102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
SB3414

Introduced 1/14/2022, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Returning Resident Affairs Act and amends the Freedom of Information Act and the Property Tax Code. Contains declarations and findings. Creates the Second Chance State Housing Program under which the Department of Returning Resident Affairs shall provide decent, affordable single-family and multi-family housing opportunities to returning residents who have been prescreened for and referred to the Program by a hub site operator and have completed a 12-hour course conducted by or through a hub site operator using a U.S. Department of Housing and Urban Development-approved housing counselor. Provides that the Department shall receive not less than 15% of the Illinois affordable housing tax credit allocation. Provides that the Department may borrow money and issue notes and bonds, issue renewal notes, issue bonds to pay such notes, refund any bonds by the issuance of new bonds, create funds and accounts, and exercise other powers. Provides that the property of the Department and its income and operation are exempt from taxation. Provides that the Department shall be considered to be a municipality under the Tax Increment Allocation Redevelopment Act and have all of the authority, rights, powers, duties, and obligations of a municipality under that Act, subject to specified provisions. Provides that the Department's territorial limits shall be anywhere within the State. Provides that the Director of Returning Resident Affairs shall fulfill the role of all officials of a municipality and its corporate authorities. Provides that the Department may offer non-recourse reverse mortgage loans to qualified borrowers, subject to specified conditions. Provides that no unit of local government shall enact any zoning, permit, building code or other requirement for the purpose of preventing the Department from acquiring, revitalizing, rehabilitating, and conveying an interest in single-family and multi-family residential housing to one or more returning residents. Authorizes the purchase by the Department of tax delinquent single-family or multi-family residential property, subject to specified conditions. Makes other changes. Contains a severability provision. Effective immediately, but does not take effect at all unless another Act becomes law.
AN ACT concerning State government.

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

Section 5. The Department of Returning Resident Affairs Act is amended by adding Sections 80, 85, and 90 as follows:

(Sec. 80 new)

Sec. 80. References to Sections 80 through 90. Sections 80 through 90 may be referred to as the Second Chance State Housing Program Act.

(Sec. 85 new)

Sec. 85. Second Chance State Housing Program; legislative declarations and findings. The General Assembly finds and declares that:

(1) While stable housing is fundamental to the ability of most members of the general public to survive, succeed, and thrive, it is especially crucial to persons returning to this community from incarceration.

(2) The existence of substantial obstacles that prevent returning residents from accessing needed housing is clear from the approximately 60% of unsheltered men and 58% of unsheltered women in part of this State who report being previously convicted.
The Metropolitan Planning Council has found that "without the most basic of human needs -- a roof over a head -- justice-involved individuals struggle to reintegrate."

The cost to Illinois of that failure to reintegrate is high, resulting in approximately 40% of formerly incarcerated individuals recidivating within 3 years of release and costing Illinois over $151,000 for each recidivism event.

By providing housing to returning residents through the revitalization and rehabilitation of existing tax delinquent, abandoned, and otherwise distressed single-family and multi-family residential housing units, the Second Chance State Housing Program serves to not only stabilize the lives of returning residents and their families, but also to stabilize disadvantaged communities;

The health, welfare, and prosperity of all Illinois citizens requires the State to take the actions described herein that create the Second Chance State Housing Program.

(Sec. 90 new)

Sec. 90. Second Chance State Housing Program,
(a) Establishment. The Second Chance State Housing Program is established as a part of the Second Chance State Program administered by the Department. The Department is authorized,
directed, and required to administer the Second Chance State Housing Program with the objective of providing decent, affordable single-family and multi-family housing opportunities to returning residents. To accomplish this and administer and operate the Second Chance State Housing Program, the Department shall have the following powers, duties, and obligations in addition to other powers, duties, and obligations provided to the Department under law.

(b) Housing development priorities and participant qualification.

