

4 "Moderate-income housing" means housing that is
5 affordable, according to the federal Department of Housing and
6 Urban Development, for either home ownership or rental, and
7 that is occupied, reserved, or marketed for occupancy by
8 households with a gross household income that is greater than
9 50% but does not exceed 80% of the area median household
10 income.

11 "Non-appealable local government requirements" means all
12 essential requirements that protect the public health and
13 safety, including any local building, electrical, fire, or
14 plumbing code requirements or those requirements that are
15 critical to the protection or preservation of the environment.

16 (Source: P.A. 98-287, eff. 8-9-13.)

17 (310 ILCS 67/25)

18 Sec. 25. Affordable housing plan.

19 (a) Prior to April 1, 2005, all non-exempt local
20 governments must approve an affordable housing plan. Any local
21 government that is determined by the Illinois Housing
22 Development Authority under Section 20 to be non-exempt for
23 the first time based on the recalculation of U.S. Census
24 Bureau data after 2010 shall have 18 months from the date of
25 notification of its non-exempt status to approve an affordable

1 housing plan under this Act. On and after the effective date of
2 this amendatory Act of the 102nd General Assembly, an
3 affordable housing plan, or any revision thereof, shall not be
4 adopted by a non-exempt local government until notice and
5 opportunity for public hearing have first been afforded.

6 (b) For the purposes of this Act, the affordable housing
7 plan shall consist of at least the following:

8 (i) a statement of the total number of affordable
9 housing units that are necessary to exempt the local
10 government from the operation of this Act as defined in
11 Section 15 and Section 20;

12 (ii) an identification of lands within the
13 jurisdiction that are most appropriate for the
14 construction of affordable housing and of existing
15 structures most appropriate for conversion to, or
16 rehabilitation for, affordable housing, including a
17 consideration of lands and structures of developers who
18 have expressed a commitment to provide affordable housing
19 and lands and structures that are publicly or
20 semi-publicly owned;

21 (iii) incentives that local governments may provide
22 for the purpose of attracting affordable housing to their
23 jurisdiction; and

24 (iv) a goal of a minimum of 15% of all new development
25 or redevelopment within the local government that would be
26 defined as affordable housing in this Act; or a minimum of

1 a 3 percentage point increase in the overall percentage of
2 affordable housing within its jurisdiction, as described
3 in subsection (b) of Section 20 of this Act; or a minimum
4 of a total of 10% affordable housing within its
5 jurisdiction as described in subsection (b) of Section 20
6 of this Act. These goals may be met, in whole or in part,
7 through the creation of affordable housing units under
8 intergovernmental agreements as described in subsection
9 (e) of this Section.

10 (c) Within 60 days after the adoption of an affordable
11 housing plan or revisions to its affordable housing plan, the
12 local government must submit a copy of that plan to the
13 Illinois Housing Development Authority.

14 (d) In order to promote the goals of this Act and to
15 maximize the creation, establishment, or preservation of
16 affordable housing throughout the State of Illinois, a local
17 government, whether exempt or non-exempt under this Act, may
18 adopt the following measures to address the need for
19 affordable housing:

20 (1) Local governments may individually or jointly
21 create or participate in a housing trust fund or otherwise
22 provide funding or support for the purpose of supporting
23 affordable housing, including, without limitation, to
24 support the following affordable housing activities:

25 (A) Housing production, including, without
26 limitation, new construction, rehabilitation, and

1 adaptive re-use.

2 (B) Acquisition, including, without limitation,
3 land, single-family homes, multi-unit buildings, and
4 other existing structures that may be used in whole or
5 in part for residential use.

6 (C) Rental payment assistance.

7 (D) Home-ownership purchase assistance.

8 (E) Preservation of existing affordable housing.

9 (F) Weatherization.

10 (G) Emergency repairs.

11 (H) Housing related support services, including
12 homeownership education and financial counseling.

13 (I) Grants or loans to not-for-profit
14 organizations engaged in addressing the affordable
15 housing needs of low-income and moderate-income
16 households.

17 Local governments may authorize housing trust funds to
18 accept and utilize funds, property, and other resources
19 from all proper and lawful public and private sources so
20 long as those funds are used solely for addressing the
21 affordable housing needs of individuals or households that
22 may occupy low-income or moderate-income housing.

23 (2) A local government may create a community land
24 trust, which may: acquire developed or undeveloped
25 interests in real property and hold them for affordable
26 housing purposes; convey such interests under long-term

1 leases, including ground leases; convey such interests for
2 affordable housing purposes; and retain an option to
3 reacquire any such real property interests at a price
4 determined by a formula ensuring that such interests may
5 be utilized for affordable housing purposes.

6 (3) A local government may use its zoning powers to
7 require the creation and preservation of affordable
8 housing as authorized under Section 5-12001 of the
9 Counties Code and Section 11-13-1 of the Illinois
10 Municipal Code.

