



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 14-1930, **Version:** 2

PROPOSED SUBSTITUTE TO 14-1930

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO ASSESSMENT CLASSES - CLASS 7C

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article II Real Property Taxation, Division 2, Section 74-63 through 74-73 of the Cook County Code of Ordinances are hereby amended as follows:

Sec. 74-63. Assessment classes.

Real estate is divided into the following assessment classes:

(1) *Class 1.* Unimproved real estate.

(2) *Class 2.* Real estate:

- a. Used as a farm;
- b. Used for residential purposes when improved with a house, an apartment building of not more than six living units, or residential condominium, a residential cooperative or a government-subsidized housing project, if required by statute to be assessed in the lowest assessment category;
- c. Improved with a building put to commercial and residential use, of six or less units where the building measures less than 20,000 square feet of above grade space; or
- d. Real estate improved with a single room occupancy building, as defined in this division, provided that:
 1. At least one-third of the single room occupancy units are leased at no more than 80 percent of the current "Fair Market Rent Schedule for Existing Housing for Single Room Occupancy Units" as set by the United States Department of Housing and Urban Development (hereinafter "FMR schedule");
 2. No single room occupancy units are leased at rents in excess of 100 percent of the current FMR schedule;
 3. The overall maximum average rent per unit for all single room occupancy units in the building shall not exceed 90 percent of the current FMR schedule; and
 4. The subject property is in substantial compliance with all local building, safety and health codes and requirements.

In the event that the owner fails to comply with these requirements, the Class 2 classification shall be

revoked.

- (3) *Class 3.* All improved real estate used for residential purposes which is not included in any other class.
- (4) *Class 4.* Real estate owned and used by a not-for-profit corporation in furtherance of the purposes set forth in its charter unless used for residential purposes. If such real estate is used for residential purposes, it shall be classified in the appropriate residential class.
- (5) *Class 5a.* All real estate not included in Class 1, Class 2, Class 3, Class 4, Class 5b, Class 6b, Class C, Class 7a, Class 7b, Class 7c, Class 8, Class 9, Class S or Class L of this section.
- (6) *Class 5b.* All real estate used for industrial purposes as defined herein and not included in any other class.
- (7) *Class 6b.* Real estate used primarily for industrial purposes, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.
- a. An applicant must obtain from the municipality in which the real estate is located or the County Board if the real estate is located in an unincorporated area, an Ordinance or Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the incentive provided by Class 6b is necessary for development to occur on that specific real estate and that the municipality or County Board, as the case may be, supports and consents to the Class 6b application to the Assessor. A certified copy of the Ordinance or Resolution need not be filed at the time of filing the Class 6b eligibility application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the eligibility application, the applicant shall instead file, at that time, a letter from the municipality or the County, as the case may be, confirming that a Resolution or Ordinance supporting the incentive has been requested.
 - b. A copy of the Resolution or letter confirming that a Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the members of the County Board from the affected districts.
 - c. Class 6b applications for newly constructed or substantially rehabilitated buildings and other structures must be made to the Assessor within one year prior to the commencement of such new construction or substantial rehabilitation to qualify for a Class 6b incentive. With respect to abandoned property, the Class 6b application must be made to the Assessor prior to the commencement of the reoccupation of the vacant and unused property.
 - d. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "abandoned" for purpose of Class 6b, unless:
 1. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
 2. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 6b application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 6b, and a County Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 6b and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 6b need not be filed at the time of filing the Class 6b eligibility application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the Class 6b eligibility application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Temporary Emergency Economic Recovery Modification (TEERM) Program: In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "abandoned" for purpose of a Class 6b under the TEERM Program if there has been no purchase for value and the buildings and other structures have been vacant and unused for at least 12 continuous months. The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 6b application under the TEERM Program. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 6b, and a County Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 6b and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 6b need not be filed at the time of filing the Class 6b application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the Class 6b application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Sustainable Emergency Relief (SER) Program: In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "qualified" for purpose of Class 6b under the SER Program if:

1. The industrial enterprise that occupies the premises has been at the same location for a minimum of ten years prior to the date of application for the SER Program;
2. The industrial enterprise that occupies the premises submits evidence of hardship supporting a determination that participation in the SER Program is necessary for the industrial enterprise to continue operations at its current location and maintain its staff, and that without such designation the industrial enterprise would not be economically viable causing the property to be in imminent risk of becoming vacant and unused; and

3. The applicant is not receiving another Cook County property tax incentive for the same property.

The finding that a property is qualified, along with the specification of the special circumstances, and a determination that the applicant's participation in the SER Program is necessary for the industrial enterprise to continue operations at its current location and maintain its staff, and that without such designation the industrial enterprise would not be economically viable causing the property to be in imminent risk of becoming vacant and unused, shall be included in the Resolution or Ordinance supporting and consenting to the Class 6b application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "qualified" for purposes of Class 6b, and a County Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "qualified" for purposes of Class 6b and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "qualified" for purposes of Class 6b need not be filed at the time of filing the Class 6b application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the Class 6b application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Applications for the TEERM Program or SER Program under a Class 6b application must be received by the Assessor's Office on or before November 30, 2018 to receive consideration.

The Assessor shall provide by rule for the filing of annual reports by recipients of Class 6b incentives granted pursuant to the SER Program as to the use of the property and the number of persons employed at the Class 6b site. In such reports, recipients shall be required to certify whether the industrial enterprise that occupied the premises at the time of the SER application continues its operations at that location. In addition, recipients of Class 6b incentives granted pursuant to the SER Program shall be required to report to the Assessor within 30 days if the industrial enterprise that occupied the premises at the time of the SER application ceases operations at that location. A copy of such reports will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the nonfiling. Additionally, if the industrial enterprise that occupied the premises at the time of the SER application ceases operations at that location, then the Class 6b incentive granted pursuant to the SER program shall terminate.

