

AN ACT concerning urban problems.

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

Section 1. Findings.

(1) The General Assembly finds that in the 20th Century African-American communities in Illinois were substantially economically disadvantaged due to the policy of "redlining", whereby mortgage opportunities were denied to African-Americans or provided at greater than average interest rates.

(2) The General Assembly finds that through these policies, the African-American population of Illinois became concentrated in certain neighborhoods in Illinois cities. Due to the lack of access to capital, many of the renters in these neighborhoods were at the mercy of unscrupulous landlords, who failed to provide the proper maintenance and improvements to their properties. African-American homeowners in these neighborhoods often lacked the funds for proper upkeep. As a result, these neighborhoods began to become rundown and dilapidated. Soon thereafter these neighborhoods were deemed "blighted". Policymakers began to look for solutions to the problem of "blighted areas".

(3) The Blighted Areas Redevelopment Act of 1947 was enacted in an attempt to address the blighted areas problem.

However, the General Assembly finds that the ultimate effect of this Act was to codify discriminatory housing practices by declaring large swaths of African-American neighborhoods blighted areas. This resulted in these areas being condemned and demolished and the residents being forced to move without affordable housing readily available. The ultimate result was that the condemned areas were not redeveloped with affordable housing, but rather converted to mixed industrial or highway use, effectively serving as a "moat" between African-American neighborhoods and the rest of the city.

(4) The General Assembly finds that the stain of the discriminatory effects of the Blighted Areas Redevelopment Act of 1947 cannot be erased. However, the effects can be recognized and with the repeal of the Act, the path toward healing can begin.

Section 5. The Illinois Municipal Code is amended by changing Section 1-1-10 as follows:

(65 ILCS 5/1-1-10) (from Ch. 24, par. 1-1-10)

Sec. 1-1-10. It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Code, by Illinois statute, or by the Illinois Constitution to municipalities may be exercised by those municipalities, and the officers, employees, and agents of each, notwithstanding effects on competition.

It is further the policy of this State that home rule ~~home rule~~ municipalities and~~7~~ the officers, employees,l and agents of each may (1) exercise any power and perform any function pertaining to their government and affairs or (2) exercise those powers within traditional areas of municipal activity, except as limited by the Illinois Constitution or a proper limiting statute, notwithstanding effects on competition.

It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to all municipalities~~7~~ and the agents, officers,l and employees of each to the extent they are exercising authority as aforesaid, including, but not limited to, the provisions of Sections 6, 7,l and 10 of Article VII of the Illinois Constitution or the provisions of the following Illinois statutes, as each is now in existence or may hereinafter be amended:

(a) The Illinois Local Library Act; Article 27 of the Property Tax Code ~~"An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, as amended;~~ the Housing Development and Construction Act ~~"An Act to facilitate the development and construction of housing, to provide governmental assistance therefor, and to repeal an Act herein named", approved July 2, 1947, as amended;~~ or the

Housing Authorities Act, the Housing Cooperation Law, ~~the Blighted Areas Redevelopment Act of 1947,~~ the Blighted Vacant Areas Development Act of 1949, the Urban Community Conservation Act, the Illinois Enterprise Zone Act, or any other power exercised pursuant to the Intergovernmental Cooperation Act; or

(b) Divisions 1, 2, 3, 4, 5 and 6 of Article 7 of the Illinois Municipal Code; Divisions 9, 10 and 11 of Article 8 of the Illinois Municipal Code; Divisions 1, 2, 3, 4 and 5 of Article 9 of the Illinois Municipal Code; and all of Divisions of Articles 10 and 11 of the Illinois Municipal Code; or

(c) Any other Illinois statute or constitutional provision now existing or which may be enacted in the future, by which any municipality may exercise authority.

The "State action exemption" for which provision is made by this Section shall be liberally construed in favor of such municipalities and the agents, employees and officers thereof, and such exemption shall be available notwithstanding that the action of the municipality or its agents, officers or employees constitutes an irregular exercise of constitutional or statutory powers. However, this exemption shall not apply where the action alleged to be in violation of antitrust law exceeds either (1) powers granted, either expressly or by necessary implication, by Illinois statute or the Illinois Constitution or (2) powers granted to a home rule municipality to perform any function pertaining to its

government and affairs or to act within traditional areas of municipal activity, except as limited by the Illinois Constitution or a proper limiting statute.

Notwithstanding the foregoing, where it is alleged that a violation of the antitrust laws has occurred, the relief available to the plaintiffs shall be limited to an injunction which enjoins the alleged activity.

Nothing in this Section is intended to prohibit or limit any cause of action other than under an antitrust theory.

(Source: P.A. 84-1050; revised 8-7-19.)

