

1 AN ACT concerning property rights.

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

4 Section 1. Short Title. This Act may be cited as the  
5 Illinois Vested Property Rights Act.

6 Section 5. Purpose. It is the intent of the General  
7 Assembly to encourage a stronger commitment to comprehensive  
8 and capital facilities planning, ensure the provision of  
9 adequate public facilities for development, encourage the  
10 efficient use of resources, and reduce the economic cost of  
11 development.

12 Section 10. Findings.

13 (a) The General Assembly finds that the lack of  
14 certainty in the approval of developments can result in a  
15 waste of economic and land resources, can discourage sound  
16 capital improvement planning and financing, can cause the  
17 cost of housing and development to escalate, and can  
18 discourage commitment to comprehensive planning. It is  
19 necessary and desirable, as a matter of public policy, to  
20 provide for the establishment of vested property rights in  
21 order to ensure reasonable certainty, stability, and fairness  
22 in the land use planning process, to secure the reasonable  
23 investment-backed expectations of landowners in order to  
24 stimulate economic growth, and to foster cooperation between  
25 the public and private sectors.

26 (b) Assurance to a developer that upon receipt of its  
27 zoning approval or development permits it may proceed in  
28 accordance with existing laws, policies, and ordinances  
29 strengthens the public planning process, encourages sound  
30 capital improvement planning and financing, assists in

1 assuring there are adequate capital facilities for the  
2 development, encourages private participation in  
3 comprehensive planning, reduces the economic costs of  
4 development, allows for the orderly planning of public  
5 facilities and services, and allows for the equitable  
6 allocation of the cost of public services.

7 (c) Because the development approval process involves  
8 the expenditure of considerable sums of money, predictability  
9 encourages the maximum efficient utilization of resources at  
10 the least economic cost to the public. The ability of a  
11 landowner to obtain a vested property right when the property  
12 is zoned will preserve the prerogatives and authority of  
13 local government with respect to land use matters, while  
14 promoting those areas of State-wide concern described herein.  
15 The establishment of vested property rights will promote the  
16 goals specified in this Act in a manner consistent with the  
17 State constitution, which guarantees to each person the  
18 inalienable right to acquire, possess, and protect property,  
19 and is therefore declared to be a matter of state-wide  
20 concern.

21 (d) Public benefits derived from orderly and planned  
22 development may include, but are not limited to, affordable  
23 housing, more cost effective design standards, and  
24 construction of needed infrastructure, both on and off site,  
25 and other improvements.

26 (e) Land planning and development involve review and  
27 action by multiple governmental agencies. The granting of the  
28 vesting of development rights may facilitate the cooperation  
29 and coordination of the requirements and needs of the various  
30 governmental agencies having jurisdiction over land  
31 development.

32 (f) The vesting of property rights by protecting these  
33 rights from the effect of subsequently enacted local  
34 legislation or from the effects of changing policies and

1 procedures of local government agencies that may conflict  
2 with any term or provision of the development or in any way  
3 hinder, restrict, or prevent the development of the project.  
4 The vesting of property rights will provide a reasonable  
5 certainty as to the lawful requirements that must be met in  
6 development of the project, while maintaining the authority  
7 and duty of government to enforce laws and regulations which  
8 promote the public safety, health, and general welfare of the  
9 citizens of our State that are otherwise specifically  
10 authorized by existing statutes.

11 (g) This intent will be carried out by authorizing the  
12 appropriate local governments to enter into development  
13 agreements with developers, subject to the express powers  
14 granted to it by the General Assembly and the requirements of  
15 this Act.

16 Section. 15. Definitions. In this Act:

17 "Application" means a substantially complete application  
18 for approval of a site-specific development plan that has  
19 been submitted to a local government in compliance with  
20 applicable requirements established by the local government.  
21 For local governments that have provided for the review and  
22 approval of site-specific development plans in multiple  
23 stages, "application" means the original application at the  
24 first stage in any process that may culminate in the ultimate  
25 approval of a site-specific development plan.

26 "Development" includes redevelopment of property.

27 "Landowner" means any owner of a legal or equitable  
28 interest in real property and includes the heirs, successors,  
29 and assigns of these ownership interests.

30 "Local government" means any county, municipality, city,  
31 village, town, or other governmental unit, whether home rule  
32 or not, acting through its governing body or any board,  
33 council, commission, or agency with final approval authority

1 over the zoning restrictions of property, site-specific  
2 development plans, or land use controls affecting the vested  
3 rights of landowners.

