



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2904

Introduced 1/20/2006, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois School Land and Capital Facilities Assessment Act. Authorizes school districts to impose assessment fees on the owners of newly constructed dwelling units for school land and capital facilities, and prohibits units of local government from imposing impact fees on new development for school purposes. Requires school districts to conduct needs assessments, adopt plans, and hold public hearings before imposing assessment fees. Sets forth requirements and procedures for the imposition, payment, and use of the assessment fees. Sets forth limitations on challenges to the imposition or use of the assessment fees. Requires units of local government to repeal existing ordinances imposing school impact fees. Makes an exemption for existing impact fee agreements. Preempts home rule powers. Effective immediately.

LRB094 17822 BDD 53123 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning schools.

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

4 Article 1. SHORT TITLE; LEGISLATIVE PURPOSE AND INTENT
5 DEFINITIONS; AUTHORIZATION; LIMITATIONS

6 Section 1.1. Short title. This Act may be cited as the the
7 Illinois School Land and Capital Facilities Assessment Act.

8 Section 1.5. Statement of purpose and intent. The General
9 Assembly declares that the purposes of this Act are to
10 establish a mechanism for Illinois school districts to pay or
11 finance costs they incur in acquiring and improving school
12 lands and constructing school capital facilities to serve new
13 development; to ensure that the burden of paying for needed
14 school lands and school capital facilities is determined and
15 allocated in a fair and equitable manner among the owners of
16 newly constructed homes so that the owners carry no more than
17 their "fair share" of the burden of providing school lands and
18 school capital facilities and to maintain the affordability of
19 housing in the state.

20 The General Assembly further finds that it is the General
21 Assembly's intent:

22 (1) to promote orderly economic growth and development
23 throughout the State while assuring that owners of newly
24 constructed homes pay their "fair share", but no more than
25 their "fair share", of the cost of acquiring and improving
26 needed school lands and of constructing needed school
27 capital facilities;

28 (2) to ensure that the owners of newly constructed
29 homes who pay their "fair share" of the aforesaid costs are
30 able to pay such costs over time so that the cost of
31 constructing their homes remains affordable;

1 (3) to ensure that adequate school lands and school
2 capital facilities are available to serve the student
3 populations that will be generated by the construction of
4 new homes;

5 (4) to establish fair and equitable procedures and
6 standards for school districts to employ in creating and
7 implementing school land acquisition plans and school
8 capital facilities plans and in assessing and expending
9 school land assessment fees and school capital facilities
10 assessment fees; and

11 (5) to prevent the assessment of unfair and
12 inconsistent school impact fees.

13 Section 1.10. Definitions. As used in this Act, the term:

14 "Assessment period" means a 10-year period that commences
15 on the date of issuance of a certificate of occupancy for a
16 newly constructed dwelling unit within a new development.

17 "Dwelling unit" means an attached or detached
18 single-family or multiple-family residence, apartment, or
19 condominium within a new development that has not previously
20 been included on the tax rolls for building value. Residences,
21 apartments, and condominiums that are to be occupied by persons
22 62 years of age or older under 42 U.S.C. Section 3607 (b) (2) (b)
23 (2000) or by persons 55 years of age and older under 42 U.S.C.
24 Section 3607 (c) (2) (c) (2000), and hotels and motels, assisted
25 living facilities, nursing homes, congregate care facilities
26 and convalescent care centers shall not be deemed "dwelling
27 units" for purposes of this Act.

28 "Encumber" means to use or commit to use collected school
29 land assessment fees and school capital facilities assessment
30 fees by legal obligation, appropriation, or other official
31 action by a school district.

32 "Fee payer" means an owner of a dwelling unit who is
33 required to pay a school land assessment fee, a school capital
34 facilities assessment fee, or both.

35 "New development" means a development containing new

1 dwelling units that is being newly constructed or that is
2 projected to be constructed.

3 "Proportionate share" means that portion of the school land
4 acquisition costs and the school capital facilities costs that
5 is rationally related to the new development that will benefit
6 from the acquisition or improvement of new school lands or the
7 acquisition or construction of new school capital facilities.
8 In calculating "proportionate share" credit shall be given for
9 the tax revenues that will be paid by the owner of a newly
10 constructed dwelling unit that will be used to satisfy those
11 school land acquisition costs and school capital facilities
12 costs.