(1) The Second Chance State Housing Program shall be implemented by the Department: (A) to the extent reasonably feasible, by revitalizing and rehabilitating existing tax delinquent, abandoned, and otherwise distressed single-family and multi-family residential housing units in order to provide both decent, affordable rental and home ownership opportunities to returning residents and their families; and (B) to the extent that a need for such opportunities exists that cannot be reasonably fulfilled by clause (A), then by such other actions as the Department deems necessary and is legally authorized to pursue, including, without limitation, acquisition of other existing single-family and multi-family residential housing units and construction of new single-family and multi-family housing units.

(2) No person shall participate in the Second Chance
State Housing Program unless the person is a returning resident who: (A) has been prescreened for and referred to the Second Chance State Housing Program by a hub site operator; and (B) has completed a 12-hour course conducted by or through a hub site operator using a U.S. Department of Housing and Urban Development-approved housing counselor to prepare the returning resident to be a homeowner or tenant. The course shall include, without limitation, training on financial literacy and responsibility, budgeting and financial management, the rental and homebuying process, basic elements of a real estate contract or lease, residential financing, title insurance, real estate taxes, utilities, insurance, basic home maintenance, delinquency and foreclosure prevention, Second Chance State Housing Program requirements, and other practical and legal requirements pertaining to being a homeowner or tenant. The Department may promulgate additional qualifications for participation in the Second Chance State Housing Program that do not conflict with the provisions of this Act.

(3) Hub site operators shall otherwise prepare returning residents for participation in the Second Chance State Housing Program and thereafter, returning residents' ownership or rental of housing, including, without limitation, assisting with securing affordable legal representation and the establishment of necessary bank and
utility accounts.

(c) Illinois affordable housing tax credit allocation. The Department shall receive not less than 15% of the Illinois affordable housing tax credit allocation. The Department is authorized to utilize such credits in any manner not prohibited by law.

(d) Low-income housing tax credits.

(1) The Department is hereby designated as charged with responsibility for administering low-income housing tax credits allocated to the State for incarceration projects under Section 42 of the Internal Revenue Code of 1986, as amended. In fulfilling its responsibilities, the Department is authorized to do all acts authorized or required under Section 42 of the Internal Revenue Code of 1986, as amended, and to:

(A) Establish a plan for allocation of low-income housing tax credits, prepare application forms for allocation of such tax credits, and make allocation of such tax credits to eligible individuals and corporations.

(B) Initiate marketing, education, and outreach projects throughout the State to maximize utilization of all available low-income housing tax credits.

(C) Provide technical assistance and training to local governments, including home rule jurisdictions, to encourage coordination of local, State, and federal
resources with the allocation of low-income housing tax credits.

(D) Accept and allocate low-income housing tax credits that may be transferred from Illinois home rule jurisdictions.

(E) Assess fees to cover the costs of allocating and administering the tax credits.

(2) The aggregate unused housing tax credit dollar amount of all home rule jurisdictions available under Section 42 of the Internal Revenue Code of 1986, as amended, shall be as of June 1 of each calendar year reserved to the Department in an amount not under $50,000,000 for allocation by the Department in the same manner as the Illinois Housing Development Authority allocates low-income housing tax credits allocated to the State.

(e) Authority to issue debt.

(1) The Department may borrow money and issue its notes and bonds in such principal amount, as, in the opinion of the Department, shall be necessary to provide sufficient funds for achieving the purposes of this Section. The Department's bonds and notes may be issued as general obligations of the Department payable from such revenues, funds, and obligations of the Department as the Department's order authorizing issuance of the bonds or notes shall provide, or may be issued as limited
obligations with a claim for payment solely from such revenues, funds, and obligations as the Department's order
authorizing issuance of the bonds or notes shall provide
and may secure the payment thereof by, among other things, the pledge, or assignment, or grant of a lien on or
security interest of mortgages and notes of others, revenues derived from its operation of the Second Chance
State Housing Program and loan repayments and other funds, if any, received by the Department.

(2) The Department may, from time to time, issue renewal notes, issue bonds to pay such notes, and, whenever it deems refunding expedient, refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and issue bonds partly to refund bonds then outstanding and partly for any other purpose. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded.