- e. This classification shall continue for a period of 12 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial reoccupancy, or in the case of incentives granted pursuant to the TEERM Program, from the date of the notice of approval. In the case of incentives granted pursuant to the SER Program, this classification shall continue for a period of 12 years from the date of the notice of approval, or until the industrial enterprise that occupied the premises at the time of the SER application ceases operations at that location if that occurs sooner.
- f. Unless a Class 6b granted pursuant to the TEERM Program or the SER Program, this incentive may be renewed during the last year a property is entitled to a ten percent assessment level pursuant to section 74-64(7), if the following requirements are met:
 1. The taxpayer notifies the Assessor's Office of intent to request renewal of the incentive from the

municipality or the County Board if the real estate is located in an unincorporated area;

2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or the County Board, as the case may be, has determined that the industrial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class 6b; and
 3. A copy of that Resolution and a completed renewal application are filed with the Assessor's Office before the expiration of the ten-percent assessment level period.
- g. Class 6b incentives that are granted pursuant to the TEERM Program or SER Program are not renewable. For all other Class 6b incentives, the number of renewal periods is not limited as long as the property continues to apply and meet the requirements for Class 6b.
 - h. A copy of the request for renewal of the incentive will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to members of the County Board from the affected districts.
 - i. If no renewal is obtained, the incentive shall be phased out over the next two years, pursuant to Section 74-64(7). After expiration of the last incentive period, the real estate shall revert to the applicable classification under this division.
 - j. The Assessor may adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine eligibility for the benefits provided under Class 6b.
 - k. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 6b recipients as to the use of the property and the number of persons employed at the Class 6b site. A copy of such reports will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the nonfiling.
- (8) *Class C*. Real estate which is to be used for industrial or commercial purposes, including abandoned property, as defined in Section 74-62, including the land upon which such property is situated; or vacant land; where such real estate because of contamination has undergone environmental testing and remediation and has received a "No Further Remediation Letter" from the site remediation program.
- a. To be eligible for a Class C classification an applicant must have received a "No Further Remediation Letter" confirming achievement of the remediation objectives based on the industrial or commercial use.
 - b. The owner of the property is rendered ineligible for the Class C classification by having previously owned or operated the site, directly or indirectly, or having been a partner or being associated through a family or business relationship with anyone who has owned or operated the site, which ownership or operation caused the contamination which was remediated pursuant to a site remediation. A present owner who can successfully demonstrate that the owner was not responsible for the contamination may be eligible for Class C classification.
 - c. An applicant must obtain from the municipality in which the real estate is located or the County Board if the real estate is located in an unincorporated area, an ordinance or resolution expressly stating that the municipality or County Board, as the case may be, has determined that the incentive provided by Class C is necessary for development to occur on that specific real estate and that the municipality or County Board, as the case may be, supports and consents to the Class C application to the Assessor. A certified copy of the ordinance or resolution must be filed at the time of application for the Class C classification. A copy of that

ordinance or resolution, whichever is submitted, will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to the members of the County Board from the affected districts.

- d. To qualify for the Class C classification, an application for Class C classification must be made within one year of the receipt of the "No Further Remediation Letter." Where an application for Class C classification encompasses less than all of the contiguous property owned by the applicant upon which remediation has been completed, the one year limitation will be waived for any subsequent separate application for Class C classification for the remainder or for additional portions of the property, provided that such subsequent application is made within seven years.
- e. Additionally, to qualify for the Class C classification, the estimated remediation costs, including site investigation, testing, oversight, remediation and removal costs, monitoring, and engineering and legal fees associated with the remediation process, must total at least \$100,000.00, or alternatively, must total at least 25 percent of the market value of the real estate as determined by the Assessor's property record card in the year prior to the remediation, whichever is less.
- f. The initial Class C classification shall continue for a period of 12 years for both industrial and commercial property. For industrial property, this incentive may be renewed during the last year a property is entitled to a 16 percent assessment level, if the following requirements are met:
 1. The taxpayer notifies the Assessor's Office of the taxpayer's intent to request renewal of the incentive from the municipality, or the County Board if the real estate is located in an unincorporated area;
 2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a resolution expressly stating that the municipality or County Board, as the case may be, has determined that the industrial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class C; and
 3. A copy of that resolution and a completed renewal application are filed with the Office of the Assessor before the expiration of the 16 percent assessment level period.

The number of renewal periods is not limited as long as the property continues to apply and qualify for Class C. Any property which applies for Class C treatment on or before the adoption date of the ordinance from which this division is derived will be eligible for this renewal term at the end of their original incentive period subject to the above requirements. The notice of intent to request renewal which is filed with the Assessor's Office will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to members of the County Board from the affected districts.

- g. If, on November 23, 1999, a property is receiving Class C treatment, but the assessment level is higher than 16 percent, that taxpayer may apply for renewal as outlined above and receive a 16 percent assessment level for the prescribed period beginning after the filing and approval of the resolution and renewal application. However, if, as of that effective date, the taxpayer's assessment is higher than 16 percent and the taxpayer is granted a renewal of the incentive for subsequent years, no reduction of the current assessment level based on renewal of the incentive will be granted. If no renewal is obtained, the incentive shall be phased out over the next two years, pursuant to Section 74-64. After such ten-year period expiration of the last incentive period, the real estate shall revert to the applicable classification under this division.
- h. For commercial properties, once the original 12-year incentive period has expired, the commercial Class C incentive will expire. The incentive classification will not be subject to renewal and the real estate shall revert to the applicable classification under this division.

- i. The Assessor shall review the application and supporting documentation to determine eligibility for the Class C classification. The Assessor may adopt rules consistent with the foregoing necessary to ensure proper review of all factors relevant to determine initial and continued eligibility for the benefits provided under the Class C classification.
- j. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class C recipients as to the use of the property and the number of persons employed at the Class C site. Such reports shall be verified. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the nonfiling.

(9) *Class 7a.* Real estate used primarily for commercial purposes, comprising a qualified commercial development project, as determined pursuant to Section 74-65(a), located in an area in need of commercial development, where total development costs, exclusive of land, do not exceed \$2,000,000.00, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, as defined in this division, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.