Section 10. The Housing Authorities Act is amended by changing Sections 9 and 17 and by adding Section 8.24 as follows:

(310 ILCS 10/8.24 new)

Sec. 8.24. Land clearance commissions. Any Land Clearance Commission created prior to the effective date of this amendatory Act of the 102nd General Assembly in accordance with the Blighted Areas Redevelopment Act of 1947 (repealed) shall be deemed lawful and valid except as provided under the Urban Renewal Consolidation Act of 1961. Nothing herein contained shall affect or impair the validity of any act or proceeding done or performed by such Land Clearance Commission under the Blighted Areas Redevelopment Act of 1947 prior to the effective date of this amendatory Act of the 102nd General

Assembly.

(310 ILCS 10/9) (from Ch. 67 1/2, par. 9)

Sec. 9. Whenever it shall be deemed necessary by an Authority in connection with the exercise of its powers herein conferred to take or acquire the fee of any real property in the area of operation or any interest therein or right with respect thereto, such Authority may acquire the same directly or through its agent or agents from the owner or owners thereof or may acquire the same by the exercise of eminent domain in the manner provided by the Eminent Domain Act.

If any of such property is devoted to a public use it may nevertheless be acquired, provided that no property belonging to a government may be acquired without its consent and that no property belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without the approval of the Illinois Commerce Commission.

The power of eminent domain shall apply not only to improved or unimproved property which may be acquired for or as an incident to the development or operation of a project or projects, but also to: (a) any improved or unimproved property the acquisition of which is necessary or appropriate for the rehabilitation or redevelopment of any blighted or slum area, or (b) any improved or unimproved property which the Authority may require to carry out the provisions of this Act. Such power

may be exercised by the Housing Authority on its own initiative or as an agent of the city, village, incorporated town, county or counties, or any government, or for the purpose of sale or lease to: (a) a housing corporation operating under "An Act in relation to housing", approved July 12, 1933, as amended; (b) neighborhood redevelopment corporations operating under the "Neighborhood Redevelopment Corporation Law", approved July 9, 1941, as amended; (c) insurance companies operating under Section 125a of the "Illinois Insurance Code", approved June 29, 1937, as amended; (d) non-profit corporations organized for the purpose of constructing, managing and operating housing projects and for the improvement of housing conditions, including the rental or sale of housing units to persons in need thereof; or to any other individual, association or corporation desiring to engage in a development or redevelopment project. No sale or lease shall be made hereunder to any of the aforesaid corporations, associations or individuals unless a plan has been approved by the Authority and the Department for the development or redevelopment of such property and unless the purchaser or lessee furnishes the Authority a bond, with satisfactory sureties, in an amount not less than 10% of the cost of such development or redevelopment, conditioned on the completion of such development or redevelopment in accordance with the approved plan; provided that the requirement of the bond may be waived by the Department if it is satisfied of the

financial ability of the purchaser or lessee to complete such development or redevelopment in accordance with the approved plan. To further assure that the real property so sold or leased shall be used in accordance with the plan, the Department may require the purchaser or lessee to execute in writing such undertakings as the Department deems necessary to obligate such purchaser or lessee (1) to use the property for the purposes presented in plans; (2) to commence and complete the building of the improvements designated in the plan within the periods of time that the Department fixes as reasonable; and (3) to comply with such other conditions as are necessary to carry out the purpose of this Act. Any such property may be sold pursuant to this section for any legal consideration in an amount to be approved by the Department.

If the area of operation of a housing authority includes a city, village or incorporated town having a population in excess of 500,000 as determined by the last preceding Federal census, no real property or interest in real property shall be acquired in such municipality by the housing authority until such time as the housing authority has advised the governing body of such municipality of the description of the real property, or interest therein, proposed to be acquired, and the governing body of the municipality has approved the acquisition thereof by the housing authority.

A "blighted or slum area" means any area of not less, in the aggregate, than one acre, excepting that in any

municipality having a population in excess of 500,000, as determined by the last preceding Federal census, a "blighted or slum area" means any area of not less in the aggregate of 2 acres which area, in either case, has been designated by municipal ordinance or by the Authority as an integrated project for rehabilitation, development or redevelopment, where (a) buildings or improvements, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors, are a detriment to public safety, health or morals, or welfare, or (b) there exists platted land which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or (c) there exists open unplatted land necessary for sound community growth which is to be developed for predominantly residential uses, or (d) parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediment to the use of such area for predominantly residential uses; provided, that if in any city, village or incorporated town there exists a land clearance commission, created under the

"Blighted Areas Redevelopment Act of 1947 (repealed) prior to the effective date of this amendatory Act of the 102nd General Assembly ", having the same area of operation as a housing authority created in and for any such municipality, such housing authority shall have no power to acquire land of the character described in sub-paragraphs (b), (c) or (d) of the definition of "blighted or slum area", in this paragraph for the purpose of development or redevelopment by private enterprise.

