

1 AN ACT concerning development rights.

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

4 Section 5. The Counties Code is amended by amending
5 Section 5-3003 and by adding Sections 3-5022.5, 5-30024, and
6 5-20025 as follows:

7 (55 ILCS 5/3-5022.5 new)

8 Sec. 3-5022.5. Conservation easements. No person may
9 offer or present for recording and no recorder may accept for
10 recording any conservation easement that does not comply with
11 subsection (f) of Section 5-30024 of the Counties Code or
12 subsection (f) of Section 11-48.2-6B of the Illinois
13 Municipal Code.

14 (55 ILCS 5/5-30003) (from Ch. 34, par. 5-30003)

15 Sec. 5-30003. Definitions. As used in this Division, the
16 following terms shall have the meanings ascribed to them as
17 follows:

18 "Affordable housing". Housing that is low-income housing
19 or moderate income housing.

20 "Affordable housing development". Any housing
21 development that is subsidized by the federal government, the
22 State, or the county, or any housing development in which at
23 least 15% of the dwelling units are subject to covenants or
24 restrictions that require that the dwelling units be sold or
25 rented at prices that preserve them as affordable housing
26 under Section 5-30025.

27 "Affordable housing incentives". A density bonus and
28 other development incentives granted under an affordable
29 housing incentive ordinance under Section 5-30025.

30 "Affordable rent". Monthly housing expenses, including a

1 reasonable allowance for utilities, for affordable housing
2 units that are for rent to low- or moderate-income
3 households.

4 "Affordable sales price". A sales price at which low- or
5 moderate-income households can qualify for the purchase of
6 affordable housing, calculated on the basis of underwriting
7 standards of mortgage financing available for the housing
8 development.

9 "Alteration". Any act or process that changes one or
10 more historic, architectural or physical features of an area,
11 site, landscape, place or structure, including, but not
12 limited to, the erection, construction, reconstruction, or
13 removal of any structure; the expansion or significant
14 modification of agricultural activities; surface mining; and
15 clearing, grading or other modification of an area, site or
16 landscape that changes its current or natural condition.

17 "Architectural significance". Embodying the distinctive
18 characteristics of a type, period, style or method of
19 construction or use of indigenous construction, or
20 representing the work of an important builder, designer,
21 architect, or craftsman who has contributed to the
22 development of the community, county, State or country.

23 "Archaeological significance". Importance as an area,
24 site, place or landscape that has yielded or is likely to
25 yield information concerning past patterns of human
26 settlement, or artifacts or information concerning previous
27 cultures in Illinois or previous periods of the present
28 culture. Areas, sites or landscapes of archaeological
29 significance may include, but are not limited to, aboriginal
30 mounds, forts, earthworks, burial grounds, historic or
31 prehistoric ruins, locations of villages, mine excavations or
32 tailings, or other locations.

33 "Bonusable area". Space that is occupied by a public
34 benefit amenity and that is determined by the county to

1 satisfy requirements under its land development regulations
2 for additional gross floor area or dwelling units.

3 "Bonus ratio". The ratio of additional square feet of
4 nonresidential floor area granted per square foot of
5 bonusable area.

6 "Building". Any structure designed or constructed for
7 residential, commercial, industrial, agricultural or other
8 use.

9 "Certificate of Appropriateness". A certificate issued
10 by a preservation commission indicating its approval of plans
11 for alteration, construction, demolition, or removal
12 affecting a nominated or designated landmark or property
13 within a nominated or designated preservation district.

14 "Certificate of Economic Hardship". A certificate
15 issued by a Preservation Commission authorizing an
16 alteration, construction, removal or demolition even though a
17 Certificate of Appropriateness has previously been denied or
18 may be denied.

19 "Commissioners". Members of a Preservation Commission.

20 "Conservation Right". A term that includes easements,
21 covenants, deed restrictions or any other type of less than
22 full fee simple interest as that term is defined in Section 1
23 of "An Act relating to conservation rights in real property",
24 approved September 12, 1977, as amended.

25 "Construction". The act of adding an addition to a
26 structure or the erection of a new principal or accessory
27 structure on a lot or property.

28 "Demolition". Any act or process which destroys in part
29 or in whole a landmark or a building or structure within a
30 preservation district.

31 "Density bonus". The percentage of density increase
32 granted over the otherwise maximum allowable net density
33 under the applicable zoning ordinance as of the date of the
34 application to the county for incentives by a developer. The

1 density bonus applicable to affordable housing must be at
2 least a 25% increase and must apply to the site of the
3 affordable housing development.

4 "Design Criteria". A standard of appropriate activity
5 that will preserve the historic, architectural, scenic or
6 aesthetic character of a landmark or preservation district.

7 "Design review district". A geographically definable
8 area possessing a significant concentration, linkage, or
9 continuity of sites, buildings, structures, or objects united
10 aesthetically by development or that, in the determination of
11 the county board, has the potential to be united
12 aesthetically by development.

13 "Development incentives". Any of the following:

14 (1) Reductions in building setback requirements.

15 (2) Reductions or waivers of impact fees,
16 application fees for development permits, utility tap-in
17 fees, or other dedications or exactions.

18 (3) Reductions in minimum lot area, width, or
19 depth.

20 (4) Reductions in required parking spaces per
21 dwelling unit or per square foot of floor area.

22 (5) Increased maximum lot coverage.

23 (6) Increased maximum building height or stories.

24 (7) Reductions in minimum building separation
25 requirements, provided that the reductions do not
26 conflict with building code requirements of the State or
27 the county, as applicable.

28 (8) Reductions or waivers of public or nonpublic
29 improvements.

30 (9) Approval by the county board of mixed use
31 zoning in conjunction with the housing project if
32 commercial, office, industrial, or other land uses will
33 contribute significantly to the economic feasibility of
34 the housing development and if the mixed use zoning is

1 consistent with the comprehensive plan.

2 (10) Authorization for the affordable housing
3 development to include nonresidential uses, provided the
4 uses or the authorization is consistent with the
5 comprehensive plan.

6 (11) Authorization for affordable housing to be
7 located in a nonresidential zoning district, provided the
8 authorization is consistent with the comprehensive plan.

9 (12) Other incentives, including expedited
10 permitting or processing, proposed by the developer of an
11 affordable housing project or by the county that result
12 in identifiable cost reductions for affordable housing,
13 including direct financial aid in the form of a loan or
14 grant to subsidize or provide low interest financing for
15 on- or off-site improvements, land, or construction
16 costs.