- a. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify that the property is deemed "abandoned" for purposes of Class 7a. The finding of abandonment, along with the specification of the special circumstances, shall be included in the resolution or ordinance supporting and consenting to the Class 7a application. Notwithstanding the foregoing, special circumstances may not be determined to justify finding that a property is deemed "abandoned" where:
 - A. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
 - B. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

Such resolution or ordinance must be filed with the eligibility application. If the ordinance or resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 7a and a resolution to that effect shall be included with the Class 7a eligibility application filed with the Assessor.

- b. This classification shall continue for a period of 12 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial reoccupancy. After such 12-year period, the real estate shall revert to the applicable classification under this division.
- c. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 7a recipients as to the use of the property and the number of persons employed at the Class 7a site. Such reports shall be verified. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the nonfiling.

(10) *Class 7b.* Real estate used primarily for commercial purposes, as defined in this division, comprising a qualified commercial development project, as determined pursuant to Section 74-65(a), located in an "area in need of commercial development", where total development costs, exclusive of land, exceed \$2,000,000.00,

consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, as defined herein, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.

a. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "abandoned" for purposes of Class 7b. The finding of abandonment, along with the specification of the special circumstances, shall be included in the resolution or ordinance supporting and consenting to the Class 7b application. Notwithstanding the foregoing, special circumstances may not be determined to justify finding that a property is deemed "abandoned" where:

- A. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
- B. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

Such resolution or ordinance must be filed with the eligibility application. If the ordinance or resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 7b and a resolution to that effect shall be included with the Class 7b eligibility application filed with the Assessor.

- b. This classification shall continue for a period of 12 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial reoccupancy.
- c. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 7b recipients as to the use of the property and the number of persons employed at the Class 7b site. Such reports shall be verified. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the nonfiling.

(11) Class 7c or Commercial Urban Relief Eligibility ("CURE"). Real estate used primarily for commercial purposes, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.

a. An applicant must obtain from the municipality in which the real estate is located or the County Board if the real estate is located in an unincorporated area, an Ordinance or Resolution expressly stating that:

- (i) The property, site, or area is deemed a redevelopment priority by the municipality, and

- (ii) The municipality or County Board, as the case may be, has determined that the incentive provided by Class 7c is necessary for development to occur on that specific real estate and that the municipality or County Board, as the case may be, supports and consents to the Class 7c application to the Assessor.

In order to determine Class 7c applications, an application for Class 7c shall be submitted to the Assessor and the Bureau of Economic Development. Upon receipt of the application and all the necessary supporting data, the Economic Development Advisory Committee of the County, within 30 days return the application to the Assessor with a finding stating whether the conditions of Subsections (a)(1)-(a)(4) of this section are present. The Assessor shall review the application, supporting data, findings of the Committee and other appropriate facts. Where the Assessor finds the conditions of Subsections (a)(1)-(a)(4) of this section exist, the Assessor shall, within 30 days of the receipt of the Committee's findings, certify the commercial development project eligible for Class 7c treatment under this division.

Where the Economic Development Advisory Committee does not return a finding stating whether the conditions of Subsections (a)(1) - (a)(4) of this section are present within 30 days, and upon further application of the requesting party, the Assessor may review the application, supporting data, and other appropriate facts and certify the commercial development project eligible for Class 7c treatment and grant the incentive.

- (1) That the Property's (the real estate that is subject of the Incentive application) Assessed Value, Equalized Assessed Value or Real estate taxes for three of the last six years, have declined or remained stagnant due to the depressed condition;
- (2) There is a reasonable expectation that the development, re-development or rehabilitation of the commercial development project is viable and likely to go forward on a reasonably timely basis if granted Class 7c designation and will therefore result in the economic enhancement of the property;
- (3) Certification of the commercial development project for Class 7c designation will materially assist development, redevelopment or rehabilitation of the property and the commercial development property would not go forward without the full incentive offered under Class 7c; and
- (4) Certification of the commercial development project for Class 7c designation is reasonably expected to ultimately result in an increase in real property tax revenue and employment opportunities of the property.

A certified copy of the Ordinance or Resolution need not be filed at the time of filing the Class 7c eligibility application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 7c. If the Resolution is not filed at the time of the eligibility application, the applicant may instead file, at that time, a letter from the municipality or the County, as the case may be, confirming that a Resolution or Ordinance supporting the incentive has been requested.

b. A copy of the Resolution or letter confirming that a Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the members of the County Board from the affected districts.

c. Class 7c applications for newly constructed or substantially rehabilitated buildings and other structures must be made to the Assessor within one year prior to the commencement of such new construction or substantial rehabilitation to qualify for a Class 7c incentive. With respect to abandoned property, the Class 7c application must be made to the Assessor prior to the commencement of the reoccupation of the vacant and unused property. For the purpose of this Incentive [Class 7c] “abandoned property” shall mean property where the buildings and other structures, or portions thereof, have been vacant and unused for more than 12 continuous months and as established by rule of the Assessor.

d. This classification shall continue for a period of 3 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial occupancy.

e. Class 7c incentives that are granted are renewable.

The incentive shall be phase out after 5 years, pursuant to Section 74-64(8). After expiration of the last incentive period, the real estate shall revert to the applicable classification under this division.

f. The Assessor may adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine eligibility and continued eligibility for the benefits provided under Class 7c.

g. Class 7c Applications must be received by the Assessor's Office on or before November 30, 2019 to receive consideration.

h. Renewal. The Class 7c Incentive shall be limited to only one (1) renewal. The applicant may apply for a renewal on or after the 3rd Year of the Incentive, but before the expiration of the 5th Year of the Incentive. The applicant must obtain the municipal enabling Ordinance and present such municipal Ordinance to the Board of Commissioners of Cook County as to whether it will validate the renewal. The Incentive may be renewed unless otherwise limited herein.

i. Effective Year. The Class 7c Incentive shall be effective for the tax year the application for the Incentive is filed. In addition, the Class 7c Incentive may be applied for only one year prior to the tax year in which the Incentive was applied via a certificate of error.