(3) The Department may procure insurance against any loss in connection with its bonds, notes, or property in such amounts, and from such insurers, as may be necessary or desirable. The Department may acquire any instruments the purpose of which is to reduce the risk of loss due to fluctuation in the interest rate or market price of those investments or may enter into any agreements to insure, protect, or preserve its investments from any loss.
(including, without limitation, loss caused by fluctuation in interest rates, markets or in securities) in such amounts and from such insurers, issuers, or other parties as the Department deems appropriate.

(4) The Department may consent, whenever it deems it necessary or desirable in the fulfillment of the purposes of this Section, to the modification, with respect to rate of interest, time of payment or any installment of principal or interest, or any other terms, of any mortgage, mortgage loan, mortgage loan commitment, other loan, contract or agreement of any kind to which the Department is a party.

(5) The Department may create such funds and accounts as it deems necessary to service its notes and bonds and to otherwise operate the Second Chance State Housing Program.

(6) The notes and bonds issued under this Section shall be authorized by an order issued at the Director's direction, shall bear such date or dates, and shall mature at such time or times, not exceeding 50 years from the date of issue, as the order may provide. The bonds may be issued as serial bonds or as term bonds or as a combination thereof. The notes and bonds shall bear interest at such rate or rates as shall be determined by the order authorizing issuance of the bonds and as otherwise allowed by law. The notes and bonds shall be in such denominations, be in such form, either coupon or
registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption as the order authorizing them may provide. The notes and bonds may be sold by the Department, at public or private sale, at such price or prices as the Department shall determine. The order for the issuance of the notes or bonds may include any other provisions that the Department determines are necessary, expedient, or otherwise in the Department's best interest for the issuance of the notes or bonds.

(7) In lieu of establishing various provisions governing the issuance of the Department's notes or bonds, including, without limitation, the rate at which the Department's notes or bonds shall bear interest, the price at which the notes or bonds shall be sold, and the date of issuance of the notes or bonds, the order authorizing their issuance may set maximum and minimum prices, interest rates and annual interest cost to the Department, a range for the date of issuance and maturities, and any other terms that set ranges or criteria as the Department may determine.

(8) The Department's order authorizing the issuance of its notes or bonds may provide that interest rates may vary from time to time depending upon criteria established by the Department in that order, which may include,
without limitation, a variation in interest rates as may be necessary to cause notes or bonds to be remarketable from time to time at a price equal to their principal amount (or compound accredited value in case of original issue discount bonds), and may provide for appointment of a national banking association, bank, trust company, investment bank, or other financial institution to serve as a remarketing agent in that connection. The Department's order authorizing the issuance of its notes or bonds may provide that alternative interest rates or provisions will apply during such times as the notes or bonds are held by a person providing a letter of credit or other credit enhancement arrangement for those notes or bonds. Notwithstanding any other provisions of law, there shall be no statutory limitation on the interest rates that such variable rate notes and bonds may bear from time to time.

(9) The notes and bonds of the Department are securities in which all public officers and bodies of this State and all municipalities and municipal subdivisions, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, savings banks and savings associations, saving and loan associations, investment companies, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now
or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds, including capital, in their control or belonging to them.

(10) Neither the Director nor any officer or employee of the Department nor any other authorized person executing the Department's orders, notes, and bonds shall be liable personally on the Department's notes or bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(11) The property of the Department and its income and operation shall be exempt from taxation.

(12) The Department shall have no taxing power. The Department's notes and bonds shall not be a general obligation of the State, the State shall not be liable on the Department's notes or bonds and such notes and bonds shall not be a debt of the State. The Department's notes and bonds shall contain a statement to such effect on their face.

(13) The creation of the Second Chance State Housing Program is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Department issued under this Section and the income therefrom shall be free from all taxation by the
State or its political subdivisions, except for estate, transfer, and inheritance taxes.

(14) Neither the Department nor any notes or bonds it issues shall be subject to the Bond Authorization Act.