The Housing Authority shall have power to hold or use any such property for uses authorized by this Act, or to sell, lease or exchange such property as is not required for such uses by the Authority. In case of sale or lease to other than a public corporation or public agency, notice shall be given and bids shall be received in the manner provided by Section 11-76-2 of the Illinois Municipal Code, as amended, and bids may be accepted by vote of three of the five Commissioners of the Authority; provided, however, that such requirement of notice and bidding shall not apply to a sale or lease to any individual, association or corporation described in the preceding paragraph; nor to a sale or lease of an individual dwelling unit in a project, to be used by the purchaser as a dwelling for his family; nor to a sale or lease of a project or part thereof to an association to be so used by its members. In case of exchange of property for property privately owned, three disinterested appraisers shall be appointed to appraise

the value of the property to be exchanged, and such exchange shall not be made unless the property to be received by the Authority is equal or greater in value than the property to be exchanged therefor, or if less than such value, that the difference shall be paid in money.

(Source: P.A. 94-1055, eff. 1-1-07.)

(310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

Sec. 17. Definitions. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Authority" or "housing authority" shall mean a municipal corporation organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions herein set forth.

(b) "Area" or "area of operation" shall mean: (1) in the case of an authority which is created hereunder for a city, village, or incorporated town, the area within the territorial boundaries of said city, village, or incorporated town, and so long as no county housing authority has jurisdiction therein, the area within three miles from such territorial boundaries, except any part of such area located within the territorial boundaries of any other city, village, or incorporated town; and (2) in the case of a county shall include all of the county except the area of any city, village or incorporated town

located therein in which there is an Authority. When an authority is created for a county subsequent to the creation of an authority for a city, village or incorporated town within the same county, the area of operation of the authority for such city, village or incorporated town shall thereafter be limited to the territory of such city, village or incorporated town, but the authority for such city, village or incorporated town may continue to operate any project developed in whole or in part in an area previously a part of its area of operation, or may contract with the county housing authority with respect to the sale, lease, development or administration of such project. When an authority is created for a city, village or incorporated town subsequent to the creation of a county housing authority which previously included such city, village or incorporated town within its area of operation, such county housing authority shall have no power to create any additional project within the city, village or incorporated town, but any existing project in the city, village or incorporated town currently owned and operated by the county housing authority shall remain in the ownership, operation, custody and control of the county housing authority.

(c) "Presiding officer" shall mean the presiding officer of the board of a county, or the mayor or president of a city, village or incorporated town, as the case may be, for which an Authority is created hereunder.

(d) "Commissioner" shall mean one of the members of an Authority appointed in accordance with the provisions of this Act.

(e) "Government" shall include the State and Federal governments and the governments of any subdivisions, agency or instrumentality, corporate or otherwise, of either of them.

(f) "Department" shall mean the Department of Commerce and Economic Opportunity.

(g) "Project" shall include all lands, buildings, and improvements, acquired, owned, leased, managed or operated by a housing authority, and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations and facilities appurtenant thereto (including community facilities and stores) which are planned as a unit, whether or not acquired or constructed at one time even though all or a portion of the buildings are not contiguous or adjacent to one another; and the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the clearing of land, the construction, reconstruction, and repair of buildings or improvements and all other work in connection therewith. As provided in Sections 8.14 to 8.18, inclusive, "project" also means, for Housing Authorities for municipalities of less than 500,000 population and for counties, the conservation of urban areas in accordance with an approved conservation plan. "Project" shall also include

(1) acquisition of (i) a slum or blighted area or a deteriorated or deteriorating area which is predominantly residential in character, or (ii) any other deteriorated or deteriorating area which is to be developed or redeveloped for predominantly residential uses, or (iii) platted urban or suburban land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or (iv) open unplatted urban or suburban land necessary for sound community growth which is to be developed for predominantly residential uses, or (v) any other area where parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediments to the use of such area for predominantly residential uses; (2) installation, construction, or reconstruction of streets, utilities, and other site improvements essential to the preparation of sites for uses in accordance with the development or redevelopment plan; and (3) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself). If in any city, village or incorporated town there exists a land

clearance commission created under the "Blighted Areas Redevelopment Act of 1947 (repealed) prior to the effective date of this amendatory Act of the 102nd General Assembly" having the same area of operation as a housing authority created in and for any such municipality such housing authority shall have no power to acquire land of the character described in subparagraph (iii), (iv) or (v) of paragraph 1 of the definition of "project" for the purpose of development or redevelopment by private enterprise.