(H12) Class 8. Real estate used primarily for industrial and commercial purposes, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, as defined in this division, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation.

a. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel. Such real estate must be either obtained through the Cook County Tax Reactivation Project or must be located in one of the

following designated geographical areas:

1. An area which has been certified as in need of substantial revitalization in accordance with the provisions of Section 74-65(b);
 2. An enterprise community as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994, and the municipality in which such real estate is located, or, if in an unincorporated area, the County must by lawful Resolution determine that such real estate is consistent with an overall plan for the rehabilitation of the area; or
 3. Any one of the following five townships: Bloom; Bremen; Calumet; Rich; and Thornton.
- b. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify that the property is deemed "abandoned" for purpose of Class 8, unless:
1. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
 2. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 8 application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such, a finding that the property is deemed "abandoned" for purposes of Class 8, and a Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 8 and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 8 need not be filed at the time of filing the Class 8 application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 8. If the Resolution is not filed at the time of the Class 8 application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Temporary Emergency Economic Recovery Modification (TEERM) Program: In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify that the property is deemed "abandoned" for purpose of Class 8 under the TEERM Program, if there has been no purchase for value and the buildings and other structures have been vacant and unused for at least 12 continuous months. The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 8 application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such, a finding that the property is deemed "abandoned" for purposes of Class 8, and a Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 8 and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a

County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 8 need not be filed at the time of filing the Class 8 application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 8. If the Resolution is not filed at the time of the Class 8 application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Applications for the TEERM Program must be received by the Assessor's Office on or before November 30, 2018 to receive consideration.

- c. A copy of the Resolution or letter confirming that a Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the members of the County Board from the affected districts.
- d. This classification shall continue for a period of 12 years from the date of new construction (excluding demolition, if any) or substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial reoccupancy, or in the case of incentives granted pursuant to the TEERM Program, from the date of the notice of approval.
- e. Unless it was granted pursuant to the TEERM Program, this incentive may be renewed during the last year a property is entitled to a ten-percent assessment level pursuant to 74-64(11), if the following requirements are met:
 - 1. The taxpayer notifies the Assessor's Office of the taxpayer's intent to request renewal of the incentive from the municipality, or the County Board if the real estate is located in an unincorporated area;
 - 2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the industrial or commercial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class 8; and
 - 3. A copy of that Resolution and a completed renewal application are filed with the Assessor's Office before the expiration of the 10 percent assessment level period.
- f. Class 8 incentives that are granted pursuant to the TEERM Program are not renewable. For all other Class 8 incentives, the number of renewal periods is not limited as long as the property continues to apply and meet the requirements for Class 8.
- g. A copy of the request for renewal of the incentive will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the members of the County Board from the affected districts.
- h. If no renewal is obtained, the incentive shall be phased out over the next two years, pursuant to Section 74-64(11). After expiration of the last incentive period the real estate shall revert to the applicable classification under this division.
- i. The Assessor may adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine eligibility for the benefits provided under Class 8.
- j. The certification of an area as in need of substantial revitalization shall expire five years from the date

such certification is granted. The Assessor shall notify the applicant of the date of expiration of certification one year before the date of the expiration of the certification. Such certification, pursuant to the same criteria, may be extended for one additional five-year period subject to reapplication by the appropriate local governing body within the period from one year to six months prior to the expiration of the initial five-year period.

- k. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 8 recipients as to the use of the property and the number of persons employed at the Class 8 site. A copy of such reports will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the nonfiling.

(1213) *Class 9.* All real estate otherwise entitled to Class 3 classification under this division, provided that such real estate, consisting of land and existing buildings and structures is multifamily residential real estate; either has undergone major rehabilitation, or is new construction, or both; has at least 35 percent of the dwelling units leased at rents affordable to low- or moderate-income persons or households; and is in substantial compliance with all applicable local building, safety and health requirements and codes.

- a. To qualify for the Class 9 classification, the applicant must:
 - 1. File an eligibility application with the Assessor prior to commencement of rehabilitation and/or of new construction;
 - 2. Either undertake and complete a major rehabilitation of the subject property, or undertake and complete construction of a new building;
 - 3. Maintain the subject property, including any new construction, in substantial compliance with all local building, safety and health codes and requirements for the duration of the Class 9 classification period;
 - 4. Lease, for the duration of the Class 9 classification period, at least 35 percent of the dwelling units of the subject property, including any new construction, to tenants at rents which will not exceed rents affordable to low- and moderate-income persons or households;
 - 5. Agree to make a current listing of Class 9 tenants and their income available to the Assessor upon request;
 - 6. Further agrees to annually provide the tenants with a list of the permissible Class 9 rents;
 - 7. Agree to notify tenants of the upcoming Class 9 expiration at least one year prior to the termination of the incentive treatment; and
 - 8. File annually with the Assessor, on or before a date determined by the Assessor, for the duration of the Class 9 classification period, a sworn statement verifying continuous compliance with the Class 9 provisions of this division.
- b. No applicant shall discriminate on the basis of race, color, sex, marital status, religion, national origin or ancestry, or on any other basis prohibited under Federal, State or local law.
- c. Upon completion of the major rehabilitation, the applicant must supplement the application by submitting evidence showing that major rehabilitation did, in fact, occur, the date that the major rehabilitation was

completed and that the real estate complies with all applicable local building, safety and health requirements and codes. Upon completion of the new construction, the applicant must supplement the application by submitting an occupancy permit showing the date that the new construction was completed and ready for occupancy, and evidence that the real estate complies with all applicable local building, safety and health requirements and codes.

- d. Beginning January 1, 2000, the Class 9 classification shall have an initial duration of ten years from the date that the major rehabilitation was completed. That period may be extended for additional ten-year periods if:
1. An application is filed with the Assessor at least 12 months before the expiration of the incentive period;
 2. The applicant presents evidence that the real estate currently complies with all applicable local building, safety and health requirements and codes; and
 3. The Assessor determines that all application qualifications, except the major rehabilitation or new construction requirement, were maintained during the incentive period.
- e. When the Class 9 classification is due to expire or is terminated by action of the owner or the Assessor, the property owner shall, in a manner and form determined by the Assessor, notify all Class 9 tenants of the date of the termination of Class 9 classification. Once the Class 9 classification is terminated, the real estate shall revert to the applicable classification under this division.