(f) Tax increment finance authority. Solely for the purpose of providing decent, affordable housing opportunities to returning residents, the Department shall be considered to be a municipality under the Tax Increment Allocation Redevelopment Act and have all of the authority, rights, powers, duties, and obligations of a municipality under that Act; provided that for purposes of exercising the authority, rights, powers, duties, and obligations under that Act:

(1) The provisions of the Tax Increment Allocation Redevelopment Act that pertain to sales or utility taxes and industrial, commercial, or retail developments shall not apply to the Department.

(2) The Department's territorial limits shall be anywhere within the State.

(3) Requirements pertaining to comprehensive or community plans and plan commissions shall mean the comprehensive or community plan and plan commission of the county, township, or municipality with jurisdiction over the property in the redevelopment project area. Requirements pertaining to school districts shall mean the school districts with jurisdiction over the property in the redevelopment project area. Requirements pertaining to
library districts shall mean the library districts with jurisdiction over the property in the redevelopment project area.

(4) The Department may fulfill any ordinance or resolution requirements by issuing an order.

(5) "Redevelopment project area" means an area in which single-family and multi-family uses are permitted or allowed by special use, planned unit development or a similar zoning designation and that has been designated by the Department, regardless of size, in respect to which the Department has made a finding that there exist conditions that cause the area to be classified as a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(6) The Director shall fulfill the role of all officials of a municipality and its corporate authorities.

(7) The Department may utilize revenues received under the Tax Increment Allocation Redevelopment Act from one redevelopment project area for eligible costs in another redevelopment project area regardless of whether those redevelopment project areas are contiguous.

(8) The provisions of the Tax Increment Allocation Redevelopment Act pertaining to the issuance of obligations shall not limit the authority provided to the Department to issue debt under this Section. The Department is authorized to pledge and use any revenues it
receives under the Tax Increment Allocation Redevelopment Act to repay such debt, regardless of the source of that revenue and the purpose of the debt, including, without limitation, using revenue received from one redevelopment project area to pay debt incurred for the purpose of redeveloping another redevelopment project area, regardless of whether those redevelopment project areas are contiguous.

(g) Authority to acquire tax delinquent property. The Department may exercise the authority provided to it under the Property Tax Code to acquire interests in tax delinquent single-family and multi-family residential properties.

(h) Prohibition on exclusionary local law. No county, township, municipality, special district, or other unit of local government shall enact any zoning, permit, building code or other requirement for the purpose of preventing the Department from acquiring, revitalizing, rehabilitating, and conveying an interest in single-family and multi-family residential housing to one or more returning residents.

(i) Confidentiality of information. All information provided by a returning resident to the Department, any employee of the Department, a hub site operator or any employee of a hub site operator under or in connection with participation in the Second Chance State Housing Program shall be confidential and shall not be disclosed except as required by law.
(j) The Department may offer non-recourse reverse mortgage loans to qualified borrowers with the same restrictions and requirements as prescribed in Section 6.1 of the Illinois Banking Act. The Authority may seek funds from the Federal Home Loan Bank of Chicago to fund reverse mortgage loans made under this Section. Reverse mortgage loans may be made under terms that qualify the loans for purchase by the Federal National Mortgage Association.

(k) The Department may do any and all things necessary or convenient to carry out its purposes and exercise the powers, either separately or jointly, expressly given and granted in this Section.

Section 10. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:
(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement
proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative
techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.
(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.
(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly.
that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be
construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination;
(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.
(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial
institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities
owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be
disclosed under Section 11-9 of the Illinois Public Aid
Code or (ii) that pertain to appeals under Section 11-8 of
the Illinois Public Aid Code.

(ee) The names, addresses, or other personal
information of persons who are minors and are also
participants and registrants in programs of park
districts, forest preserve districts, conservation
districts, recreation agencies, and special recreation
associations.

(ff) The names, addresses, or other personal
information of participants and registrants in programs of
park districts, forest preserve districts, conservation
districts, recreation agencies, and special recreation
associations where such programs are targeted primarily to
minors.

(gg) Confidential information described in Section
1-100 of the Illinois Independent Tax Tribunal Act of
2012.

(hh) The report submitted to the State Board of
Education by the School Security and Standards Task Force
under item (g) of subsection (d) of Section 2-3.160 of the
School Code and any information contained in that report.