17 "Development Rights". The development rights of a
18 landmark or of a property ~~within-a-preservation--district~~ as
19 defined in Section 11-48.2-1A of the Illinois Municipal Code.

20 "Development Rights Bank". A reserve for the deposit of
21 development rights as defined in Section 11-48.2-1A of the
22 Illinois Municipal Code.

23 "Exterior Architectural Appearance". The architectural
24 character and general composition of the exterior of a
25 building or structure, including but not limited to the kind,
26 color and texture of the building material and the type,
27 design and character of all windows, doors, light fixtures,
28 signs and appurtenant elements.

29 "Floor area ratio". The ratio of the maximum gross floor
30 area on a lot or parcel to the area of the lot or parcel that
31 is permitted under the land development regulations of a
32 county.

33 "Historic Significance". Character, interest or value as
34 part of the development, heritage, or culture of the

1 community, county, State or country; as the location of an
2 important local, county, State or national event; or through
3 identification with a person or persons who made important
4 contributions to the development of the community, county,
5 State or country.

6 "Housing cost". The sum of actual or projected monthly
7 payments for any of the following associated with for-sale
8 affordable housing units: principal and interest on a
9 mortgage loan, including any loan insurance fees; property
10 taxes and assessments; fire and casualty insurance; property
11 maintenance and repairs; homeowner association fees; and a
12 reasonable allowance for utilities.

13 "Housing development". Construction, including
14 rehabilitation, projects consisting of 5 or more residential
15 units, including single-family, two-family, and
16 multiple-family residences for sale or rent.

17 "Incentives". One or more of the following:

18 (1) Affordable housing incentives.

19 (2) Bonus ratio.

20 (3) Density bonus.

21 "Landmark". A property or structure designated as a
22 "Landmark" by ordinance of a county board, pursuant to
23 procedures prescribed herein, which is worthy of
24 rehabilitation, restoration, or preservation because of its
25 historic or scenic or architectural significance.

26 "Landscape". A natural feature or group of natural
27 features such as, but not limited to, valleys, rivers, lakes,
28 marshes, swamps, forests, woods, or hills; or a combination
29 of natural features and buildings, structures, objects,
30 cultivated fields, or orchards in a predominantly rural
31 setting.

32 "Low-income housing". Housing that is affordable,
33 according to the federal Department of Housing and Urban
34 Development, for either home ownership or rental and that is

1 occupied, reserved, or marketed for occupancy by households
2 with a gross household income that does not exceed 50% of the
3 median gross household income for households of the same size
4 within the housing region in which the housing is located.

5 "Moderate-income housing". Housing that is affordable,
6 according to the federal Department of Housing and Urban
7 Development, for either home ownership or rental and that is
8 occupied, reserved, or marketed for occupancy by households
9 with a gross household income that is greater than 50% but
10 does not exceed 80% of the median gross household income for
11 households of the same size within the housing region in
12 which the housing is located.

13 "Object". Any tangible thing, including any items of
14 personal property, including, but not limited to, wagons,
15 boats, and farm machinery, that may be easily moved or
16 removed from real property.

17 "Owner of Record". The person or corporation or other
18 legal entity in whose name the property appears on the
19 records of the County Recorder.

20 "Preservation District". An area designated as a
21 "preservation district" by ordinance of a county board and
22 which may contain within definable geographic boundaries one
23 or more landmarks and which may have within its boundaries
24 other properties, areas, sites, landscapes or structures
25 which, while not of such historic or architectural or scenic
26 significance to be designated as landmarks, nevertheless
27 contribute to the overall visual characteristics of the
28 landmark or landmarks located within the district.

29 "Preservation Ordinance". An ordinance enacted by a
30 county board pursuant to this Division that provides for the
31 nomination, designation, and protection of landmarks or
32 preservation districts, and that contains, at a minimum, the
33 elements required by Section 5-30009.

34 "Public benefit amenity". One or more features for

1 public use or benefit contained in a development that will
2 entitle the development to a bonus ratio or a density bonus,
3 as applicable, including, but not limited to:

4 (1) Plazas, parks, and other open spaces.

5 (2) Overhead weather protection and street arcades.

6 (3) Bicycle parking and storage facilities.

7 (4) Performing arts theaters.

8 (5) Museums.

9 (6) Access to transit stations and transit
10 easements.

11 (7) Provision of child day-care centers.

12 (8) Provision of affordable housing as part of a
13 nonresidential development.

14 "Purchase of development rights". The purchase of
15 development rights from an owner of land by a county or the
16 voluntary donation of development rights by an owner of land
17 to a county.

18 "Removal". Any relocation of a structure, object or
19 artifact on its site or to another site.

20 "Repair". Any change that is not construction,
21 alteration, demolition, or removal and is necessary or useful
22 for continuing normal maintenance and upkeep.

23 "Scenic Significance". Importance as a result of
24 appearance or character that remains relatively unchanged
25 from and embodies the essential appearance related to a
26 culture from an earlier historic or prehistoric period; as a
27 result of a unique location, appearance, or physical
28 character that creates an established or familiar vista or
29 visual feature; or as a geologic or natural feature
30 associated with the development, heritage or culture of the
31 community, county, State or nation.

32 "Site". The traditional, documented or legendary location
33 of an event, occurrence, action or structure significant in
34 the life or lives of a person, persons, group, or tribe,

1 including but not limited to, cemeteries, burial grounds,
 2 campsites, battlefields, settlements, estates, gardens,
 3 groves, river crossings, routes, trails, caves, quarries,
 4 mines or significant trees or other plant life.

5 "Structure". Anything constructed or erected, the use of
 6 which requires permanent or temporary location on or in the
 7 ground, including (but without limiting the generality of the
 8 foregoing) barns, smokehouses, advertising signs, billboards,
 9 backstops for tennis courts, bridges, fences, pergolas,
 10 gazebos, radio and television antennae, solar collectors,
 11 microwave antennae, including supporting towers, roads, ruins
 12 or remnants (including foundations), swimming pools or
 13 walkways.

14 "Survey". The systematic gathering of information on the
 15 architectural, historical, scenic, and archaeological
 16 significance of buildings, sites, structures, areas, or
 17 landscapes through visual assessment in the field and
 18 historical research, for the purpose of identifying landmarks
 19 or districts worthy of preservation.