(1314) *Class S.* Real estate otherwise entitled to Class 3 classification under this division, consisting of land and existing buildings and structures, which is has been subject to a Section 8 contract renewal. The portion of the land and building eligible for the incentive shall be in such proportion as the number of Section 8 units bears to the total number of units. The proportion shall be applied only to property used for residential purposes, and not to portions of the property, if any, used for commercial purposes.

- a. Property qualifies for the Class S classification if its Section 8 contract has been renewed pursuant to one of the following alternatives:
1. HUD has approved renewal of the Section 8 contract under the mark up to market option, after finding that:
 - i. The property has received a physical inspection score of at least 60, in an inspection by HUD's Real Estate Assessment Center, confirming that the property is decent, safe, sanitary and in good repair with no uncorrected exigent health and safety (EHS) violations;
 - ii. The property does not have a low- and moderate-income use restriction that cannot be eliminated by unilateral action by the owner. If, however, the current rent is lower than the use restriction, HUD may use the mark up to market option to increase the rents to the use restriction level, which would be a renewal qualifying for the S classification; and
 - iii. A rent comparability study conducted by HUD has demonstrated that comparable market rents are above 100 percent of the HUD Fair Market Rent.
 2. HUD has approved a contract renewal for five years of the Section 8 contract under the mark up to market under HUD's discretionary authority, after finding that the property meets at least one of the required criteria:

- i. A vulnerable population is affected,
 - ii. There is a low vacancy rate in the area, which would make tenant based assistance difficult to use, or a lack of comparable housing, or
 - iii. The project is a high priority for the local community, as demonstrated by a contribution of state or local funds to the property.
3. HUD has approved renewal of a Section 8 contract for a not for profit corporation under any available option under HUD's renewal procedures as described in HUD's Section 8 Renewal Policy Guidelines.
- b. Additional requirements for qualification for the S classification are:
 1. At least 20 percent of the living units must be Section 8 units for qualifying low and moderate-income persons.
 2. The owner must agree to retain at least the existing number of Section 8 units for at least five years after the expiration of the expiring or expired Section 8 contract.
 3. For the duration of the Class S classification period, applicant must file annually with the Assessor, on or before a date determined by the Assessor, a sworn statement verifying continuous compliance with the Class S provisions of this division.
 4. Applicant must agree to notify the Assessor's Office if the Section 8 contract is terminated prior to its expiration date. Applicant shall provide to the Assessor's office a copy of any notice of default or notice of abatement received from HUD.
- c. When the applicant applies to HUD for a contract renewal, no less than 120 days prior to the expiration of the contract, the applicant shall notify the Assessor's Office of the application, on a form provided by that office. Upon receiving approval of the contract renewal from HUD, the applicant shall file an application for the incentive with the Assessor's Office, on a form provided by that office. The application shall be supported by a copy of HUD's letter approving the contract renewal and a copy of the executed renewal contract.
- d. Any property which, as of November 23, 1999, has an existing Section 8 contract with a mark up to market option may apply for Class S classification for the any portion of the 2001 assessment year encompassed within the contract term, and for the remainder of the contract term, including any renewals approved with the mark up to market option. The classification shall continue until the expiration or termination of the Section 8 contract.

Any property which, as of (DATE AMENDMENT APPROVED), has an existing Section 8 contract renewal may apply for Class S classification for any portion of the 2006 assessment year encompassed within the contract term, and for the remainder of the contract term, including any renewals approved with the mark up to market option, mark up to market option under HUD's discretionary authority or a Section 8 contract that has been renewed by a not-for-profit corporation under any available option under HUD's renewal procedures as described in HUD's Section 8 Renewal Policy Guidelines. The classification shall continue until the expiration or termination of the Section 8 contract.

- e. The incentive may be renewed if the Section 8 contract is again renewed under any of the following three options: 1) the mark up to market option; 2) the mark up to market option under HUD's discretionary authority; or 3) by a not-for-profit corporation under any available option under HUD's renewal procedures

as described in HUD's Section 8 Renewal Policy Guidelines. Upon filing an application with HUD, no less than 120 days prior to termination of the contract, for renewal of the Section 8 contract, the taxpayer shall provide notice to the Assessor's Office of its application for renewal. The taxpayer shall provide a copy to the Assessor's Office of HUD's approval of the contract renewal, or notification of other action.

- f. The Assessor's Office shall adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine initial and continued eligibility for the benefits provided under Class S.

(4415) *Class L.* Real estate which is to be used for commercial or industrial purposes and which is designated as Class 3, Class 4, Class 5a or Class 5b pursuant to this division; is a landmark or contributing building; and has undergone substantial rehabilitation. The substantial rehabilitation must constitute an investment by the owner of at least 50 percent of the building's full market value as determined by the Assessor in the assessment year prior to the commencement of the substantial rehabilitation.

- a. Generally, the incentive shall apply only to the building and will not apply to the land underneath the building. However, if the entire building has been vacant and unused for at least 24 continuous months prior to the filing of the eligibility application with the Assessor, the land upon which the building is situated shall also be eligible for the incentive.
- b. Prior to filing a Class L eligibility application with the Assessor, an applicant must obtain an ordinance or resolution from the unit of local government in which the real estate is located, which expressly states that the local government:
1. Has determined that the incentive provided by Class L is necessary for the substantial rehabilitation of the property;
 2. Supports and consents to the granting of the incentive; and
 3. Has reviewed and accepted its preservation commission's written recommendation of the project for the Class L incentive. This recommendation will specify the project's budget and proposed scope of work and will specify that the project will meet or exceed the Standards of the United States Department of the Interior for Rehabilitation, Preservation, Restoration, and Reconstruction of historic properties.
- c. A certified copy of the ordinance or resolution need not be filed with the Assessor at the time the Class L eligibility application is filed but the ordinance or resolution must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class L.
- d. If the ordinance or resolution is not filed at the time of the eligibility application is filed, the applicant shall instead, include the following items with the eligibility application:
1. A letter from the municipality or the County, as the case may be, confirming that a resolution or ordinance supporting the incentive has been requested; and
 2. A copy of the preservation commission's recommendation of the project.
- e. A copy of the resolution or letter confirming that a resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to the members of the County Board from the affected districts.
- f. Additionally, to qualify a landmark building or contributing building for Class L classification, an eligibility application must be made to the Assessor within one year prior to the commencement of

substantial rehabilitation. After the substantial rehabilitation has been completed, the preservation commission shall review the project to determine that it is eligible under Subsection (14) of this section. The applicant must supplement the eligibility application with a copy of the determination of the preservation commission prior to classification of the real estate as Class L.