(h) "Community facilities" shall include lands, buildings, and equipment for recreation or social assembly, for education, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed, reconstructed, repaired or operated hereunder.

(i) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(j) The term "governing body" shall include the city council of any city, the president and board of trustees of any village or incorporated town, the council of any city or village, and the county board of any county.

(k) The phrase "individual, association, corporation or organization" shall include any individual, private

corporation, limited or general partnership, limited liability company, insurance company, housing corporation, neighborhood redevelopment corporation, non-profit corporation, incorporated or unincorporated group or association, educational institution, hospital, or charitable organization, and any mutual ownership or cooperative organization.

(l) "Conservation area", for the purpose of the exercise of the powers granted in Sections 8.14 to 8.18, inclusive, for housing authorities for municipalities of less than 500,000 population and for counties, means an area of not less than 2 acres in which the structures in 50% or more of the area are residential having an average age of 35 years or more. Such an area ~~is not yet a slum or blighted area as defined in the Blighted Areas Redevelopment Act of 1947, but such an area~~ by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors may become a slum and blighted area.

(m) "Conservation plan" means the comprehensive program for the physical development and replanning of a "Conservation Area" as defined in paragraph (l) embodying the steps required to prevent such Conservation Area from becoming a slum and blighted area.

(n) "Fair use value" means the fair cash market value of real property when employed for the use contemplated by a "Conservation Plan" in municipalities of less than 500,000 population and in counties.

(o) "Community facilities" means, in relation to a "Conservation Plan", those physical plants which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(p) "Loan agreement" means any agreement pursuant to which an Authority agrees to loan the proceeds of its revenue bonds issued with respect to a multifamily rental housing project or other funds of the Authority to any person upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, premium, if any, and interest on the revenue bonds of the Authority issued with respect to the multifamily rental housing project, and providing for maintenance, insurance, and other matters as may be deemed desirable by the Authority.

(q) "Multifamily rental housing" means any rental project designed for mixed-income or low-income occupancy.

(Source: P.A. 94-793, eff. 5-19-06; 95-887, eff. 8-22-08.)

Section 15. The Housing Development and Construction Act is amended by changing Sections 2, 3b, 4, and 10 and by adding Section 10a as follows:

(310 ILCS 20/2) (from Ch. 67 1/2, par. 54)

Sec. 2. Any housing authority now or hereafter organized under the "Housing Authorities Act," approved March 19, 1934, as amended, and any Land Clearance Commission heretofore organized under the Act herein repealed or organized prior to the effective date of this amendatory Act of the 102nd General Assembly ~~hereafter organized~~ under the provisions of the "Blighted Areas Redevelopment Act of 1947 (repealed)," ~~enacted by the 65th General Assembly,~~ may make application to the Department of Commerce and Economic Opportunity for a grant of state funds from the appropriation designated for the making of grants under this Act. No such housing authority or Land Clearance Commission shall apply for a sum larger than the proportion of the population of its area of operation to the population of the State, and where an authority and Land Clearance Commission have been created by the governing body of the same municipality, an amount not in excess of one-half (1/2) of the maximum grant allocable for such municipality on the foregoing basis of proportion of population may be allocated to the housing authority and an amount not in excess of one-half (1/2) of the maximum grant so allocable for such municipality may be allocated to the Land Clearance Commission.

The foregoing provisions of this Section in respect to maximum allocable grants to housing authorities and land

clearance commissions from funds appropriated by the 66th or any succeeding General Assembly, and applications therefor, shall be subject to the provisions of Section 3a of this Act.

(Source: P.A. 94-793, eff. 5-19-06.)

(310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

Sec. 3b. In any municipality or county for which a Land Clearance Commission has been established, and for which no Housing Authority has been established, the Land Clearance Commission, if a recipient of state grants under this Act, may, subject to the approval of the Department of Commerce and Economic Opportunity, exercise the powers vested in Housing Authorities under the provisions of this Act and the "Housing Authorities Act," approved March 19, 1934, as amended, and apply state grant funds allocated under this Act to any such purpose. For the purpose of any project so undertaken, the Land Clearance Commission shall be subject to all laws and regulations applicable to Housing Authorities. ~~In If a Housing Authority is established for any such municipality or county, the Land Clearance Commission shall thereafter exercise only those powers designated in the "Blighted Areas Redevelopment Act of 1947," approved July 2, 1947, as amended, and, in~~ respect to pending, uncompleted or existing projects undertaken as a Housing Authority, the Land Clearance Commission, subject to the approval of the Department of Commerce and Economic Opportunity, may either complete or

continue such project, or transfer full and complete power thereover to the Housing Authority.