20 "Unified incentives ordinance". An ordinance that (i)
 21 provides incentives for either the provision of affordable
 22 housing and the dedication of open space or the provision of
 23 community design amenities or (ii) complies with all
 24 requirements of Section 5-30025 for both an affordable
 25 housing incentives ordinance and a community design and open
 26 space incentives ordinance.

27 (Source: P.A. 86-962.)

28 (55 ILCS 5/5-30024 new)

29 Sec. 5-30024. Purchase of development rights.

30 (a) A county board may adopt ordinances and amendments
 31 to ordinances that include provisions for the purchase of
 32 development rights in the manner prescribed in this Section.

33 (b) The purposes of this Section are to:

1 (1) preserve open space, critical and sensitive
2 areas, and natural hazard areas;

3 (2) conserve agriculture and forestry uses of land;

4 (3) protect lands and structures of aesthetic,
5 architectural, and historic significance;

6 (4) ensure that the owners of land that is so
7 preserved, conserved, or protected may be reasonably
8 compensated for restrictions on otherwise reasonable uses
9 of their property rights while retaining ownership of the
10 land and the right to commence and continue uses not so
11 restricted; and

12 (5) provide a procedure for counties to engage in
13 preservation, conservation, or protection through
14 conservation easements.

15 (c) The county board may adopt a purchase of development
16 rights program only by ordinance, and an ordinance adopted
17 under this Section must:

18 (1) Be adopted by the county board only after it
19 has adopted:

20 (A) a comprehensive plan;

21 (B) for a purchase of development rights
22 program concerning critical and sensitive areas, a
23 critical and sensitive areas element of the
24 comprehensive plan;

25 (C) for a purchase of development rights
26 program concerning natural hazards, a natural
27 hazards element of the comprehensive plan;

28 (D) for a purchase of development rights
29 program concerning agriculture or forest
30 preservation, an agriculture and forest preservation
31 element of the comprehensive plan; and

32 (E) for a purchase of development rights
33 program concerning historic preservation, an
34 historic preservation ordinance.

1 (2) Include a citation to enabling authority to
2 adopt and amend the purchase of development rights
3 ordinance.

4 (3) Include a statement of purpose consistent with
5 subsection (b) of this Section.

6 (4) Include a statement of consistency with the
7 comprehensive plan and with the applicable elements
8 thereof.

9 (5) Describe the development rights that may be
10 purchased in reasonable detail, preferably in
11 quantifiable terms such as area, building coverage ratio,
12 density, floor area ratio, height, or other forms of
13 measurement.

14 (6) Require the county to conduct an appraisal of
15 the value of the parcel from which the county is to
16 purchase development rights and of the value of the
17 development rights to be purchased.

18 (7) Require that the county and any owner of a
19 parcel from which the county is to purchase development
20 rights enter into a written purchase of development
21 rights agreement in compliance with subsections (d) and
22 (e) of this Section.

23 (d) A purchase of development rights agreement must at a
24 minimum:

25 (1) State the address and legal description of the
26 premises.

27 (2) State the name of all record owners of the
28 premises.

29 (3) Describe the development rights to be purchased
30 in reasonable detail, preferably in quantifiable terms
31 such as area, building coverage ratio, density, floor
32 area ratio, height, or other forms of measurement.

33 (4) State the price that the county shall pay in
34 consideration of the purchase of development rights,

1 including any agreed terms under which payment is to be
2 made, unless the development rights are being voluntarily
3 donated by the owners of the parcel.

4 (5) Require that the owners of the parcel execute a
5 deed or instrument creating a conservation easement
6 releasing development rights as agreed and describing the
7 released development rights in reasonable detail,
8 preferably in quantifiable terms, with the parcel from
9 which development rights are being purchased as the
10 servient estate and the county as the holder of the
11 easement.

12 (6) Provide that the owner of the parcel must
13 submit the conservation easement to the regional planning
14 commission for its approval before the county is
15 obligated to pay the stated price.

16 (7) Require that the county approve the
17 conservation easement, indicate its approval on the
18 instrument creating the easement, and pay the agreed
19 price within 28 days after submission of the instrument
20 unless the development rights released by the
21 conservation easement vary significantly from the
22 development rights that the owner of the servient estate
23 agreed to release under the purchase of development
24 rights or there is some other significant error in the
25 instrument.

26 (8) Require the owners of the servient estate to
27 record any approved conservation easement with the county
28 recorder within 28 days after payment (or after approval
29 if the development rights are being voluntarily donated).

30 (e) A purchase of development rights agreement may
31 require that the conservation easement required by paragraph
32 (5) of subsection (c) name one or more non-profit
33 organizations as additional holders of the easement.

34 (f) Any instrument purporting to convey a conservation

easement under this Section but where the county has not indicated its approval on the instrument is void and may not be recorded or accepted by the county recorder for recording.

(g) This Section does not invalidate any completed purchase of development rights pursuant to any earlier statute, ordinance, or regulation, if the transfer was valid at that time.

(55 ILCS 5/5-30025 new)

Sec. 5-30025. Land use incentives; unified incentives ordinance.

(a) The county board:

(1) may adopt and amend an ordinance that authorizes incentives for the provision of affordable housing; and

(2) may adopt and amend an ordinance that authorizes incentives for open space dedication and provision of public benefit amenities.

(b) The purpose of this Section is to authorize the adoption and amendment of:

(1) an affordable housing incentives ordinance in order to respond to and accommodate present and future needs for affordable housing;

(2) a community design and open space incentives ordinance to provide additional amenities for public use or benefit in new development that carry out goals and policies of a county identified in its comprehensive plan; and

(3) a unified incentives ordinance that incorporates paragraphs (1) and (2) of this subsection.

(c) The county board may adopt and amend an affordable housing incentives ordinance only after it has adopted a comprehensive plan that contains:

(1) a housing element; and

1 (2) a policy in written or mapped form that
2 encourages affordable housing incentives.

3 (d) The county board may adopt and amend a community
4 design and open space incentives ordinance only after it has
5 adopted a comprehensive plan that contains:

6 (1) a housing element if a density bonus for
7 residential development for the public benefit amenity of
8 a plaza, park, or other open spaces is authorized;

9 (2) a community design element if any other type of
10 bonus ratio is authorized; and

11 (3) a policy in written or mapped form that
12 describes the relationship between the applicable public
13 benefit amenities and the density bonus or bonus ratio
14 and supports the granting of such density bonus or bonus
15 ratio.