- g. The initial Class L classification shall continue for a period of 12 years from the date such substantial rehabilitation was completed and initially assessed.
- h. For property which was initially classified as Class 3, 4 or 5b, this incentive may be renewed during the last year a property is entitled to a 16 percent assessment level, if the following requirements are met:
 - 1. The taxpayer notifies the Assessor's Office of the taxpayer's intent to request renewal of the incentive from the municipality, or the County Board if the real estate is located in an unincorporated area;
 - 2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a resolution expressly stating that the municipality or County Board, as the case may be, has determined that the industrial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class L; and
 - 3. A copy of that resolution and a completed renewal application are filed with the Office of the Assessor before the expiration of the incentive period.

The number of renewal periods is not limited as long as the property continues to apply and qualify for Class L. The notice of intent to request renewal which is filed with the Assessor's Office will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to members of the County Board from the affected districts.

- i. If, as of November 23, 1999, a property is receiving Class L treatment, but the assessment level is higher than 16 percent, that taxpayer may apply for renewal as outlined above and receive a 16 percent assessment level for the prescribed period beginning after the filing and approval of the resolution and renewal application. However, if as of the effective date, the taxpayer's assessment is higher than 16 percent and the taxpayer is granted a renewal of the incentive for subsequent years, no reduction of the current assessment level based on renewal of the incentive will be granted. If no renewal is obtained, the incentive shall be phased out over the next two years, pursuant to Section 74-64. After expiration of the last incentive period, the real estate shall revert to the applicable classification under this division.
- j. For commercial properties, once the original 12-year incentive period has expired, the commercial Class L incentive will expire. The incentive classification will not be subject to renewal and the real estate shall revert to the applicable classification under this division.
- k. The Assessor shall adopt rules consistent with the foregoing necessary to ensure proper review of all factors relevant to determine initial and continued eligibility for the benefits provided under Class L.
- l. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class L recipients as to the continued landmark status of the property and the number of persons employed at the Class L site. Failure to file such reports within the time established by the Assessor's rules may result in loss of the incentive for the period relating to the nonfiling.

Sec. 74-64. Market value percentages.

The Assessor shall assess, and the Board of Review shall review, assessments on real estate in the various classes at the following percentages of market value:

- (1) Class 1: 10 percent.
- (2) Class 2: 10 percent.
- (3) Class 3: 16 percent in tax year 2009, 13 percent in tax year 2010, 10 percent in tax year 2011, and subsequent years.
- (4) Class 4: 25 percent.
- (5) Class 5a: 25 percent.
- (6) Class 5b: 25 percent.
- (7) Class 6b: 10 percent for first ten years and for any subsequent ten-year renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12.
- (8) Class C: Industrial properties: 10 percent for first ten years, 15 percent in year 11 and 20 percent in year 12; commercial properties: 10 percent for first ten years, 15 percent in year 11 and 20 percent in year 12.
- (9) Class 7a: 10 percent for first ten years, 15 percent in year 11 and 20 percent in year 12.
- (10) Class 7b: 10 percent for first ten years, 15 percent in year 11 and 20 percent in year 12.
- (11) Class 7c: 10 percent for first 3 years, 15 percent in year 4 and 20 percent in year 5.
- ~~(11)~~ Class 8: 10 percent for first ten years and for any subsequent ten-year renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12.
- ~~(12)~~ Class 9: 10 percent for an initial ten-year period, renewable upon application for additional ten-year periods.
- ~~(13)~~ Class S: 10 percent for the term of the Section 8 contract renewal under the mark up to market option, as defined herein, and for any additional terms of renewal of the Section 8 contract under the mark up to market option.
- ~~(14)~~ Class L, renewable properties: 10 percent for first ten years and for any subsequent ten-year renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12; commercial properties: 10 percent for first ten years, 15 percent in year 11 and 20 percent in year 12.

Sec. 74-65. Qualifications for commercial development project status.

- (a) To qualify as a commercial development project under Class 7a or 7b, it is necessary that the project be located in an area in need of commercial development in that:
 - (1) The area is, or has been within the last ten years, designated by Federal, State or local agency as a conservation, blighted or renewal area or an area encompassing a rehabilitation or redevelopment plan or project adopted under the Illinois Urban Renewal Consolidation Act of 1961, as amended, or the Commercial Renewal Redevelopment Areas Act of 1967, as amended, or that the area is located in a Federal Empowerment Zone or Enterprise Community, as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994, or the Commercial District Development Commission Ordinance of the City of

Chicago or designation of like effect adopted under any similar statute or ordinance;