13 "School capacity" means the maximum student enrollment
14 capacity of an existing school determined on the basis of the
15 space and physical standards recommended by the Illinois State
16 Board of Education and the then-current State of Illinois and
17 federal special education and accessibility facility mandates.

18 "School capital facilities" means new schools or building
19 additions to or renovations of existing schools.

20 "School capital facilities assessment fees" means fees
21 established by a school district pursuant to a school capital
22 facilities plan.

23 "School capital facilities costs" means the reasonable
24 costs a school district incurs in constructing school capital
25 facilities. School capital facilities costs may include the
26 reasonable planning, design, engineering, architectural,
27 title, survey, brokerage, environmental investigation, and
28 legal costs incurred by a school district provided not more
29 than 10% of the total costs incurred in constructing the school
30 capital facilities shall be used to pay the planning, design,
31 engineering, architectural title, survey, brokerage,
32 environmental investigation, and legal costs.

33 "School capital facilities needs assessment" means an
34 assessment of a school district's need for new school capital
35 facilities as described in Section 5.5 of this Act.

36 "School capital facilities plan" means a plan adopted by a

1 school district pursuant to Article 10 of this Act.

2 "School capital facilities planning period" means the
3 period of time evaluated by a school district over which new
4 school capital facilities are anticipated to be needed. A
5 school capital facilities planning period shall not exceed 10
6 years in duration, as measured from the date of enactment of a
7 school capital facilities plan.

8 "School district" means any public elementary, high
9 school, consolidated, or unit school district.

10 "School land acquisition costs" means the reasonable costs
11 a school district incurs in acquiring and improving school
12 lands. School land acquisition and improvement costs may
13 include the reasonable planning, title, survey, brokerage,
14 environmental investigation, and legal costs incurred by a
15 school district provided not more than 10% of the total costs
16 incurred in acquiring and improving school lands shall be used
17 to pay the planning, engineering, architectural, title,
18 survey, brokerage, environmental investigation, and legal
19 costs. For these purposes, the word "improving" or
20 "improvement" means constructing sanitary sewers, storm
21 sewers, water mains, sidewalks, roadway improvements,
22 electric, phone, cable and natural gas improvements,
23 landscaping improvements, athletic facilities, or playground
24 facilities or undertaking demolition or grading activities on
25 school lands in furtherance of the construction of new school
26 capital facilities. School land acquisition and improvement
27 costs shall not include any costs that are incurred or to be
28 incurred as school capital facilities costs.

29 "School land acquisition plan" means a plan adopted by a
30 school district pursuant to Article 10 of this Act.

31 "School land acquisition planning period" means the period
32 of time evaluated by a school district over which new school
33 lands are anticipated to be needed. A school land acquisition
34 planning period shall not exceed 10 years in duration, as
35 measured from the date of enactment of a school land
36 acquisition plan.

1 "School land assessment fees" means fees established by a
2 school district pursuant to a school land acquisition plan.

3 "School land needs assessment" means an assessment of a
4 school district's need for additional school lands as described
5 in Section 5.1 of this Act.

6 "School lands" means lands that are intended to be used by
7 a school district for school purposes.

8 "School sub-district" means a defined portion of a school
9 district served by particular school lands or school capital
10 facilities.

11 "Unit of local government" means all units of local
12 government, as defined in Article VII, Section 1 of the
13 Constitution of 1970, including all home rule units of local
14 government.

15 Section 1.15. Authorization.

16 (a) Only school districts in counties having a population
17 in excess of 50,000 shall have the authority to adopt a school
18 land acquisition plan and a school capital facilities plan and
19 to assess and collect school land assessment fees and school
20 capital facilities assessment fees. Notwithstanding the
21 foregoing, the provisions of this Act shall not apply to school
22 districts situated in municipalities having a population in
23 excess of 1,000,000.

24 (b) Only school districts that have undertaken a school
25 land needs assessment and concluded that they will need to
26 acquire and improve new school lands over a school land
27 acquisition planning period to meet the demand of new
28 development shall be authorized to impose school land
29 assessment fees. Only school districts that have undertaken a
30 school capital facilities needs assessment and concluded that
31 they will need to construct new school capital facilities over
32 a school capital facilities planning period shall be authorized
33 to impose school capital facilities assessment fees.

34 Section 1.20. Limitations.

1 (a) No unit of local government other than the school
2 districts described in subsection (a) of Section 1.15 shall
3 have the authority to adopt a school land acquisition plan and
4 a school capital facilities plan and to impose school land
5 assessment fees and school capital facilities assessment fees.