(ii) Records requested by persons committed to or
detained by the Department of Human Services under the
Sexually Violent Persons Commitment Act or committed to
the Department of Corrections under the Sexually Dangerous
Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district.

(mm) Records provided by a returning resident pursuant to or in connection with participation in the Second Chance State Housing Program.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on
behalf of the public body, and that directly relates to the
governmental function and is not otherwise exempt under this
Act, shall be considered a public record of the public body,
for purposes of this Act.

(3) This Section does not authorize withholding of
information or limit the availability of records to the
public, except as stated in this Section or otherwise provided
in this Act.
(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

Section 15. The Property Tax Code is amended by changing
Sections 21-95, 21-100, and 21-260 and by adding Section 21-92
as follows:

(35 ILCS 200/21-92 new)

Sec. 21-92. Purchase and sale by Department of Returning
Resident Affairs. When any single-family or multi-family
residential property is delinquent, or is forfeited for each
of 2 or more years, and is offered for sale under any of the
provisions of this Code, and the county board of the county in
which the property is located has not applied to purchase it,
the Department of Returning Resident Affairs may apply to
purchase it. The Director of Returning Resident Affairs may
appoint on its behalf some officer or person to attend such
sales and bid or, in the case of forfeited property, to apply to the county clerk to purchase. The Department of Returning Resident Affairs shall apply on the bid or purchase the unpaid taxes and special assessments due upon the property. No cash need be paid. The Department of Returning Resident Affairs may take steps necessary to acquire title to the property and may manage and operate the property, including, but not limited to, mowing of grass, removal of nuisance greenery, removal of garbage, waste, debris or other materials, or the demolition, repair, or remediation of unsafe structures. When the Department of Returning Resident Affairs is a petitioner for a tax deed, no filing fee shall be required. When the Department of Returning Resident Affairs is the petitioner for a tax deed, one petition may be filed including all parcels that are tax delinquent within the county or taxing district, and any publication made under Section 22-20 of this Code may combine all such parcels within a single notice. The notice shall list the street or common address, if known, of the parcels for informational purposes. The Department of Returning Resident Affairs shall not be required to allege and prove that all taxes and special assessments which become due and payable after the sale to the county have been paid nor shall the county be required to pay the subsequently accruing taxes or special assessments at any time. The county collector shall be prohibited from including the property in the tax sale of one or more subsequent years. The lien of taxes and special
assessments which become due and payable after a sale to the Department of Returning Resident Affairs shall merge in the fee title of that Department on the issuance of a deed. The Department may sell or assign the property so acquired, or the certificate of purchase to it, to any party.

(35 ILCS 200/21-95)

Sec. 21-95. Tax abatement after acquisition by a governmental unit. When any county, municipality, school district, forest preserve district, or park district or the Department of Returning Resident Affairs acquires property through the foreclosure of a lien, through a judicial deed, through the foreclosure of receivership certificate lien, or by acceptance of a deed of conveyance in lieu of foreclosing any lien against the property, or when a government unit acquires property under the Abandoned Housing Rehabilitation Act or a blight reduction or abandoned property program administered by the Illinois Housing Development Authority, or when any county or other taxing district acquires a deed for property under Section 21-90 or Sections 21-145 and 21-260, or when the Department of Returning Resident Affairs acquires a deed for property under Section 21-90a, or when any county, municipality, school district, forest preserve district, or park district acquires title to property that was to be transferred to that county, municipality, school district, forest preserve district, or park district under the terms of
an annexation agreement, development agreement, donation agreement, plat of subdivision, or zoning ordinance by an entity that has been dissolved or is being dissolved or has been in bankruptcy proceedings or is in bankruptcy proceedings, all due or unpaid property taxes and existing liens for unpaid property taxes imposed or pending under any law or ordinance of this State or any of its political subdivisions shall become null and void.

(Source: P.A. 100-314, eff. 8-24-17; 100-445, eff. 1-1-18; 100-863, eff. 8-14-18.)