4 "Property" means all real property subject to land use  
5 regulation by a local government.

6 "Vested property right" means the right to undertake and  
7 complete the development and use of property under the terms  
8 and conditions of the statutes, laws, ordinances, and  
9 regulations that are in place at the time of the submittal of  
10 the application.

11 "Site-specific development plan" means a plan that has  
12 been submitted to a local government by a landowner or the  
13 landowner's representative describing, with reasonable  
14 certainty, the type and intensity of the use for a specific  
15 parcel or parcels of property. This plan may be in the form  
16 of, but need not be limited to, any of the following plans or  
17 approvals: (a) planned unit development plan; (b) a  
18 subdivision plat; (c) a specially planned area; (d) a planned  
19 building group; (e) a general submission plan; (f) a  
20 preliminary or general development plan; (g) a conditional or  
21 special use plan; (h) a preliminary plan; (i) a preliminary  
22 plat; (j) petition for special use; (k) petition for  
23 variance; or (l) any other land use approval designation as  
24 may be used by the local government. The application of the  
25 site-specific development plan shall trigger a vested  
26 property right.

27 "Zoning" includes, but is not limited to, existing zoning  
28 classification of property at the time of the effective date  
29 of this Act of the 93rd General Assembly and includes  
30 rezoning applications and restrictions.

31 Section 20. Establishment of vested property right.

32 (a) A vested property right is established with respect  
33 to any property upon the submittal of an application for

1 approval or conditional approval of a site-specific  
2 development plan, regardless of whether the site-specific  
3 development plan is submitted with a request for a zoning  
4 restriction for the property.

5 (b) A vested property right shall attach to and run with  
6 the applicable property and shall confer upon the landowner  
7 the right to undertake and complete the development and use  
8 of the property under the terms and conditions of the  
9 site-specific development plan according to the applicable  
10 statutes, laws, ordinances and regulations that pertain to  
11 the zoning classification, or reclassification, that are in  
12 effect at the time that the application is submitted. A  
13 site-specific development plan shall be deemed approved upon  
14 the effective date of the local government legal action,  
15 resolution, or ordinance relating thereto.

16 Section 25. Duration.

17 (a) A property right that has been vested as provided  
18 for in this Act shall remain vested for a period of 10 years.  
19 This period may not be extended unless expressly authorized  
20 by the local government.

21 (b) Following the approval or conditional approval of a  
22 zoning or rezoning classification or of a site-specific  
23 developmental plan, nothing in this Act shall exempt any  
24 landowner from requirements established by the local  
25 government for plat approval of any subsequent subdivision of  
26 the property.

27 Section 30. Jurisdiction. A vested property right  
28 arising while one local government has jurisdiction over all  
29 or part of the property included within a site-specific  
30 development plan shall be effective against any other local  
31 government that may subsequently obtain or assert  
32 jurisdiction over the property.

1 Section 35. Application and construction.

2 (a) Nothing in this Act precludes judicial determination  
3 that a vested property right exists in a particular case or  
4 that a compensable taking has occurred.

5 (b) Nothing in this Act shall be construed to impair,  
6 affect, or invalidate any rights vested in connection with  
7 planned unit developments or subdivisions that have been  
8 approved prior to the effective date of this Act of the 93rd  
9 General Assembly.

10 (c) This Act applies to all zoning classifications  
11 existing at the time of the effective date of this Act of the  
12 93rd General Assembly, and all property rights shall vest at  
13 the time of this effective date.

14 (d) This Act shall not limit or otherwise restrict a  
15 landowner from seeking rezoning of existing or future  
16 property.

17 (e) Nothing in this Act shall be construed to waive the  
18 requirements for substantial compliance by a local government  
19 with the subdivision requirements and appropriate regulations  
20 promulgated thereunder.

21 (f) This Act shall be liberally construed to further the  
22 purposes of this Act.

23 Section 40. Home rule. The provisions of this Act shall  
24 apply to all municipalities and other units of local  
25 government including but not limited to home rule units of  
26 government. This Section is a limitation under subsection (i)  
27 of Section 6 of Article VII of the Illinois Constitution on  
28 the concurrent exercise by home rule units of powers and  
29 functions exercised by the State.