6 (b) The assessment, imposition, and collection of school
7 land assessment fees and school capital facilities assessment
8 fees pursuant to this Act shall be the sole and exclusive means
9 by which units of local government and school districts assess,
10 impose, and collect fees against new development for purposes
11 of satisfying and financing the school land acquisition costs
12 and school capital facilities costs that a school district will
13 incur in meeting the demands of new development.

14 (c) No school district authorized by this Act to assess and
15 impose school land assessment fees and school capital
16 facilities assessment fees shall impose fees for the
17 acquisition and improvement of school lands or for the
18 construction of school capital facilities in a manner that is
19 inconsistent with the provisions of this Act.

20 (d) The aggregate amount of school land assessment fees and
21 school capital facilities assessment fees that are to be paid
22 for dwelling units within a new development over an assessment
23 period may not exceed 3% of the average projected market value
24 of such dwelling units.

25 (e) No annexation agreement entered into by a unit of local
26 government under Division 15.1 of Article 11 of the Municipal
27 Code shall require payment of fees for the acquisition and
28 improvement of school lands or for the construction of school
29 capital facilities other than school land assessment fees and
30 school capital facilities assessment fees that have been
31 established by a school district pursuant to this Act. If a
32 unit of local government seeks to enter into an annexation
33 agreement with a developer of a new development, the annexation
34 agreement shall provide for the payment of school land
35 assessment fees and school capital facilities assessment fees
36 as and to the extent the school districts within whose

1 jurisdiction the new development is to be constructed have
2 adopted a school land acquisition plan and a school capital
3 facilities plan and established a school land assessment fee
4 and school capital facilities assessment fee schedule.

5 (f) This Act is a limitation under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution on the
7 concurrent exercise by home rule units of local government of
8 powers and functions exercised by the State.

9 Article 5. NEEDS ASSESSMENTS

10 Section 5.1. School land needs assessment.

11 (a) No school district shall impose a school land
12 assessment fee unless it first undertakes a school land needs
13 assessment that concludes that new school lands will need to be
14 acquired or improved over the school land acquisition planning
15 period to meet the demands of new development that is then
16 occurring or projected to occur with the school district or
17 school sub-district. A school land needs assessment shall not
18 be more than one year old at the time of adoption of a school
19 land acquisition plan.

20 (b) A school land needs assessment shall contain the
21 following:

22 (1) a description of the existing school lands within
23 the school district or school sub-district and their
24 current uses, including an appraisal by a licensed
25 appraiser of the value of such lands;

26 (2) a computation of the school lands then being
27 provided for each student in the school district or school
28 sub-district, exclusive of school lands not currently
29 being used for school purposes;

30 (3) a description of the new development that is
31 expected to occur within the school district or school
32 sub-district over the school land acquisition planning
33 period;

34 (4) a description of the school lands that are proposed

1 to be acquired within the school district or school
2 sub-district and their proposed uses, including an
3 appraisal by a licensed appraiser of the value of such
4 school lands;

5 (5) a computation of the amount of school lands the
6 school district proposes to acquire or improve in order to
7 meet the demands of the new development that is projected
8 to occur within the school district or school sub-district
9 over the school land acquisition planning period, which
10 amount shall be generally consistent with the amount of
11 school lands being provided by existing school lands within
12 the school district or school sub-district, as established
13 by the computation set forth under item (2); and

14 (6) a projection of the school land acquisition costs
15 the school district will incur in improving already-owned
16 school lands and in improving and acquiring new school
17 lands over the school land acquisition planning period in
18 order to meet the demands of the aforesaid new development.

19 (c) If a school land needs assessment is not undertaken for
20 a given classification of school lands, then the school
21 district shall not include within a proposed school land
22 acquisition plan a component for the acquisition or improvement
23 of new school lands or for the incurring of any school land
24 acquisition costs for such classification of school buildings.

25 Section 5.5. School capital facilities needs assessment.

26 (a) No school district shall impose a school capital
27 facilities assessment fee unless it first undertakes a capital
28 facilities needs assessment that concludes that new school
29 capital facilities will need to be constructed or acquired over
30 the school capital facilities planning period to meet the needs
31 of new development that is then occurring or projected to occur
32 within the school district or school sub-district. A school
33 capital facilities needs assessment shall not be more than one
34 year old at the time of adoption of a school capital facilities
35 plan.