(35 ILCS 200/21-100)

Sec. 21-100. Notice to county officials; voiding of tax bills. The county board or corporate authorities of the county, or other taxing district or the Department of Returning Resident Affairs acquiring property under Section 21-95 shall give written notice of the acquisition to the chief county assessment officer and the county collector and the county clerk of the county in which the property is located, and request the voiding of the tax liens as provided in this Section. The notice shall describe the acquired property by legal description or property index number.

Upon receipt of the notice, the county collector and county clerk shall void the current and all prior unpaid taxes on the records in their respective offices by entering the following statement upon their records for the property:
"Acquired by ... (name of county, municipality, school district, or park district or the Department of Returning Resident Affairs acquiring the property under Section 21-95). Taxes due and unpaid on this property ... (give legal description or property index number and address of the property) ... are waived and null and void under Section 21-100 of the Property Tax Code. The tax bills of this property are hereby voided and liens for the taxes are extinguished."

(Source: P.A. 96-1142, eff. 7-21-10.)

(35 ILCS 200/21-260)

Sec. 21-260. Collector's scavenger sale. Upon the county collector's application under Section 21-145, to be known as the Scavenger Sale Application, the Court shall enter judgment for the general taxes, special taxes, special assessments, interest, penalties and costs as are included in the advertisement and appear to be due thereon after allowing an opportunity to object and a hearing upon the objections as provided in Section 21-175, and order those properties sold by the County Collector at public sale, or by electronic automated sale if the collector chooses to conduct an electronic automated sale pursuant to Section 21-261, to the highest bidder for cash, notwithstanding the bid may be less than the full amount of taxes, special taxes, special assessments, interest, penalties and costs for which judgment has been entered.
(a) Conducting the sale; bidding. All properties shall be offered for sale in consecutive order as they appear in the delinquent list. The minimum bid for any property shall be $250 or one-half of the tax if the total liability is less than $500. For in-person scavenger sales, the successful bidder shall pay the amount of the minimum bid to the County Collector by the end of the business day on which the bid was placed. That amount shall be paid in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit. For electronic automated scavenger sales, the successful bidder shall pay the minimum bid amount by the close of the business day on which the bid was placed. That amount shall be paid online via ACH debit or by the electronic payment method required by the county collector. For in-person scavenger sales, if the bid exceeds the minimum bid, the successful bidder shall pay the balance of the bid to the county collector in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit by the close of the next business day. For electronic automated scavenger sales, the successful bidder shall pay, by the close of the next business day, the balance of the bid online via ACH debit or by the electronic payment method required by the county collector. If the minimum bid is not paid at the time of sale or if the balance is not paid by the close of the next business
day, then the sale is void and the minimum bid, if paid, is forfeited to the county general fund. In that event, the property shall be reoffered for sale within 30 days of the last offering of property in regular order. The collector shall make available to the public a list of all properties to be included in any reoffering due to the voiding of the original sale. The collector is not required to serve or publish any other notice of the reoffering of those properties. In the event that any of the properties are not sold upon reoffering, or are sold for less than the amount of the original voided sale, the original bidder who failed to pay the bid amount shall remain liable for the unpaid balance of the bid in an action under Section 21-240. Liability shall not be reduced where the bidder upon reoffering also fails to pay the bid amount, and in that event both bidders shall remain liable for the unpaid balance of their respective bids. A sale of properties under this Section shall not be final until confirmed by the court.

(b) Confirmation of sales. The county collector shall file his or her report of sale in the court within 30 days of the date of sale of each property. No notice of the county collector's application to confirm the sales shall be required except as prescribed by rule of the court. Upon confirmation, except in cases where the sale becomes void under Section 22-85, or in cases where the order of confirmation is vacated by the court, a sale under this Section shall extinguish the in
rem lien of the general taxes, special taxes and special
assessments for which judgment has been entered and a
redemption shall not revive the lien. Confirmation of the sale
shall in no event affect the owner's personal liability to pay
the taxes, interest and penalties as provided in this Code or
prevent institution of a proceeding under Section 21-440 to
collect any amount that may remain due after the sale.