(Source: P.A. 94-793, eff. 5-19-06.)

(310 ILCS 20/4) (from Ch. 67 1/2, par. 56)

Sec. 4. Grants paid to Land Clearance Commissions pursuant to this Act shall be deposited in a separate fund ~~and, except as otherwise authorized by Section 3b, be applied only to the uses authorized by the "Blighted Areas Redevelopment Act of 1947," approved July 2, 1947, as amended.~~ If any such Land Clearance Commission has received state or municipal grants under the "Blighted Areas Redevelopment Act of 1947 (repealed) prior to the effective date of this amendatory Act of the 102nd General Assembly," the sum paid under this Act shall be deposited in the separate fund into which such other grants were placed for use in connection with any redevelopment project or projects undertaken by such commission. No grant to a Land Clearance Commission hereunder shall be conditioned upon the matching thereof by the municipality in which the redevelopment project is located.

(Source: Laws 1963, p. 1493.)

(310 ILCS 20/10) (from Ch. 67 1/2, par. 62)

Sec. 10. "An Act to promote the improvement of housing", approved July 26, 1945, is repealed. The repeal of said Act shall not affect the validity of the organization, acts,

contracts, proceedings, conveyances and transactions of housing authorities and land clearance commissions done or performed thereunder prior to the effective date of this Act, and all such acts, contracts, proceedings, conveyances and transactions, done or performed thereunder, and the organization of such authorities and land clearance commissions are ratified, affirmed and declared valid and legal in all respects. Grants paid to such housing authorities and land clearance commissions under the act herein repealed may be used by such authorities and commissions for the purposes for which such grants were made, and all or any portion thereof which remains unexpended and unobligated may, in addition, be used ~~in the manner authorized by Section 22 of the "Blighted Areas Redevelopment Act of 1947", enacted by the 65th General Assembly, or,~~ with the approval of the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) for any purpose or purposes authorized by this Act.

(Source: P.A. 94-793, eff. 5-19-06.)

(310 ILCS 20/10a new)

Sec. 10a. Blighted Areas Redevelopment Act of 1947; repeal. The repeal of the Blighted Areas Redevelopment Act of 1947 does not affect the validity of the organization, acts, contracts, proceedings, conveyances, and transactions of housing authorities and land clearance commissions done or

performed thereunder prior to the effective date of this amendatory Act of the 102nd General Assembly and all such acts, contracts, proceedings, conveyances, and transactions, done or performed thereunder, and the organization of such authorities and land clearance commissions are ratified, affirmed, and declared valid and legal in all respects. Grants paid to such housing authorities and land clearance commissions under the Act herein repealed may be used by such authorities and commissions for the purposes for which such grants were made, and all or any portion thereof which remains unexpended and unobligated may, in addition, be used with the approval of the Department of Commerce and Economic Opportunity for any purpose or purposes authorized by this Act.

Section 20. The Redevelopment Project Rehousing and Capital Improvements Act is amended by changing Section 1 as follows:

(310 ILCS 30/1) (from Ch. 67 1/2, par. 92)

Sec. 1. The State shall contribute to the rehousing of persons of low income residing in the areas of redevelopment projects ~~undertaken pursuant to the "Blighted Areas Redevelopment Act of 1947", herein called "redevelopment projects"~~, in the manner provided by this Act.

(Source: Laws 1947, p. 1089.)

Section 25. The Neighborhood Redevelopment Corporation Law is amended by changing Section 3-12 as follows:

(315 ILCS 20/3-12) (from Ch. 67 1/2, par. 253-12)

Sec. 3-12. "Conservation Area" shall mean an area in which the structures in fifty per cent or more of the area are residential having an average age of thirty-five years or more. Such an area ~~is not yet a Slum or Blighted Area as defined in the Blighted Areas Redevelopment Act of 1947, but such area~~ by reason of dilapidation, obsolescence, or deterioration, or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout or any combination of these factors may become ~~such~~ a Slum and Blighted Area.

(Source: Laws 1953, p. 1138.)

Section 30. The Urban Community Conservation Act is amended by changing Section 3 as follows:

(315 ILCS 25/3) (from Ch. 67 1/2, par. 91.10)

Sec. 3. Definitions.

The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) "Municipality" shall mean a city, village or incorporated town.

(b) "Governing body" shall mean the council or the President and board of Trustees of any city, village or incorporated town, as the case may be.

(c) "Presiding officer" shall mean the Mayor or President of a city, village or incorporated town.