11 (4) A local government may accept donations of money
12 or land for the purpose of addressing the affordable
13 housing needs of individuals or households that may occupy
14 low-income or moderate-income housing. These donations may
15 include, without limitation, donations of money or land
16 from persons, as long as the donations are demonstrably
17 used to preserve, create, or subsidize low-income housing
18 or moderate-income housing within the jurisdiction in lieu
19 of building affordable housing.

20 (e) In order to encourage regional cooperation and the
21 maximum creation of affordable housing in areas lacking such
22 housing in the State of Illinois, any non-exempt local
23 government may enter into intergovernmental agreements under
24 subsection (e) of Section 25 with local governments within 10
25 miles of its corporate boundaries in order to create
26 affordable housing units to meet the goals of this Act. A

1 non-exempt local government may not enter into an
2 intergovernmental agreement, however, with any local
3 government that contains more than 25% affordable housing as
4 determined under Section 20 of this Act. All intergovernmental
5 agreements entered into to create affordable housing units to
6 meet the goals of this Act must also specify the basis for
7 determining how many of the affordable housing units created
8 will be credited to each local government participating in the
9 agreement for purposes of complying with this Act. All
10 intergovernmental agreements entered into to create affordable
11 housing units to meet the goals of this Act must also specify
12 the anticipated number of newly created affordable housing
13 units that are to be credited to each local government
14 participating in the agreement for purposes of complying with
15 this Act. In specifying how many affordable housing units will
16 be credited to each local government, the same affordable
17 housing unit may not be counted by more than one local
18 government.

19 (f) To enforce compliance with the provisions of this
20 Section, and to encourage local governments to submit their
21 affordable housing plans to the Illinois Housing Development
22 Authority in a timely manner, the Illinois Housing Development
23 Authority shall notify any local government and may notify the
24 Office of the Attorney General that the local government is in
25 violation of State law if the Illinois Housing Development
26 Authority finds that the affordable housing plan submitted is

1 not in substantial compliance with this Section or that the
2 local government failed to submit an affordable housing plan.
3 The Attorney General may enforce this provision of the Act by
4 an action for mandamus or injunction or by means of other
5 appropriate relief.

6 (Source: P.A. 98-287, eff. 8-9-13.)

7 (310 ILCS 67/50)

8 Sec. 50. Housing Appeals Board.

9 (a) Prior to January 1, 2008, a Housing Appeals Board
10 shall be created consisting of 7 members appointed by the
11 Governor as follows:

12 (1) a retired circuit judge or retired appellate
13 judge, who shall act as chairperson;

14 (2) a zoning board of appeals member;

15 (3) a planning board member;

16 (4) a mayor or municipal council or board member;

17 (5) a county board member;

18 (6) an affordable housing developer; and

19 (7) an affordable housing advocate.

20 In addition, the Chairman of the Illinois Housing
21 Development Authority, ex officio, shall serve as a non-voting
22 member. No more than 4 of the appointed members may be from the
23 same political party. Appointments under items (2), (3), and
24 (4) shall be from local governments that are not exempt under
25 this Act.

1 (b) Initial terms of 4 members designated by the Governor
2 shall be for 2 years. Initial terms of 3 members designated by
3 the Governor shall be for one year. Thereafter, members shall
4 be appointed for terms of 2 years. After a member's term
5 expires, the member shall continue to serve until a successor
6 is appointed. There shall be no limit to the number of terms an
7 appointee may serve. A member shall receive no compensation
8 for his or her services, but shall be reimbursed by the State
9 for all reasonable expenses actually and necessarily incurred
10 in the performance of his or her official duties. The board
11 shall hear all petitions for review filed under this Act and
12 shall conduct all hearings in accordance with the rules and
13 regulations established by the chairperson. The Illinois
14 Housing Development Authority shall provide space and clerical
15 and other assistance that the Board may require.

16 (c) (Blank).

17 (d) Any vacancies in the Housing Appeals Board shall be
18 filled within 90 days of the vacancy.

19 (Source: P.A. 98-287, eff. 8-9-13.)

20 (310 ILCS 67/70 new)

21 Sec. 70. Home rule application. Unless otherwise provided
22 under this Act or otherwise in accordance with State law, a
23 unit of local government, including a home rule unit, or any
24 non-home rule county within the unincorporated territory of
25 the county, may not regulate the activities described in this

1 Act in a manner more restrictive than the regulation of those
2 activities by the State under this Act. This Section is a
3 limitation under subsection (i) of Section 6 of Article VII of
4 the Illinois Constitution on the concurrent exercise by home
5 rule units of powers and functions exercised by the State.

6 Article 99. Effective Date

7 Section 99-99. Effective date. This Act takes effect upon
8 becoming law.