- (2) Real estate taxes within the area, during the last six years, have declined, remained stagnant or potential real estate taxes are not being fully realized due to the depressed condition of the area;
 - (3) There is a reasonable expectation that the development, re-development or rehabilitation of the commercial development project is viable and likely to go forward on a reasonably timely basis if granted Class 7a or 7b designation and will therefore result in the economic enhancement of the area;
 - (4) Certification of the commercial development project for Class 7a or 7b designation will materially assist development, redevelopment or rehabilitation of the area and the commercial development project would not go forward without the full incentive offered under Class 7a or 7b; and
 - (5) Certification of the commercial development project for Class 7a or 7b designation is reasonably expected to ultimately result in an increase in real property tax revenue and employment opportunities within the area.
- (b) Prior to filing a Class 7a or 7b eligibility application with the Assessor, an applicant must obtain from the municipality in which the real estate is located, or the County Board if the real estate is located in an unincorporated area, an ordinance or resolution expressly stating that the municipality or County Board, as the case may be, has determined that the conditions of Subsections (a)(1)-(a)(5) of this section are present and that the municipality or County Board, as the case may be, supports and consents to the Class 7a or 7b application to the Assessor. A certified copy of such ordinance or resolution shall be included with the Class 7a or 7b application at the time of filing the application with the Assessor. A copy of the ordinance or resolution, whichever is submitted, will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to the members of the County Board from the affected districts. The application shall include any other information deemed necessary by the Assessor. The applicant must demonstrate that the commercial development project qualifies for the Class 7a or 7b classification and shall bear the expense of doing so.
- (c) Inasmuch as the County desires to encourage economic development in the neighborhoods of the County, support the increased use of the incentive by smaller projects and to limit the expense of such applications, the Assessor shall liberally construe the requirements of Subsections (a)(1)-(a)(5) of this section for Class 7a applications.
- (d) The Assessor shall adopt rules, including a provision to ensure a proper review of the application and supporting data.
- (e) Certification of a commercial development project shall not be denied by reason of insufficient size if it otherwise qualifies hereunder. In determining what constitutes the "full incentive offered" as provided in Subsection (a)(4) of this section, consideration may be given to any lawful intergovernmental participation agreements under which the project developer has agreed, as a precondition to Class 7a or 7b certification, to share a portion of future profits with the appropriate taxing districts.
- (f) For Class 7a applications, where the Assessor finds that the conditions of Subsections (a)(1)-(a)(5) of this section exist, the Assessor shall, within 60 days after receipt of the application and necessary supporting data, certify the commercial development project eligible for Class 7a treatment under this division.
- (g) In order to determine Class 7b applications, upon receipt of the application and all the necessary supporting data, the Assessor shall forward it to the Economic Development Advisory Committee of the County. The Committee shall within 30 days return the application to the Assessor with a finding stating whether the conditions of Subsections (a)(1)-(a)(5) of this section are present. The Assessor shall review the application, supporting data, findings of the Committee and other appropriate facts. Where the Assessor finds the conditions of Subsections (a)(1)-(a)(5) of this section exist, the Assessor shall, within 30 days of the receipt of the Committee's findings, certify the commercial development project eligible for Class 7b treatment under this division.

- (h) Class 7a and 7b certifications shall lapse within one year from the date of issuance unless new construction or substantial rehabilitation, or in the case of abandoned property, reoccupation of the commercial development project has commenced prior to its expiration.
- (i) To be certified as an area in need of substantial revitalization for purposes of Class 8 classification it is necessary that:
 - (1) The municipality in which the area is located or, if an unincorporated area, the County determine by lawful resolution that the area is in a state of economic depression and that it is not economically feasible for private enterprise to accomplish the necessary modernization, rehabilitation, and development of the area without public assistance and encouragement, or a determination of similar import;
 - (2) The municipality or, if in an unincorporated area, the County apply to the Assessor for certification of the area as one in need of substantial revitalization;
 - (3) Upon receiving an application to certify an area as in need of substantial revitalization, the Assessor shall review the application, supporting data and other appropriate factors relevant to a determination of the severity of the economic conditions of the area. In determining whether the "in need of substantial revitalization" requirement is met, the Assessor shall give strong consideration and substantial weight to the fact that an area is located in a Federal empowerment zone or enterprise community, as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994.
- (j) Upon finding that existing factors convincingly demonstrate that the area is in need of substantial revitalization, as defined in this division, the Assessor shall grant such certification to the area. In making this determination statistical data relevant to the surrounding area as well as the specific area for which certification is sought may be considered. The surrounding area for the City of Chicago shall be the community area as defined in this division; for all other areas in the County it shall be, where applicable, the municipality in which the area is located.
- (k) If a municipality within an Enterprise Community, as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994, determines by municipal resolution that the area is in a state of economic depression and that it is not economically feasible for private enterprise to accomplish the necessary modernization, rehabilitation, and development of the area without public assistance and encouragement, or a determination of similar import and submits a request for Class 8 certification, such certification shall be automatic pursuant to this division. However, each property eligible for a Class 8 incentive within the certified area must file an application in a timely manner.
- (l) Any Class 6a incentive that is still active can be renewed. The Class 6a incentive is defined in this division. The renewal procedures described in Section 74-63 apply to Class 6a as well.

Sec. 74-66. Property in two or more classes.

Where a single parcel of real estate is partially included in two or more of the above-described classes, each portion shall be assessed at the assessment level herein prescribed for that class.

Sec. 74-67. Assessor's status and progress report.

A written report on the status and progress of the implementation of this division, or any amendments thereto, and all rules promulgated by the Assessor hereunder, shall be submitted by the County Assessor to the President and County Board annually on or before December 1.

Sec. 74-68. Classification system to apply with tax assessment year.

- (a) The incentive provisions of this division provided to qualifying parcels of real estate for Class 6b, Class C, Class 7a, Class 7b and Class 8 shall expire on December 31, 2015, unless otherwise reviewed by action of the County. Real estate granted a Class 6, Class 6a, Class 6b, Class 7 or Class 8 classification on or before December 31, 1994, shall retain such classification under the terms and conditions of this division prior to January 1, 1995. Real estate for which an application for Class 6a, Class 6b, Class 7 or Class 8 classification is filed with the Assessor on or before December 31, 1994, and which thereafter is determined by the Assessor to be eligible for the classification under the terms and conditions of this division after January 1, 1995, shall be entitled to receive such classification under such terms and conditions.
- (b) Real estate granted a Class 6b, Class 6c, Class 7a, Class 7b or Class 8 classification on or before December 31, 1999, shall retain such classification under the terms and conditions of this division prior to January 1, 2000. Real estate for which an application for Class 6b, Class 6c, Class 7a, Class 7b or Class 8 classification is filed with the Assessor on or before December 31, 1999, and which thereafter is determined by the Assessor to be eligible for classification under the terms and conditions of this division existing prior to January 1, 2000, shall be entitled to receive such classification under such terms and conditions.
- (c) Real Estate granted a Class 6b, Class 7a, Class 7b or Class 8 classification on or before December 31, 2004, shall retain such classification under the terms and conditions of the Ordinance prior to January 1, 2005. Real estate for which an application for Class 6b, Class 7a, Class 7b or Class 8 classification is filed with the Assessor on or before December 31, 2004, and which thereafter is determined by the Assessor to be eligible for classification under the terms and conditions of this Ordinance existing prior to January 1, 2005, shall be entitled to receive such classification under such terms and conditions.