16 (e) An affordable housing incentive ordinance, a
17 community design and open space incentives ordinance, or a
18 unified incentives ordinance must include the following
19 minimum provisions:

20 (1) A citation to enabling authority to adopt and
21 amend the ordinance.

22 (2) A statement of purpose consistent with the
23 purposes of this Section.

24 (3) A statement of consistency with the
25 comprehensive plan.

26 (4) Definitions, as appropriate, for any words or
27 terms contained in the affordable housing incentive
28 ordinance. Where this Division defines words or terms,
29 the ordinance must incorporate those definitions, either
30 directly or by reference.

31 (5) Procedures for the review of applications for
32 incentives.

33 (6) A requirement that every developer that is to
34 receive incentives must enter into a development

1 agreement with the county.

2 (7) Designation of an officer or body to review and
3 approve applications for incentives.

4 (8) Provisions for enforcement, including the
5 issuance of certificates of compliance.

6 (f) An affordable housing incentives ordinance or a
7 unified incentives ordinance must also include the following
8 minimum provisions:

9 (1) A requirement that, where a developer proposes
10 a housing development within the jurisdiction of the
11 county, the county must provide the developer with
12 affordable housing incentives for the production of
13 affordable housing within the development if the
14 developer meets the requirements set forth in subsections
15 (j) and (k) of this Section.

16 (2) Provisions to ensure that once affordable
17 housing is built through subsidies or other means as part
18 of a housing development, its availability will be
19 maintained by establishing income qualifications for
20 affordable housing renters or purchasers and promoting
21 affirmative marketing.

22 (g) A community design and open space incentives
23 ordinance or a unified incentives ordinance must also include
24 the following minimum provisions:

25 (1) A statement of the types or categories or
26 public benefit amenities for which a bonus ratio or
27 density bonus shall be authorized, the amount of the
28 respective bonus ratio or density bonus, and the zoning
29 use district or overlay district to which public benefit
30 amenity and the respective bonus ratio or density bonus
31 apply.

32 (2) Locational and other development standards for
33 the public benefit amenities, including a statement of
34 the minimum bonusable area that a public benefit amenity

1 must contain in order to be eligible for a bonus ratio or
2 a density bonus.

3 (3) Requirements for permanent public access to the
4 public benefit amenity, including signage indicating the
5 nature of the public access, secured by either (i) a
6 conveyance of the plaza, park, or other open space, or
7 access to transit stations or transit easements, to the
8 county or appropriate governmental unit as a public use
9 as a condition of approval of the development permit,
10 provided that the conveyance is in a form approved by the
11 attorney of the county or governmental unit or (ii) where
12 the public benefit amenity will not be owned by the
13 county or another governmental unit, provisions in the
14 development agreement requiring permanent maintenance by
15 the property owner, except that permanent public access
16 may be limited to normal business hours.

17 (h) An affordable housing incentives ordinance or a
18 unified incentives ordinance may require that any new housing
19 development within the jurisdiction of the county contain at
20 least 15% affordable housing if such a requirement is
21 consistent with a policy contained in the comprehensive plan.
22 The incentives offered to the developer, whether density
23 bonuses, development incentives, or both, must be of at least
24 equivalent financial value to the cost of making the
25 affordable housing units affordable.

26 (i) A community design and open space incentives
27 ordinance or a unified incentives ordinance may:

28 (1) Include a manual of graphic and written design
29 guidelines to assist developers in the preparation of
30 applications for community design and open space
31 incentives, but the guidelines shall be advisory only.

32 (2) Include a statement of the minimum bonusable
33 area that a public benefit amenity may contain in order
34 to be eligible for a bonus ratio or a density bonus.

1 (3) Include a provision that allows the developer
2 to provide the public benefit amenity offsite as a
3 condition of receiving a bonus ratio or density bonus,
4 including standards of proximity of the development to
5 the offsite public benefit amenity.

6 (4) Be adopted as an overlay district to all or
7 portions of existing zoning use districts. The boundaries
8 of the overlay district must be shown on the zoning map.

9 (j) Where a developer proposes a housing development
10 that is to be an affordable housing development, the county
11 must either:

12 (1) grant a density bonus and at least one
13 development incentive, unless the county makes a written
14 finding that the development incentive is not necessary
15 to reduce the price or rent of the dwelling units in
16 order to ensure that they are affordable housing; or

17 (2) provide, in lieu of density bonuses and
18 development incentives required by paragraph (1) of this
19 subsection, development incentives of equivalent
20 financial value based upon the land cost per dwelling
21 unit. The value of the equivalent development incentives
22 must at least equal the land cost per dwelling unit that
23 would result from a density bonus and must contribute
24 significantly to the economic feasibility of providing
25 the affordable housing units.

26 (k) The development agreement entered into between the
27 developer of a housing development that is to be an
28 affordable housing development and the county must include
29 provisions to ensure the availability of affordable housing
30 for sale or rent.

31 The development agreement may provide for a period of
32 availability for affordable housing as follows:

33 (1) Newly constructed low- and moderate-income
34 sales and rental dwelling units must be subject to

1 affordability controls for a period of not less than 15
2 years, which period may be renewed pursuant to the
3 development agreement.

4 (2) Rehabilitated owner-occupied single-family
5 dwelling units that are improved to code standard must be
6 subject to affordability controls for not less than 5
7 years.

8 (3) Rehabilitated renter-occupied dwelling units
9 that are improved to code standard must be subject to
10 affordability controls on re-rental for not less than 10
11 years.

12 (4) Any dwelling unit created through the
13 conversion of a nonresidential structure must be
14 considered a new dwelling unit and must be subject to
15 affordability controls as delineated in paragraph (1)
16 above.

17 (5) Affordability controls on owner- or
18 renter-occupied accessory apartments must be applicable
19 for a period of not less than 5 years.

20 (6) Alternative living arrangements not otherwise
21 described in this subsection must be controlled in a
22 manner deemed suitable to the county and must provide
23 assurances that the arrangements will house low- and
24 moderate-income households for not less than 10 years.

25 In the case of for-sale housing developments, the
26 development agreement must include the following
27 affordability controls governing the initial sale and use and
28 any resale:

29 (1) All conveyances of newly constructed affordable
30 housing dwelling units subject to the affordable housing
31 incentives ordinance that are for sale must contain a
32 deed restriction and mortgage lien that must be recorded
33 with the county recorder. Any restrictions on future
34 resale must be included in the deed restriction as a

1 condition of approval enforceable through legal and
2 equitable remedies.