1 (b) A school capital facilities needs assessment shall
2 contain the following for each classification of school
3 building (that is, elementary, middle or high school) that
4 exists within the school district or school sub-district:

5 (1) a description of the existing school buildings
6 within the school district or school sub-district and their
7 current uses, including an appraisal by a licensed
8 appraiser of the replacement cost of such school capital
9 facilities;

10 (2) an identification of the school capacity of each
11 school building within the school district or school
12 sub-district and of the number of students then enrolled in
13 each school building and a computation of the average
14 square feet of school building then being provided by the
15 school district per student;

16 (3) a projection of the new development that is
17 expected to occur within the school district or school
18 sub-district over the school capital facilities planning
19 period;

20 (4) a computation of the amount of school capital
21 facilities that the school district proposes to acquire or
22 construct in order to meet the demands of the aforesaid new
23 development, which amount shall be generally consistent
24 with the amount of school capital facilities being provided
25 by existing school capital facilities within the school
26 district or school sub-district, as established by the
27 computation set forth at paragraph (2);

28 (5) a projection of the school capital facilities costs
29 the school district will incur in acquiring or constructing
30 new school capital facilities over the school capital
31 facilities planning period in order to meet the demands of
32 the aforesaid new development.

33 (c) If a capital facilities needs assessment is not
34 undertaken for a given classification of school buildings, then
35 the school district shall not include within a proposed school
36 capital facilities plan a component for the acquisition or

1 construction of new school capital facilities or for the
2 incurring of any school capital facilities costs for such
3 classification of school buildings.

4 Article 10. ADOPTION OF SCHOOL LAND ACQUISITION AND SCHOOL
5 CAPITAL FACILITIES PLANS; PREPARATION OF SUPERINTENDENT'S
6 REPORT AND RECOMMENDATION; PUBLIC HEARING

7 Section 10.1. Requirement to adopt plan; passage of
8 resolution. A school district that seeks to impose school land
9 assessment fees or school capital facilities assessment fees
10 against new development shall first adopt, respectively, a
11 school land acquisition plan or a school capital facilities
12 plan. Adoption of such a plan shall be effected by the passage
13 of a resolution by a two-thirds vote of the school district's
14 board members then-holding office. No school board shall
15 consider and act on such resolution unless it has first
16 received, respectively, the school land needs assessment or
17 school capital facilities needs assessment and the school
18 district superintendent's report and recommendation as
19 provided below and until after it has conducted the public
20 hearing described in Section 10.10. If, after considering the
21 needs assessments and the superintendent's report and
22 recommendation and after taking into account the testimony
23 received at the public hearing, the school district wishes to
24 adopt a school land acquisition plan or a school capital
25 facilities plan it shall issue adopt the resolution herein
26 provided for not later than 60 days following the close of the
27 public hearing.

28 School land acquisition plans and school capital
29 facilities plans shall be submitted to the school district's
30 school board for consideration at a regularly scheduled meeting
31 of the school board. If appropriate, such plans shall divide
32 the school district into school sub-districts for analysis and
33 planning purposes. The boundaries of any school sub-district
34 shall be consistent with the boundaries of the areas being

1 served by the various school buildings existing or planned for
2 within such school sub-district. The plans shall identify a
3 school district's need for new school lands and new school
4 capital facilities for each separate classification of school
5 buildings and set forth with particularity the school land
6 assessment fees and school capital facilities assessment fees
7 that are to be paid by the owners of dwelling units that will
8 be constructed within new developments occurring within the
9 school district or school sub-district over the school land
10 acquisition planning period or school capital facilities
11 planning period. The plans may provide for an owner's right to
12 prepay school land assessment fees and school capital
13 facilities assessment fees but no right of prepayment shall
14 exist from and after the date a school district issues a school
15 land assessment fee bond or school capital facilities
16 assessment fee bond pursuant to Section 15.15 of this Act. No
17 plan shall be submitted to the school board for its
18 consideration unless it is accompanied by a report from the
19 school district superintendent that recommends approval of the
20 plan.

21 Section 10.5. Public hearing. The school district shall
22 conduct a public hearing on the school land acquisition plan or
23 school capital facilities plan not later than 60 days following
24 the school board's receipt of the plan from the school
25 superintendent. Notice of the public hearing shall be published
26 at least once in a newspaper of general circulation within the
27 school district not less than 21 days and not more than 45 days
28 prior to the date scheduled for the public hearing. The school
29 district shall also give notice of the public hearing by
30 certified mail, within the same time period, to any person or
31 entity that has registered with the school district in
32 accordance with the school district's adopted procedures for
33 the receipt of public hearing notices.