(d) "Conservation Area" in municipalities with a population of over 500,000 shall mean an area of not less than 40 acres, and in other municipalities shall mean an area of not less than 2 acres in which the structures in 50% or more of the area are residential having an average age of 35 years or more. Such an area ~~is not yet a slum or blighted area as defined in the Blighted Areas Redevelopment Act of 1947, but such an area~~ by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors may become ~~such~~ a slum and blighted area.

(e) "Conservation Plan" shall mean the comprehensive program for the physical development and replanning of a "Conservation Area" embodying the steps required to prevent such "Conservation Area" from becoming a slum and blighted area.

(f) "Real Property" shall include lands, lands underwater, structures and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(g) "Fair Use Value" shall mean the fair cash market value of real property when employed for the use contemplated by the community conservation plan.

(h) "Community facilities" shall mean those physical plants which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(Source: Laws 1959, p. 2200.)

Section 35. The Urban Renewal Consolidation Act of 1961 is amended by changing Sections 2, 3, 12, 19, 30, and 33 as follows:

(315 ILCS 30/2) (from Ch. 67 1/2, par. 91.102)

Sec. 2. It is hereby found and declared (a) that there exist in urban communities within this State with more than 500,000 inhabitants land clearance commissions, created prior to the effective date of this amendatory Act of the 102nd General Assembly and acting pursuant to the "Blighted Areas Redevelopment Act of 1947 (repealed) ~~," approved July 2, 1947,~~ ~~as amended,~~ and conservation boards, created and acting

pursuant to the "Urban Community Conservation Act," approved July 13, 1953, as amended; (b) that the administration of these two closely related programs involving the eradication or prevention of slum and blight areas and the redevelopment of such areas can be accomplished more efficiently by a single instrumentality as an agency of such urban community; (c) that in order to protect the health, safety, morals and welfare of the public by the more efficient administration of programs to aid in the eradication and prevention of slum and blight areas and the redevelopment thereof it is necessary to provide for the creation of a single instrumentality to absorb the functions of land clearance commissions and conservation boards, and to exercise the powers and authority granted by the "~~Blighted Areas Redevelopment Act of 1947~~ (repealed)," ~~approved July 2, 1947, as amended,~~ and the "Urban Community Conservation Act," approved July 13, 1953, as amended; and (d) the eradication and redevelopment of slum and blighted areas, the development and redevelopment of blighted vacant areas, the conservation of urban residential areas and the prevention of slums, by a single instrumentality the creation of which is herein authorized, in the manner provided in this Act, is hereby declared to be a public use essential to the public interest.

(Source: Laws 1961, p. 3308.)

Sec. 3. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Department" means a Department of Urban Renewal created pursuant to this Act.

(b) "Government" shall mean the United States of America or any agency or instrumentality thereof authorized to make funds available to local public agencies by way of loans or grants for or in aid of any of the purposes of this Act.

(c) "Municipality" shall mean a city, village or incorporated town.

(d) "Presiding officer" shall mean the mayor or president of a city, village or incorporated town, as the case may be, for which a Department of Urban Renewal is created.

(e) "Governing body" shall mean the council or the president and board of trustees of any city, village or incorporated town, as the case may be.

(f) "State Housing Board" shall mean the State Housing Board created pursuant to "An Act in relation to Housing," approved July 12, 1933, as amended.

(g) "Area of operation" shall mean the area within the territorial boundaries of such municipality.

(h) "Real Property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and

equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(i) "Slum and Blighted Area" means any area of not less in the aggregate than two (2) acres located within the territorial limits of a municipality where buildings or improvements, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors, are detrimental to the public safety, health, morals or welfare.

(j) "Slum and Blighted Area Redevelopment Project" means a project involving a slum and blighted area as defined in subsection (i) of this section.

(k) "Blighted Vacant Area Redevelopment Project" means a project involving (1) predominantly open platted urban land which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or taxes or special assessment delinquencies exceeding the fair value of the land, substantially impairs or arrests the sound growth of the community and which is to be developed for residential or other use, provided that such a project shall not be developed for other than residential use unless the area, at the time the Department adopts the resolution approving the plan for the development of the area, is zoned for other than residential use and unless the Department determines that

residential development thereof is not feasible, and such determination is approved by the presiding officer and the governing body of the municipality in which the area is situated, or (2) open unplatted urban land to be developed for predominantly residential uses, or (3) a combination or projects defined in (1) and (2) of this sub-section (k).