3 (2) Affordable housing units must upon initial sale
4 and resale in the period covered by the development agreement
5 be sold to eligible low- or moderate-income households at an
6 affordable sales price and housing cost.

7 (3) Affordable housing units must be occupied by
8 eligible low- or moderate-income households during the
9 period covered by the development agreement.

10 In the case of rental housing developments, the
11 development agreement must include the following
12 affordability controls governing the use of affordable
13 housing units during the use restriction period:

14 (1) Rules and procedures for qualifying tenants,
15 establishing affordable rent, filling vacancies, and
16 maintaining affordable housing rental units for qualified
17 tenants.

18 (2) Requirements that owners verify tenant incomes
19 and maintain books and records to demonstrate compliance
20 with the agreement and with the ordinance.

21 (3) Requirements that owners submit an annual
22 report to the county demonstrating compliance with the
23 agreement and with the ordinance.

24 The development agreement must include a schedule that
25 provides for the affordable housing units to be built
26 concurrently with the units that are not subject to
27 affordability controls.

28 (l) The approval of incentives constitutes a development
29 permit.

30 (m) This Section does not limit or require the provision
31 of direct financial aid by the county, the provision of
32 publicly owned land, or the waiver or reduction of fees,
33 including impact fees, or of dedication or exaction
34 requirements.

1 (n) The Department of Commerce and Community Affairs
2 must, no later than one year after the effective date of this
3 amendatory Act of the 92nd General Assembly, prepare and
4 distribute a model affordable housing incentives ordinance
5 and related guidelines to assist counties in complying with
6 this Section.

7 Section 10. The Illinois Municipal Code is amended by
8 changing Section 11-48.2-1A and by adding Sections 11-48.2-6B
9 and 11-48.2-6C as follows:

10 (65 ILCS 5/11-48.2-1A) (from Ch. 24, par. 11-48.2-1A)

11 Sec. 11-48.2-1A. (1) The development rights of a landmark
12 site are the rights granted under applicable local law
13 respecting the permissible bulk and size of improvements
14 erected thereon. Development rights may be calculated in
15 accordance with such factors as lot area, floor area, floor
16 area ratios, height limitations, or any other criteria set
17 forth under local law for this purpose.

18 (2) A preservation restriction is a right, whether or
19 not stated in the form of a restriction, easement, covenant
20 or condition, in any deed, will or other instrument executed
21 by or on behalf of the owner of the land or in any order of
22 taking, appropriate to the preservation of areas, places,
23 buildings or structures to forbid or limit acts of
24 demolition, alteration, use or other acts detrimental to the
25 preservation of the areas, places, buildings or structures in
26 accordance with the purposes of the Division. Preservation
27 restrictions shall not be unenforceable on account of lack of
28 privity of estate or contract, or of lack of benefit to
29 particular land or on account of the benefit being assignable
30 or being assigned.

31 (3) A transfer of development rights is the transfer
32 from a landmark site of all or a portion of the development

1 rights applicable thereto, subject to such controls as are
2 necessary to secure the purposes of this Division. The
3 transfer of development rights pursuant to sound community
4 planning standards and the other requirements of this
5 Division is hereby declared to be in accordance with
6 municipal health, safety and welfare because it furthers the
7 more efficient utilization of urban space at a time when this
8 objective is made urgent by the shrinking land base of urban
9 areas, the increasing incidence of large-scale, comprehensive
10 development in such areas, the evolution of building
11 technology and similar factors.

12 (4) A development rights bank is a reserve into which
13 may be deposited development rights associated with publicly
14 and privately-owned landmark sites. Corporate authorities or
15 their designees shall be authorized to accept for deposit
16 within the bank gifts, donations, bequests or other transfers
17 of development rights from the owners of said sites, and
18 shall be authorized to deposit therein development rights
19 associated with (i) the sites of municipally-owned landmarks
20 and (ii) the sites of privately-owned landmarks in respect of
21 which the municipality has acquired a preservation
22 restriction through eminent domain or purchase. All transfers
23 of development rights from the development rights bank shall
24 be subject to the requirements of Sections 11-76-1 through
25 11-76-6 of the Municipal Code of Illinois, and all receipts
26 arising from the transfers shall be deposited in a special
27 municipal account to be applied against expenditures
28 necessitated by the municipal landmarks program.

29 (5) The term, public easement, shall have the same
30 meaning and effects herein as it has in Article IX, Section 3
31 of the Illinois Constitution of 1870 and Article IX, Section
32 4(c) of the Illinois Constitution of 1970. This amendatory
33 Act of 1971 does not apply to any municipality which is a
34 home rule unit.

1 (6) "Purchase of development rights" means (i) the
2 purchase of development rights from an owner of land by a
3 municipality or (ii) the voluntary donation of development
4 rights by an owner of land to a municipality.

5 (7) "Affordable housing" means housing that is
6 low-income housing or moderate-income housing.

7 (8) "Affordable housing development" means any housing
8 development that is subsidized by the federal government, the
9 State, or a municipality, or any housing development in which
10 at least 15% of the dwelling units are subject to covenants
11 or restrictions that require that the dwelling units be sold
12 or rented at prices that preserve them as affordable housing
13 under Section 11-48.2-6C.

14 (9) "Affordable housing incentives" mean a density bonus
15 and other development incentives granted under an affordable
16 housing incentive ordinance under Section 11-48.2-6C.

17 (10) "Affordable rent" means monthly housing expenses,
18 including a reasonable allowance for utilities, for
19 affordable housing units that are for rent to low- or
20 moderate-income households.

21 (11) "Affordable sales price" means a sales price at
22 which low- or moderate-income households can qualify for the
23 purchase of affordable housing, calculated on the basis of
24 underwriting standards of mortgage financing available for
25 the housing development.

26 (12) "Bonusable area" means space that is occupied by a
27 public benefit amenity and that is determined by the
28 municipality to satisfy requirements under its land
29 development regulations for additional gross floor area or
30 dwelling units.

31 (13) "Bonus ratio" means the ratio of additional square
32 feet of nonresidential floor area granted per square foot of
33 bonusable area.

34 (14) "Density bonus" means the percentage of density

1 increase granted over the otherwise maximum allowable net
2 density under the applicable zoning ordinance as of the date
3 of the application to the municipality for incentives by a
4 developer. The density bonus applicable to affordable housing
5 must be at least a 25% increase and must apply to the site of
6 the affordable housing development.