34 Article 15. IMPOSITION, PAYMENT, AND USE OF SCHOOL LAND

1 ASSESSMENT FEES AND SCHOOL CAPITAL FACILITIES ASSESSMENT FEES

2 Section 15.1. Imposition of school land assessment fees and
3 capital facilities assessment fees. Once a school district has
4 adopted a school land acquisition plan or a school capital
5 facilities plan and established a school land assessment fee
6 schedule or a school capital facilities assessment fee
7 schedule, it shall have the authority and obligation to impose
8 school land assessment fees and school capital facilities
9 assessment fees against the owners of all dwelling units within
10 new developments that are thereafter constructed in the school
11 district or school sub-district. School land assessment fees
12 and school capital facilities assessment fees for a given
13 dwelling unit shall be due and payable annually over the
14 assessment period for the dwelling unit.

15 Section 15.5. Standard for imposition of school land
16 assessment fees and school capital facilities assessment fees.
17 Owners of dwelling units within new developments that are
18 required to pay school land assessment fees and school capital
19 facilities assessment fees shall not be required to pay more
20 than their proportionate share of the school land acquisition
21 costs and school capital facilities costs that a school
22 district will incur pursuant to the adopted school land
23 acquisition plan and school capital facilities plan. Such
24 proportionate share shall take into account the value of any
25 lands that the developer of those new developments may have
26 theretofore donated to the school district.

27 Section 15.10. Exclusion of new development increases in
28 assessed value and from certain property tax extensions. If a
29 school district adopts a school land acquisition plan or a
30 school capital facilities plan and establishes a school land
31 assessment fee schedule or a school capital facilities
32 assessment fee schedule, the tax rates for the school
33 district's existing or subsequently issued bonds or other

1 evidence of indebtedness, to the extent issued to cover the
2 school district's school land acquisition costs or school
3 capital facilities costs, and the school district's tax rate
4 for capital improvements established under Section 17-2(4) of
5 the School Code (105 ILCS 5/17-2), shall not be attributed or
6 extended to new construction increases in the assessed value of
7 newly constructed dwelling units in the school district for the
8 assessment periods established for those dwelling units,
9 notwithstanding the provisions of Section 18-115 and Section
10 18-140 of the Property Tax Code (35 ILCS 200/18-115 and
11 200/18-140).

12 Section 15.15. Issuance of assessment fee anticipation
13 warrants, notes, bonds, and other evidence of indebtedness. A
14 school district that has adopted a school land acquisition plan
15 or a school capital facilities plan may issue school land
16 assessment fee or school capital assessment fee anticipation
17 warrants, notes, bonds, or other evidence of indebtedness to
18 defray school land acquisition costs and school capital
19 facilities costs the school district anticipates incurring to
20 meet the needs of new development to the extent of 75% of the
21 amount of school land assessment fees and school capital
22 facilities assessment fees that it anticipates collecting over
23 the school land planning period or the school capital
24 facilities planning period. Moneys borrowed by a school
25 district in this manner shall be applied to the purposes for
26 which they were obtained and no other purpose.

27 Section 15.20. Payment of fees. Each dwelling unit in a new
28 development that is subject to the payment of a school land
29 assessment fee or a school capital assessment fee shall pay 10%
30 of the fee as a condition to issuance of a certificate of
31 occupancy for the dwelling unit. The balance of the fee shall
32 be paid in equal consecutive annual installments over the
33 assessment period on the anniversary of the initial payment
34 date. The installments shall be due not later than 30 days

1 after a fee payer receives from the school district an invoice
2 requesting such payment. A school district shall have the right
3 to charge reasonable interest of not more than 12% per annum on
4 installments that are not paid when due.

5 Section 15.25. Encumbering of collected school land
6 assessment fees and school capital facilities assessment fees.
7 A school district shall encumber all collected school land
8 assessment fees or school capital facilities assessment fees
9 within 5 years of their collection by the school district.