(c) Issuance of tax sale certificates. Upon confirmation
of the sale, the County Clerk and the County Collector shall
issue to the purchaser a certificate of purchase in the form
prescribed by Section 21-250 as near as may be. A certificate
of purchase shall not be issued to any person who is ineligible
to bid at the sale or to receive a certificate of purchase
under Section 21-265.

(d) Scavenger Tax Judgment, Sale and Redemption Record; sale Record—Sale of parcels not sold. The county collector
shall prepare a Scavenger Tax Judgment, Sale and Redemption
Record. The county clerk shall write or stamp on the scavenger
tax judgment, sale, forfeiture and redemption record opposite
the description of any property offered for sale and not sold,
or not confirmed for any reason, the words "offered but not
sold". The properties which are offered for sale under this
Section and not sold or not confirmed shall be offered for sale
annually thereafter in the manner provided in this Section
until sold, except in the case of mineral rights, which after
10 consecutive years of being offered for sale under this
Section and not sold or confirmed shall no longer be required to be offered for sale. Single-family and multi-family residential properties shall first be offered without charge to the Department of Returning Resident Affairs. At any time between annual sales the County Collector may advertise for sale any properties subject to sale under judgments for sale previously entered under this Section and not executed for any reason. The advertisement and sale shall be regulated by the provisions of this Code as far as applicable.

(e) Proceeding to tax deed. The owner of the certificate of purchase shall give notice as required by Sections 22-5 through 22-30, and may extend the period of redemption as provided by Section 21-385. At any time within 6 months prior to expiration of the period of redemption from a sale under this Code, the owner of a certificate of purchase may file a petition and may obtain a tax deed under Sections 22-30 through 22-55. Within 30 days from filing of the petition, the owner of a certificate must file with the county clerk the names and addresses of the owners of the property and those persons entitled to service of notice at their last known addresses. The clerk shall mail notice within 30 days from the date of the filing of addresses with the clerk. All proceedings for the issuance of a tax deed and all tax deeds for properties sold under this Section shall be subject to Sections 22-30 through 22-55. Deeds issued under this Section are subject to Section 22-70. This Section shall be liberally
construed so that the deeds provided for in this Section convey merchantable title.

(f) Redemptions from scavenger sales. Redemptions may be made from sales under this Section in the same manner and upon the same terms and conditions as redemptions from sales made under the County Collector's annual application for judgment and order of sale, except that in lieu of penalty the person redeeming shall pay interest as follows if the sale occurs before September 9, 1993:

(1) If redeemed within the first 2 months from the date of the sale, 3% per month or portion thereof upon the amount for which the property was sold;

(2) If redeemed between 2 and 6 months from the date of the sale, 12% of the amount for which the property was sold;

(3) If redeemed between 6 and 12 months from the date of the sale, 24% of the amount for which the property was sold;

(4) If redeemed between 12 and 18 months from the date of the sale, 36% of the amount for which the property was sold;

(5) If redeemed between 18 and 24 months from the date of the sale, 48% of the amount for which the property was sold;

(6) If redeemed after 24 months from the date of sale, the 48% herein provided together with interest at 6% per
If the sale occurs on or after September 9, 1993, the person redeeming shall pay interest on that part of the amount for which the property was sold equal to or less than the full amount of delinquent taxes, special assessments, penalties, interest, and costs, included in the judgment and order of sale as follows:

(1) If redeemed within the first 2 months from the date of the sale, 3% per month upon the amount of taxes, special assessments, penalties, interest, and costs due for each of the first 2 months, or fraction thereof.

(2) If redeemed at any time between 2 and 6 months from the date of the sale, 12% of the amount of taxes, special assessments, penalties, interest, and costs due.

(3) If redeemed at any time between 6 and 12 months from the date of the sale, 24% of the amount of taxes, special assessments, penalties, interest, and costs due.

(4) If redeemed at any time between 12 and 18 months from the date of the sale, 36% of the amount of taxes, special assessments, penalties, interest, and costs due.