7 (15) "Development incentives" mean any of the following:

8 (A) Reductions in building setback requirements.

9 (B) Reductions or waivers of impact fees,
10 application fees for development permits, utility tap-in
11 fees, or other dedications or exactions.

12 (C) Reductions in minimum lot area, width, or
13 depth.

14 (D) Reductions in required parking spaces per
15 dwelling unit or per square foot of floor area.

16 (E) Increased maximum lot coverage.

17 (F) Increased maximum building height or stories.

18 (G) Reductions in minimum building separation
19 requirements, provided that the reductions do not
20 conflict with building code requirements of the State or
21 the municipality, as applicable

22 (H) Reductions or waivers of public or nonpublic
23 improvements.

24 (I) Approval by the corporate authorities of mixed
25 use zoning in conjunction with the housing project if
26 commercial, office, industrial, or other land uses will
27 contribute significantly to the economic feasibility of
28 the housing development and if the mixed use zoning is
29 consistent with the comprehensive plan.

30 (J) Authorization for the affordable housing
31 development to include nonresidential uses, provided the
32 uses or the authorization is consistent with the
33 comprehensive plan.

34 (K) Authorization for the affordable housing to be

1 located in a nonresidential zoning district, provided the
2 authorization is consistent with the comprehensive plan.

3 (L) Other incentives, including expedited permitted
4 or processing, proposed by the developer of an affordable
5 housing project or by the municipality that result in
6 identifiable cost reductions for affordable housing,
7 including direct financial aid in the form of a loan or
8 grant to subsidize or provide low interest financing for
9 on- or off-site improvements, land, or construction
10 costs.

11 (16) "Floor area ratio" means the ratio of the maximum
12 gross floor area on a lot or parcel to the area of the lot or
13 parcel that is permitted under the land development
14 regulations of a municipality.

15 (17) "Housing cost" means the sum of actual or projected
16 monthly payments for any of the following associated with
17 for-sale affordable housing units: principal and interest on
18 a mortgage loan, including any loan insurance fees; property
19 taxes and assessments; fire and casualty insurance; property
20 maintenance and repairs; homeowner association fees; and a
21 reasonable allowance for utilities.

22 (18) "Housing development" means construction, including
23 rehabilitation, projects consisting of 5 or more residential
24 units, including single-family, two-family, and
25 multiple-family residences for sale or rent.

26 (19) "Incentives" mean one or more of the following:

27 (A) Affordable housing incentives, including
28 expedited permitting and processing.

29 (B) Bonus ratio.

30 (C) Density bonus.

31 (20) "Low-income housing" means housing that is
32 affordable, according to the federal Department of Housing
33 and Urban Development, for either home ownership or rental
34 and that is occupied, reserved, or marketed for occupancy by

1 households with a gross household income that does not exceed
2 50% of the median gross household income for households of
3 the same size within the housing region in which the housing
4 is located.

5 (21) "Moderate-income housing" means housing that is
6 affordable, according to the federal Department of Housing
7 and Urban Development, for either home ownership or rental
8 and that is occupied, reserved, or marketed for occupancy by
9 households with a gross household income that is greater than
10 50% but does not exceed 80% of the median gross household
11 income for households of the same size within the housing
12 region in which the housing is located.

13 (22) "Public benefit amenity" means one or more features
14 for public use or benefit contained in a development that
15 will entitle the development to a bonus ratio or a density
16 bonus, as applicable, including, but not limited to:

17 (A) Plazas, parks, and other open spaces.

18 (B) Overhead weather protection and street arcades.

19 (C) Bicycle parking and storage facilities.

20 (D) Performing arts theaters.

21 (E) Museums.

22 (F) Access to transit stations and transit
23 easements.

24 (G) Provision of child day-care centers.

25 (H) Provision of affordable housing as part of a
26 nonresidential development.

27 (23) "Unified incentives ordinance" means an ordinance
28 that (i) provides incentives for both the provision of
29 affordable housing and dedication of open space or the
30 provision of community design amenities and (ii) complies
31 with all requirements of Section 11-48.2-6C for both an
32 affordable housing incentives ordinance and a community
33 design and open space incentives ordinance.

34 (Source: P.A. 77-1372.)

1 (65 ILCS 5/11-48.2-6B new)

2 Sec. 11-48.2-6B. Purchase of development rights.

3 (a) The corporate authorities of a municipality may
4 adopt ordinances and amendments to ordinances that include
5 provisions for the purchase of development rights in the
6 manner prescribed in this Section.

7 (b) The purposes of this Section are to:

8 (1) preserve open space, critical and sensitive
9 areas, and natural hazard areas;

10 (2) conserve agriculture and forestry uses of land;

11 (3) protect lands and structures of aesthetic,
12 architectural, and historic significance;

13 (4) ensure that the owners of land that is so
14 preserved, conserved, or protected may be reasonably
15 compensated for restrictions on otherwise reasonable uses
16 of their property rights while retaining ownership of the
17 land and the right to commence and continue uses not so
18 restricted; and

19 (5) provide a procedure for municipalities to
20 engage in preservation, conservation, or protection
21 through conservation easements.

22 (c) The corporate authorities of a municipality may
23 adopt a purchase of development rights program only by
24 ordinance, and an ordinance adopted under this Section must:

25 (1) Be adopted by the corporate authorities only
26 after they have adopted:

27 (A) a comprehensive plan;

28 (B) for a purchase of development rights
29 program concerning critical and sensitive areas, a
30 critical and sensitive areas element of the
31 comprehensive plan;

32 (C) for a purchase of development rights
33 program concerning natural hazards, a natural
34 hazards element of the comprehensive plan;

1 (D) for a purchase of development rights
2 program concerning agriculture or forest
3 preservation, an agriculture and forest preservation
4 element of the comprehensive plan; and

5 (E) for a purchase of development rights
6 program concerning historic preservation, an
7 historic preservation ordinance.

8 (2) Include a citation to enabling authority to
9 adopt and amend the purchase of development rights
10 ordinance.

11 (3) Include a statement of purpose consistent with
12 subsection (b) of this Section.

13 (4) Include a statement of consistency with the
14 comprehensive plan and with the applicable elements
15 thereof.

16 (5) Describe the development rights that may be
17 purchased in reasonable detail, preferably in
18 quantifiable terms such as area, building coverage ratio,
19 density, floor area ratio, height, or other forms of
20 measurement.