(1) "Redevelopment Project" shall mean a "Slum and Blighted Area Redevelopment Project" or a "Blighted Vacant Area Redevelopment Project," as the case may be, as designated in the determination of the Department pursuant to Section 11 of this Act, or as heretofore designated in the determination of a land clearance commission which is to be dissolved pursuant to this Act, and may include such additional area of not more in the aggregate than one hundred sixty (160) acres (exclusive of the site of any abutting Slum and Blighted Area Redevelopment Project or Blighted Vacant Area Redevelopment Project) located within the territorial limits of the municipality, abutting and adjoining in whole or in part a Slum and Blighted Area Redevelopment Project or Blighted Vacant Area Redevelopment Project, which the Department deems necessary for the protection and completion of such redevelopment project or projects and of the site improvements to be made therein and which has been approved by the governing body of the municipality in which the area is situated, but the Department as to such additional area shall have power only to make studies, surveys and plans concerning services to be

performed by the municipality or others, including the extension of project streets and utilities, the provision of parks, playgrounds or schools, and the zoning of such peripheral areas.

(m) "Conservation Area" shall mean an area of not less than 40 acres in which the structures in 50% or more of the area are residential, having an average age of 35 years or more. Such an area is not yet a slum or blighted area as defined herein, but such an area, by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors, may become such a slum and blighted area.

(n) "Conservation Plan" shall mean the comprehensive program for the physical development and replanning of a "Conservation Area" embodying the steps required to prevent such "Conservation Area" from becoming a slum and blighted area.

(o) "Fair Use Value" shall mean the fair cash market value of real property when employed for the use contemplated by the Community Conservation Plan.

(p) "Community facilities" shall mean those physical plants which implement, support and facilitate the activities,

services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(q) "Land Clearance Commission" shall mean a land clearance commission created prior to the effective date of this amendatory Act of the 102nd General Assembly pursuant to the "Blighted Areas Redevelopment Act of 1947 (repealed) "~~approved July 2, 1947, as amended.~~

(r) "Conservation Board" shall mean a conservation board created pursuant to the "Urban Community Conservation Act," approved July 13, 1953, as amended.

(Source: Laws 1961, p. 3308.)

(315 ILCS 30/12) (from Ch. 67 1/2, par. 91.112)

Sec. 12. Upon approval of the determination as provided in the preceding Section, the Department, as agent for the municipality, may proceed to acquire by gift, purchase or condemnation the fee simple title to all real property lying within the area included in the redevelopment project, including easements and reversionary interests in the streets, alleys and other public places lying within such area. If any such real property is subject to an easement the Department, in its discretion, may acquire the fee simple title to such real property subject to such easement if it determines that such easement will not interfere with the consummation of a redevelopment plan. If any such real property is already devoted to a public use it may nevertheless be acquired,

provided that no property belonging to the United States of America, the State of Illinois or any municipality may be acquired without the consent of such governmental unit and that no property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without the approval of the Illinois Commerce Commission. Each Department, as agent for the municipality, is hereby vested with the power to exercise the right of eminent domain. Condemnation proceedings instituted hereunder shall be brought by and in the name of the municipality and shall be in all respects in the manner provided for the exercise of the right of eminent domain under the Eminent Domain Act.

Any determination to acquire a particular slum or blighted area, or any other area which may constitute a redevelopment project, as herein defined, heretofore made by a land clearance commission prior to the effective date of this amendatory Act of the 102nd General Assembly pursuant to the "Blighted Areas Redevelopment Act of 1947 (repealed) "~~approved July 2, 1947, as amended,~~ and heretofore approved by the State Housing Board and the governing body of the municipality, shall be sufficient to authorize acquisition by the Department, as agent for the municipality, of all or any of the real property included in such area.

(Source: P.A. 94-1055, eff. 1-1-07.)

(315 ILCS 30/19) (from Ch. 67 1/2, par. 91.119)

Sec. 19. Prior to making a sale or conveyance of any part of the real property within the area of a redevelopment project pursuant to any of the foregoing Sections of this Act, the Department shall prepare and approve a plan for the development or redevelopment of the project area and shall submit the same to the governing body of the municipality in which the real property is situated for their approval. The Department shall not make a sale or conveyance of any part of the real property in the project area until such time as the plan has been approved by the governing body of the municipality in which the real property is situated; provided, however, that any plan for the development or redevelopment of a project area heretofore prepared and approved by a land clearance commission prior to the effective date of this amendatory Act of the 102nd General Assembly pursuant to the Blighted Areas Redevelopment Act of 1947 (repealed), and heretofore approved by the State Housing Board and the governing body of the municipality shall be sufficient to authorize a sale pursuant to this Section. At the time of making any such sale or conveyance, the purchaser shall agree to reimburse any public utility as defined in the Public Utilities Act for the costs of relocation of the facilities of such public utility made necessary by the plan for the development or redevelopment of the project area, except and excluding, however, any such costs to the extent incurred for

the relocation of such facilities located, prior to the development or redevelopment, in a public way or public property which retains its character as such thereafter.

(Source: P.A. 100-863, eff. 8-14-18.)

