

SB2651



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2651

Introduced 1/10/2024, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-30004

from Ch. 34, par. 5-30004

Amends the Illinois County Historic Preservation Law of the Counties Code. Provides that a county board may maintain, restore, rehabilitate, beautify, or adaptively reuse places of architectural significance, historic significance, or scenic significance and to lease or license County-held property to public or private entities for not longer than 99 years for such purposes. Declares that these activities are a public use. Defines "adaptive reuse". Effective immediately.

LRB103 34493 AWJ 64325 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-30004 as follows:

6 (55 ILCS 5/5-30004) (from Ch. 34, par. 5-30004)

7 Sec. 5-30004. Authority to protect and preserve landmarks
8 and preservation districts. The county board of each county
9 shall have the following authority:

10 (1) to establish and appoint by ordinance a
11 preservation study committee and to take any reasonable
12 temporary actions to protect potential landmarks and
13 preservation districts during the term of an appointed
14 preservation study committee;

15 (2) to establish and appoint by ordinance a
16 preservation commission upon recommendation of a
17 preservation study committee;

18 (3) to conduct an ongoing survey of the county to
19 identify buildings, structures, areas, sites and
20 landscapes that are of historic, archaeological,
21 architectural, or scenic significance, and therefore
22 potential landmarks or preservation districts;

23 (4) to designate by ordinance landmarks and

1 preservation districts upon the recommendation of a
2 preservation commission and to establish a system of
3 markers, plaques or certificates for designated landmarks
4 and preservation districts;

5 (5) to prepare maps showing the location of landmarks
6 and preservation districts, publish educational
7 information, and prepare educational programs concerning
8 landmarks and preservation districts and their designation
9 and protection;

10 (6) to exercise any of the powers and authority in
11 relation to regional planning and zoning granted counties
12 by Divisions 5-12 and 5-14, for the purpose of protecting,
13 preserving, and continuing the use of landmarks and
14 preservation districts;

15 (7) to nominate landmarks and historic districts to
16 any state or federal registers of historic places;

17 (8) to appropriate and expend funds to carry out the
18 purposes of this Division;

19 (9) to review applications for construction,
20 alteration, removal or demolition affecting landmarks or
21 property within preservation districts;

22 (10) to acquire by negotiated purchase any interest
23 including conservation rights in landmarks or in property
24 within preservation districts, or property immediately
25 adjacent to or surrounding landmarks or preservation
26 districts;

1 (11) to apply for and accept any gift, grant or
2 bequest from any private or public source, including
3 agencies of the federal or State government, for any
4 purpose authorized by this Division;

5 (12) to establish a system for the transfer of
6 development rights including, as appropriate, a mechanism
7 for the deposit of development rights in a development
8 rights bank, and for the transfer of development rights
9 from that development rights bank in the same manner as
10 authorized for municipalities by Section 11-48.2-2 of the
11 Illinois Municipal Code. All receipts arising from the
12 transfer shall be deposited in a special county account to
13 be applied against expenditures necessitated by the county
14 program for the designation and protection of landmarks
15 and preservation districts. Any development rights
16 acquired, sold or transferred from a development rights
17 bank, shall not be a "security" as that term is defined in
18 Section 2.1 of the Illinois Securities Law of 1953, and
19 shall be exempt from all requirements for the registration
20 of securities; ~~:-~~

21 (13) to establish a loan or grant program from any
22 source of funds for designated landmarks and preservation
23 districts and to issue interest bearing revenue bonds or
24 general obligation bonds pursuant to ordinance enacted by
25 the county board, after compliance with requirements for
26 referendum, payable from the revenues to be derived from

1 the operation of any landmark or of any property within a
2 preservation district;

3 (14) to abate real property taxes on any landmark or
4 property within a preservation district to encourage its
5 preservation and continued use or to provide relief for
6 owners unduly burdened by designation;

7 (15) to advise and assist owners of landmarks and
8 property within preservation districts on physical and
9 financial aspects of preservation, renovation,
10 rehabilitation, and reuse;

11 (16) to advise cities, villages, or incorporated
12 towns, upon request of the appropriate official of the
13 municipality, concerning enactment of ordinances to
14 protect landmarks or preservation districts;

15 (17) to exercise within the boundaries of any city,
16 village, or incorporated town any of the powers and
17 authority granted counties by this Division so long as the
18 corporate authorities by ordinance or by intergovernmental
19 agreement pursuant to the Intergovernmental Cooperation
20 Act, or pursuant to Article VII, Section 10 of the
21 Constitution of the State of Illinois have authorized the
22 county preservation commission established by authority of
23 this Division to designate landmarks or preservation
24 districts within its corporate boundaries, and such county
25 preservation commission shall have only those powers,
26 duties, and legal authority provided in this Division;

1 (18) to exercise any of the above powers to preserve
2 and protect property owned by any unit of local government
3 including counties, or to review alteration, construction,
4 demolition, or removal undertaken by any unit of local
5 government including counties that affect landmarks and
6 preservation districts;~~;~~

7 (19) to maintain, restore, rehabilitate, beautify, or
8 adaptively reuse places of architectural significance,
9 historic significance, or scenic significance and to lease
10 or license County-held property to public or private
11 entities for not longer than 99 years for such purposes.
12 The maintenance, restoration, rehabilitation,
13 beautification, and adaptive reuse of places of
14 architectural significance, historic significance, or
15 scenic significance is declared to be a public use.
16 "Adaptive reuse" includes adaptation of the property for
17 any use that does not materially detract from the
18 architectural, historic, aesthetic, cultural, or scenic
19 significance of the place.

20 (20) ~~(19)~~ to exercise any other power or authority
21 necessary or appropriate to carrying out the purposes of
22 this Division, including those powers and authorities
23 listed in Sections 5-30010 and 5-30011.

24 (Source: P.A. 101-81, eff. 7-12-19.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.