(5) If redeemed at any time between 18 and 24 months from the date of the sale, 48% of the amount of taxes, special assessments, penalties, interest, and costs due.

(6) If redeemed after 24 months from the date of sale, the 48% provided for the 24 months together with interest at 6% per annum thereafter on the amount of taxes, special
assessments, penalties, interest, and costs due.
The person redeeming shall not be required to pay any interest on any part of the amount for which the property was sold that exceeds the full amount of delinquent taxes, special assessments, penalties, interest, and costs included in the judgment and order of sale.

Notwithstanding any other provision of this Section, except for owner-occupied single family residential units which are condominium units, cooperative units or dwellings, the amount required to be paid for redemption shall also include an amount equal to all delinquent taxes on the property which taxes were delinquent at the time of sale. The delinquent taxes shall be apportioned by the county collector among the taxing districts in which the property is situated in accordance with law. In the event that all moneys received from any sale held under this Section exceed an amount equal to all delinquent taxes on the property sold, which taxes were delinquent at the time of sale, together with all publication and other costs associated with the sale, then, upon redemption, the County Collector and the County Clerk shall apply the excess amount to the cost of redemption.

(g) Bidding by county or other taxing districts. Any taxing district and the Department of Returning Resident Affairs may bid at a scavenger sale. The county board of the county in which properties offered for sale under this Section are located may bid as trustee for all taxing districts having
an interest in the taxes for the nonpayment of which the
parcels are offered. The County or the Department of Returning
Resident Affairs shall apply on the bid the unpaid taxes due
upon the property and no cash need be paid. The County or other
taxing district or the Department of Returning Resident
Affairs acquiring a tax sale certificate shall take all steps
necessary to acquire title to the property and may manage and
operate the property so acquired.

When a county, or other taxing district within the county,
or the Department of Returning Resident Affairs is a
petitioner for a tax deed, no filing fee shall be required on
the petition. The county as a tax creditor and as trustee for
other tax creditors, or other taxing district within the
county or the Department of Returning Resident Affairs shall
not be required to allege and prove that all taxes and special
assessments which become due and payable after the sale to the
county have been paid. The county or the Department of
Returning Resident Affairs shall not be required to pay the
subsequently accruing taxes or special assessments at any
time. Upon the written request of the county board or its
designee, the county collector shall not offer the property
for sale at any tax sale subsequent to the sale of the property
to the county under this Section. The lien of taxes and special
assessments which become due and payable after a sale to a
county shall merge in the fee title of the county, or other
taxing district, on the issuance of a deed. The County may sell
the properties so acquired, or the certificate of purchase
thereto, and the proceeds of the sale shall be distributed to
the taxing districts in proportion to their respective
interests therein. The presiding officer of the county board,
with the advice and consent of the County Board, may appoint
some officer or person to attend scavenger sales and bid on its
behalf.

(h) Miscellaneous provisions. In the event that the tract
of land or lot sold at any such sale is not redeemed within the
time permitted by law and a tax deed is issued, all moneys that
may be received from the sale of properties in excess of the
delinquent taxes, together with all publication and other
costs associated with the sale, shall, upon petition of any
interested party to the court that issued the tax deed, be
distributed by the County Collector pursuant to order of the
court among the persons having legal or equitable interests in
the property according to the fair value of their interests in
the tract or lot. Section 21-415 does not apply to properties
sold under this Section. Appeals may be taken from the orders
and judgments entered under this Section as in other civil
cases. The remedy herein provided is in addition to other
remedies for the collection of delinquent taxes.

(i) The changes to this Section made by Public Act 95-477
this amendatory Act of the 95th General Assembly apply only to
matters in which a petition for tax deed is filed on or after
June 1, 2008 (the effective date of Public Act 95-477) this
Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law, but this Act does not take effect at all unless "An Act creating the Department of Returning Resident Affairs" of the 102nd General Assembly becomes law.
INDEX

Statutes amended in order of appearance

5 ILCS 140/7 from Ch. 116, par. 207
35 ILCS 200/21-92 new
35 ILCS 200/21-95
35 ILCS 200/21-100
35 ILCS 200/21-260