(315 ILCS 30/30) (from Ch. 67 1/2, par. 91.130)

Sec. 30. The provisions of any other statute to the contrary notwithstanding, funds of a land clearance commission dissolved or in the process of dissolution pursuant to this Act which have been derived from grants made by the State of Illinois shall be transferred and paid over to the municipality for use by a Department of Urban Renewal for any of the purposes of Part I of this Act.

Any municipality which has issued and sold bonds prior to the effective date of this amendatory Act of the 102nd General Assembly pursuant to Section 24 of the "Blighted Areas Redevelopment Act of 1947 (repealed), ~~" approved July 2, 1947, as amended,~~ for the purpose of raising funds to be paid to a land clearance commission may apply, use and pay the proceeds of such bonds for and in aid of its Department of Urban Renewal and may use such funds for any of the purposes of Part I of this Act.

(Source: Laws 1961, p. 3308.)

(315 ILCS 30/33) (from Ch. 67 1/2, par. 91.133)

Sec. 33. Nothing contained in this Act shall affect or

impair the validity of any act or proceeding done or performed by a land clearance commission prior to the effective date of this amendatory Act of the 102nd General Assembly under the Blighted Areas Redevelopment Act of 1947 (repealed) ~~as amended,~~ or by a Community Conservation Board under the Urban Community Conservation Act, as amended.

(Source: Laws 1961, p. 3308.)

Section 40. The Eminent Domain Act is amended by changing Section 15-5-25 as follows:

(735 ILCS 30/15-5-25)

Sec. 15-5-25. Eminent domain powers in ILCS Chapters 205 through 430. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(220 ILCS 5/8-509); Public Utilities Act; public utilities; for construction of certain improvements.

(220 ILCS 15/1); Gas Storage Act; corporations engaged in the distribution, transportation, or storage of natural gas or manufactured gas; for their operations.

(220 ILCS 15/2 and 15/6); Gas Storage Act; corporations engaged in the distribution, transportation, or storage of natural gas or manufactured gas; for use of an underground geological formation for gas storage.

(220 ILCS 30/13); Electric Supplier Act; electric cooperatives; for general purposes.

(220 ILCS 55/3); Telegraph Act; telegraph companies; for telegraph lines.

(220 ILCS 65/4); Telephone Company Act; telecommunications carriers; for telephone company purposes.

(225 ILCS 435/23); Ferries Act; ferry operators; for a landing, ferryhouse, or approach.

(225 ILCS 440/9); Highway Advertising Control Act of 1971; Department of Transportation; for removal of signs adjacent to highways.

(310 ILCS 5/6 and 5/38); State Housing Act; housing corporations; for general purposes.

(310 ILCS 10/8.3); Housing Authorities Act; housing authorities; for general purposes.

(310 ILCS 10/8.15); Housing Authorities Act; housing authorities; for implementation of conservation plans and demolition.

(310 ILCS 10/9); Housing Authorities Act; housing authorities; for general purposes.

(310 ILCS 20/5); Housing Development and Construction Act; housing authorities; for development or redevelopment.

(310 ILCS 35/2); House Relocation Act; political subdivisions and municipal corporations; for relocation of dwellings for highway construction.

~~(315 ILCS 5/14); Blighted Areas Redevelopment Act of 1947;~~

~~land clearance commissions; for redevelopment projects.~~

(315 ILCS 10/5); Blighted Vacant Areas Development Act of 1949; State of Illinois; for housing development.

(315 ILCS 20/9 and 20/42); Neighborhood Redevelopment Corporation Law; neighborhood redevelopment corporations; for general purposes.

(315 ILCS 25/4 and 25/6); Urban Community Conservation Act; municipal conservation boards; for conservation areas.

(315 ILCS 30/12); Urban Renewal Consolidation Act of 1961; municipal departments of urban renewal; for blighted area redevelopment projects.

(315 ILCS 30/20 and 30/22); Urban Renewal Consolidation Act of 1961; municipal departments of urban renewal; for implementing conservation areas.

(315 ILCS 30/24); Urban Renewal Consolidation Act of 1961; municipal departments of urban renewal; for general purposes.

(415 ILCS 95/6); Junkyard Act; Department of Transportation; for junkyards or scrap processing facilities.

(420 ILCS 35/1); Radioactive Waste Storage Act; Illinois Emergency Management Agency; for radioactive by-product and waste storage.

(Source: P.A. 94-1055, eff. 1-1-07.)

(315 ILCS 5/Act rep.)

Section 45. The Blighted Areas Redevelopment Act of 1947

Public Act 102-0510

HB3864 Enrolled

LRB102 15830 KTG 21199 b

is repealed.

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