21 (6) Require the municipality to conduct an
22 appraisal of the value of the parcel from which the
23 municipality is to purchase development rights and of the
24 value of the development rights to be purchased.

25 (7) Require that the municipality and any owner of
26 a parcel from which the municipality is to purchase
27 development rights enter into a written purchase of
28 development rights agreement in compliance with
29 subsections (d) and (e) of this Section.

30 (d) A purchase of development rights agreement must at a
31 minimum:

32 (1) State the address and legal description of the
33 premises.

34 (2) State the name of all record owners of the

1 premises.

2 (3) Describe the development rights to be purchased
3 in reasonable detail, preferably in quantifiable terms
4 such as area, building coverage ratio, density, floor
5 area ratio, height, or other forms of measurement.

6 (4) State the price that the municipality shall pay
7 in consideration of the purchase of development rights,
8 including any agreed terms under which payment is to be
9 made, unless the development rights are being voluntarily
10 donated by the owners of the parcel.

11 (5) Require that the owners of the parcel execute a
12 deed or instrument creating a conservation easement
13 releasing development rights as agreed and describing the
14 released development rights in reasonable detail,
15 preferably in quantifiable terms, with the parcel from
16 which development rights are being purchased as the
17 servient estate and the municipality as the holder of the
18 easement.

19 (6) Provide that the owner of the parcel must
20 submit the conservation easement to the plan commission
21 for its approval before the municipality is obligated to
22 pay the stated price.

23 (7) Require that the municipality approve the
24 conservation easement, indicate its approval on the
25 instrument creating the easement, and pay the agreed
26 price within 28 days after submission of the instrument
27 unless the development rights released by the
28 conservation easement vary significantly from the
29 development rights that the owner of the servient estate
30 agreed to release under the purchase of development
31 rights or there is some other significant error in the
32 instrument.

33 (8) Require the owners of the servient estate to
34 record any approved conservation easement with the county

1 recorder within 28 days after payment (or after approval,
2 if the development rights are being voluntarily donated).

3 (e) A purchase of development rights agreement may
4 require that the conservation easement required by paragraph
5 (5) of subsection (c) name one or more non-profit
6 organizations as additional holders of the easement.

7 (f) Any instrument purporting to convey a conservation
8 easement under this Section but where the municipality has
9 not indicated its approval on the instrument is void and may
10 not be recorded or accepted by the county recorder for
11 recording.

12 (g) This Section does not invalidate any completed
13 purchase of development rights pursuant to any earlier
14 statute, ordinance, or regulation, if the transfer was valid
15 at that time.

16 (65 ILCS 5/11-48.2-6C new)

17 Sec. 11-48.2-6C. Land use incentives; unified incentives
18 ordinance.

19 (a) The corporate authorities of a municipality:

20 (1) may adopt and amend an ordinance that
21 authorizes incentives for the provision of affordable
22 housing; and

23 (2) may adopt and amend an ordinance that
24 authorizes incentives for open space dedication and
25 provision of public benefit amenities.

26 (b) The purpose of this Section is to authorize the
27 adoption and amendment of:

28 (1) an affordable housing incentives ordinance in
29 order to respond to and accommodate present and future
30 needs for affordable housing;

31 (2) a community design and open space incentives
32 ordinance to provide additional amenities for public use
33 or benefit in new development that carry out goals and

1 policies of a county identified in its comprehensive
2 plan; and

3 (3) a unified incentives ordinance that
4 incorporates paragraphs (1) and (2) of this subsection.

5 (c) The corporate authorities of a municipality may
6 adopt and amend an affordable housing incentives ordinance
7 only after they have adopted a comprehensive plan that
8 contains:

9 (1) a housing element; and

10 (2) a policy in written or mapped form that
11 encourages affordable housing incentives.

12 (d) The corporate authorities of a municipality may
13 adopt and amend a community design and open space incentives
14 ordinance only after they have adopted a comprehensive plan
15 that contains:

16 (1) a housing element if a density bonus for
17 residential development for the public benefit amenity of
18 a plaza, park, or other open spaces is authorized;

19 (2) a community design element if any other type of
20 bonus ratio is authorized; and

21 (3) a policy in written or mapped form that
22 describes the relationship between the applicable public
23 benefit amenities and the density bonus or bonus ratio
24 and supports the granting of such density bonus or bonus
25 ratio.

26 (e) An affordable housing incentive ordinance, a
27 community design and open space incentives ordinance, or a
28 unified incentives ordinance must include the following
29 minimum provisions:

30 (1) A citation to enabling authority to adopt and
31 amend the ordinance.

32 (2) A statement of purpose consistent with the
33 purposes of this Section.

34 (3) A statement of consistency with the

1 comprehensive plan.

2 (4) Definitions, as appropriate, for any words or
3 terms contained in the affordable housing incentive
4 ordinance. Where this Division defines words or terms,
5 the ordinance must incorporate those definitions, either
6 directly or by reference.

7 (5) Procedures for the review of applications for
8 incentives.

9 (6) A requirement that every developer that is to
10 receive incentives must enter into a development
11 agreement with the municipality.

12 (7) Designation of an officer or body to review and
13 approve applications for incentives.

14 (8) Provisions for enforcement, including the
15 issuance of certificates of compliance.

16 (f) An affordable housing incentives ordinance or a
17 unified incentives ordinance must also include the following
18 minimum provisions:

19 (1) A requirement that, where a developer proposes
20 a housing development within the jurisdiction of the
21 municipality, the municipality must provide the developer
22 with affordable housing incentives for the production of
23 affordable housing within the development if the
24 developer meets the requirements set forth in subsections
25 (j) and (k) of this Section.

26 (2) Provisions to ensure that once affordable
27 housing is built through subsidies or other means as part
28 of a housing development, its availability will be
29 maintained by establishing income qualifications for
30 affordable housing renters or purchasers and promoting
31 affirmative marketing.

32 (g) A community design and open space incentives
33 ordinance or a unified incentives ordinance must also include
34 the following minimum provisions:

1 (1) A statement of the types or categories or
2 public benefit amenities for which a bonus ratio or
3 density bonus shall be authorized, the amount of the
4 respective bonus ratio or density bonus, and the zoning
5 use district or overlay district to which public benefit
6 amenity and the respective bonus ratio or density bonus
7 apply.