10 Section 15.30. Enforcement; lien rights. The school
11 district shall have the right to enforce the collection of
12 school land assessment fees and school capital facilities fees,
13 and of any interest due on unpaid installments of such fees, by
14 any means not otherwise precluded by law. In addition, the
15 school district shall have the right to place a lien on the
16 property of any fee payer that is subject to the payment of a
17 school land assessment fee or a school capital facilities
18 assessment fee if such fee payer fails to pay the fee or any
19 interest due as and when due and the right to foreclose such
20 lien in the same manner provided by law for the foreclosure of
21 mortgage liens.

22 Section 15.35. Annual certification by superintendent. The
23 school district superintendent shall annually submit to the
24 school district school board and to the County Superintendent
25 of Schools, within 30 days of expiration of the school
26 district's fiscal year, a certification made under oath to the
27 effect that, to the best of his or her knowledge, and after
28 undertaking a good faith investigation, school land assessment
29 fees and school capital facilities assessment fees imposed
30 pursuant to the school district's adopted school land
31 acquisition plan or school capital facilities plan have been
32 imposed, held and used in the manner required by this Act and
33 by the adopted school land acquisition plan and school capital

1 facilities plan.

2 Article 20. LIMITATIONS ON CHALLENGES

3 Section 20.1. Challenges to adopted plans or fee schedules.
4 No party shall have the right to contest a school district's
5 adoption of a school land acquisition plan, a school capital
6 facilities plan, a school district's school land assessment fee
7 schedule or a school district's capital facilities assessment
8 fee schedule more than 6 months after the date of adoption of
9 the plan or schedule. The resolution adopting a school land
10 acquisition plan or school capital facilities plan shall
11 provide for the consideration of the contest by an arbitrator
12 and for the prevailing party in such challenge to recover from
13 the non-prevailing party the attorneys' fees and costs that the
14 prevailing party has reasonably incurred in pursuing or
15 defending such contest. The arbitrator shall have the authority
16 to determine whether a school district's adopted school land
17 acquisition plan, school capital facilities plan, school land
18 assessment fee schedule, or school capital facilities
19 assessment fee schedule are consistent with the manifest weight
20 of the evidence presented at the public hearing required under
21 Sections 10.10 of this Act or are otherwise contrary to law.
22 The arbitrator's decision shall be subject to judicial review
23 in the circuit court under the provisions of the Administrative
24 Review Law.

25 Section 20.5. Challenges to use of collected fees. A fee
26 payer shall have the right to challenge or contest the use of
27 collected school land assessment fees or school capital
28 facilities assessment fees provided the fee payer commences
29 such challenge or contest in the appropriate circuit court not
30 more than one year after the date of payment of the fees.
31 Notwithstanding the foregoing: (i) an action seeking the refund
32 of a school land assessment fees or school capital facilities
33 assessment fee that has not been encumbered by a school

1 district as and when required by an adopted school land
2 acquisition plan, an adopted school capital facilities plan or
3 by this Act may be commenced by a fee payer more than one year
4 after the date of its payment provided it is commenced by the
5 fee payer no later than one year after the expiration of the
6 period within which the fee was to have been encumbered; and
7 (ii) if a school district has issued school land assessment
8 bonds or school capital facilities bonds pursuant to Section
9 15.15 of this Act, the commencement of any action challenging
10 the use of collected school land assessment fees or school
11 capital facilities assessment fees shall not negate the fee
12 payer's continuing obligation to pay school land assessment
13 fees or school capital assessment fees thereafter coming due.

14 Article 25. TRANSITION

15 Section 25.1. Repeal of existing ordinances. Any unit of
16 local government that has adopted an ordinance that requires a
17 party constructing a new development or an owner of a newly
18 constructed dwelling unit in a new development to pay an impact
19 fee or transition fee to satisfy school land acquisition costs,
20 school capital facilities costs, or school operating costs for
21 school districts operating within its boundaries shall repeal
22 such ordinance not later than 6 months after the effective date
23 of this Act.

24 Section 25.5. Existing agreements. New developments that,
25 as of the date of a school district's passage of a resolution
26 adopting a school land acquisition plan or a school capital
27 facilities plan, are the subject of an agreement that provides
28 for the payment of impact fees to a school district or unit of
29 local government to pay school land acquisition costs or school
30 capital facilities costs shall not be included within the
31 school district's school land acquisition plan or school
32 capital facilities plan, as applicable, or subject to the
33 school district's subsequent imposition of school land

1 assessment fees or school capital facilities assessment fees.

2 Article 99. EFFECTIVE DATE

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.