8 (2) Locational and other development standards for
9 the public benefit amenities, including a statement of
10 the minimum bonusable area that a public benefit amenity
11 must contain in order to be eligible for a bonus ratio or
12 a density bonus.

13 (3) Requirements for permanent public access to the
14 public benefit amenity, including signage indicating the
15 nature of the public access, secured by either (i) a
16 conveyance of the plaza, park, or other open space, or
17 access to transit stations or transit easements, to the
18 municipality or appropriate governmental unit as a public
19 use as a condition of approval of the development permit,
20 provided that the conveyance is in a form approved by the
21 attorney of the municipality or governmental unit or (ii)
22 where the public benefit amenity will not be owned by the
23 municipality or another governmental unit, provisions in
24 the development agreement requiring permanent maintenance
25 by the property owner, except that permanent public
26 access may be limited to normal business hours.

27 (h) An affordable housing incentives ordinance or a
28 unified incentives ordinance may require that any new housing
29 development within the jurisdiction of the municipality
30 contain at least 15% affordable housing if such a requirement
31 is consistent with a policy contained in the comprehensive
32 plan. The incentives offered to the developer, whether
33 density bonuses, development incentives, or both, must be of
34 at least equivalent financial value to the cost of making the

1 affordable housing units affordable.

2 (i) A community design and open space incentives
3 ordinance or a unified incentives ordinance may:

4 (1) Include a manual of graphic and written design
5 guidelines to assist developers in the preparation of
6 applications for community design and open space
7 incentives, but the guidelines shall be advisory only.

8 (2) Include a statement of the minimum bonusable
9 area that a public benefit amenity may contain in order
10 to be eligible for a bonus ratio or a density bonus.

11 (3) Include a provision that allows the developer
12 to provide the public benefit amenity offsite as a
13 condition of receiving a bonus ratio or density bonus,
14 including standards of proximity of the development to
15 the offsite public benefit amenity.

16 (4) Be adopted as an overlay district to all or
17 portions of existing zoning use districts. The boundaries
18 of the overlay district must be shown on the zoning map.

19 (j) Where a developer proposes a housing development
20 that is to be an affordable housing development, the
21 municipality must either:

22 (1) grant a density bonus and at least one
23 development incentive, unless the municipality makes a
24 written finding that the development incentive is not
25 necessary to reduce the price or rent of the dwelling
26 units in order to ensure that they are affordable
27 housing; or

28 (2) provide, in lieu of density bonuses and
29 development incentives required by paragraph (1) of this
30 subsection, development incentives of equivalent
31 financial value based upon the land cost per dwelling
32 unit. The value of the equivalent development incentives
33 must at least equal the land cost per dwelling unit that
34 would result from a density bonus and must contribute

1 significantly to the economic feasibility of providing
2 the affordable housing units.

3 (k) The development agreement entered into between the
4 developer of a housing development that is to be an
5 affordable housing development and the municipality must
6 include provisions to ensure the availability of affordable
7 housing for sale or rent.

8 The development agreement may provide for a period of
9 availability for affordable housing as follows:

10 (1) Newly constructed low- and moderate-income
11 sales and rental dwelling units must be subject to
12 affordability controls for a period of not less than 10
13 years, which period may be renewed pursuant to the
14 development agreement.

15 (2) Rehabilitated owner-occupied single-family
16 dwelling units that are improved to code standard must be
17 subject to affordability controls for not less than 5
18 years.

19 (3) Rehabilitated renter-occupied dwelling units
20 that are improved to code standard must be subject to
21 affordability controls on re-rental for not less than 10
22 years.

23 (4) Any dwelling unit created through the
24 conversion of a nonresidential structure must be
25 considered a new dwelling unit and must be subject to
26 affordability controls as delineated in paragraph (1)
27 above.

28 (5) Affordability controls on owner- or
29 renter-occupied accessory apartments must be applicable
30 for a period of not less than 5 years.

31 (6) Alternative living arrangements not otherwise
32 described in this subsection must be controlled in a
33 manner deemed suitable to the municipality and must
34 provide assurances that the arrangements will house low-

1 and moderate-income households for not less than 10
2 years.

3 In the case of for-sale housing developments, the
4 development agreement must include the following
5 affordability controls governing the initial sale and use and
6 any resale:

7 (1) All conveyances of newly constructed affordable
8 housing dwelling units subject to the affordable housing
9 incentives ordinance that are for sale must contain a
10 deed restriction and mortgage lien that must be recorded
11 with the county recorder. Any restrictions on future
12 resale must be included in the deed restriction as a
13 condition of approval enforceable through legal and
14 equitable remedies.

15 (2) Affordable housing units must upon initial sale
16 and resale in the period covered by the development
17 agreement be sold to eligible low- or moderate-income
18 households at an affordable sales price and housing cost.

19 (3) Affordable housing units must be occupied by
20 eligible low- or moderate-income households during the
21 period covered by the development agreement.

22 In the case of rental housing developments, the
23 development agreement must include the following
24 affordability controls governing the use of affordable
25 housing units during the use restriction period:

26 (1) Rules and procedures for qualifying tenants,
27 establishing affordable rent, filling vacancies, and
28 maintaining affordable housing rental units for qualified
29 tenants.

30 (2) Requirements that owners verify tenant incomes
31 and maintain books and records to demonstrate compliance
32 with the agreement and with the ordinance.

33 (3) Requirements that owners submit an annual
34 report to the municipality demonstrating compliance with

1 the agreement and with the ordinance.

2 The development agreement must include a schedule that
3 provides for the affordable housing units to be built
4 concurrently with the units that are not subject to
5 affordability controls.

6 (l) The approval of incentives constitutes a development
7 permit.

8 (m) This Section does not limit or require the provision
9 of direct financial aid by the municipality, the provision of
10 publicly owned land, or the waiver or reduction of fees,
11 including impact fees, or of dedication or exaction
12 requirements.

13 (n) The Department of Commerce and Community Affairs
14 must, no later than one year after the effective date of this
15 amendatory Act of the 92nd General Assembly, prepare and
16 distribute a model affordable housing incentives ordinance
17 and related guidelines to assist municipalities in complying
18 with this Section.

19 Section 15. The State Mandates Act is amended by adding
20 Section 8.25 as follows:

21 (30 ILCS 805/8.25 new)

22 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
23 and 8 of this Act, no reimbursement by the State is required
24 for the implementation of any mandate created by this
25 amendatory Act of the 92nd General Assembly.