Sec. 74-69. Applicable assessment level.

The assessment level applicable to real estate classified under incentive Classes 6b, C, 7a, 7b, 7c, 8, 9 and L shall in no event exceed the assessment level which otherwise would have been applicable to such real estate under the remaining assessment classes provided in this division.

Sec. 74-70. Class 8a and 8b designation/assessment class.

- (a) *Class 8a.* Real estate that is used primarily for industrial or commercial purposes, which real estate would qualify for a Class 8 designation pursuant to Sections 74-62 through 74-64, except for the fact that the qualifying use of the property prior to application for the incentive does not comply with the definition of abandoned property provided for in Section 74-62(b), can receive a designation as a Class 8a property so long as the applicant can show that it has complied with all of the requirements necessary to receive a Class 8 designation per Sections 74-62 through 74-64, except for meeting the definition of abandonment provided for in Section 74-62(b), but only when the Cook County Board of Commissioners provides a resolution or ordinance in support of such designation absent abandonment.
- (1) The Cook County Board of Commissioners may only provide such a resolution or ordinance in support of Class 8a designation absent abandonment when:
- a. An applicant who collects or transmits sales tax has obtained from the municipality in which the real estate is located or the Cook County Board of Commissioners, if the real estate is located in an unincorporated area, an agreement to abate a portion of the local government's sales tax generated by the industrial or commercial enterprise located on such real estate and such abatement of sales tax must cover the period of time for which the applicant would qualify for this Class 8a incentive; and
 - b. Applicant can demonstrate to the satisfaction of the Cook County Board of Commissioners that due to

national and regional economic conditions beyond its control the industrial or commercial enterprise has undergone a significant reduction in net operating income of at least 40 percent in the year it makes application for this incentive as compared to the average net operating income of the industrial or commercial enterprise in the prior three years; and

- c. Applicant provides objective and credible evidence including, but not limited to, an economic impact study that demonstrates to the satisfaction of the Cook County Board of Commissioners that the ongoing industrial or commercial enterprise is not economically viable and as such it will cease operations within 60 days of the submission of an eligibility application for Class 8a designation to the Cook County Assessor, and thereafter the property will become vacant and unused for an extended period of time of at least 24 months; and
- d. Applicant provides objective and credible evidence including, but not limited to, an economic impact study that demonstrates to the satisfaction of the Cook County Board of Commissioners that designation as a Class 8a property will allow the industrial or commercial enterprise to be economically viable and thereby continue its operations so that the industrial or commercial enterprise can continue to occupy and fully utilize the real estate for an extended period of time.

(2) Such a resolution or ordinance must contain:

- a. A finding that the Cook County Board of Commissioners has determined that industrial or commercial enterprise has undergone a significant reduction in net operating income of at least 40 percent in the year it makes application for the incentive as compared to the average net operating income of the industrial or commercial enterprise in the prior three years; and
- b. A finding that the Cook County Board of Commissioners has determined that Class 8a designation of the property is necessary for the ongoing industrial or commercial enterprise to continue its operations and that without such designation the industrial or commercial enterprise would not be economically viable causing the property to become vacant and unused; and
- c. A statement by the Cook County Board of Commissioners that it supports and consents to the designation of the property as a Class 8a property absent an abandonment requirement; and
- d. A statement by the Cook County Board of Commissioners that it supports and consents to the application made to the Cook County Assessor requesting designation as a Class 8a property absent an abandonment requirement.

(3) When the real estate is located in an incorporated area of the county, and designation as a Class 8a property is sought using the provisions of this section, the municipality in which the real estate is located must provide to the Cook County Assessor a resolution or ordinance that contains the following:

- a. A finding by the municipality that it has determined that Class 8a designation of the property is necessary for the ongoing industrial or commercial enterprise to continue its operations and that without such designation the industrial or commercial enterprise would not be economically viable causing the property to become vacant and unused; and
- b. A statement by the municipality that it supports and consents to the action by the Cook County Board of Commissioners to support designation of the property as a Class 8a property; and
- c. A statement by the municipality that it supports and consents to the Class 8a application to the Cook County Assessor; and

- (4) Real estate receiving a Class 8a designation pursuant to the provisions of this section shall be assessed at the lowest percentage of market value provided for in Section 74-64(~~11~~12), however the term of the incentive will be limited to five years only and such Class 8a designation shall not be renewed:
 - a. After the initial application has been approved and granted, if the subject real estate receiving the Class 8a designation pursuant to the provisions of this section is sold or the applicant transfers ownership of any portion of the property at any time prior to the five-year term of the 8a classification, then the property's Class 8a classification shall be subject to an eligibility review by the Cook County Board of Commissioners, the municipality, and the Assessor under the procedures set forth in this Ordinance for the remainder of the five-year term.
- (5) In order for real estate to qualify for a Class 8a designation an eligibility application must be made to the Cook County Assessor.
- (6) Class 8a designation can not be applied to real estate unless the following has occurred: application is made to the Cook County Assessor; all required municipal and county ordinances and resolutions are provided to the Cook County Assessor; and the Cook County Assessor determines that the real estate which is the subject of the application for a Class 8a designation would qualify for designation as a Class 8 property but for the inability to comply with the definition of abandonment pursuant to Section 74-62(b).
- (7) The Cook County Assessor may adopt rules consistent with this section to determine eligibility for the benefits provided under Class 8a.
- (8) Upon receipt of an eligibility application for a Class 8a designation, the Cook County Assessor shall forward such application and any supporting documentation provided with such application to the Cook County Board of Commissioners or its designee for consideration as to whether the County Board will provide a resolution or ordinance in support of a Class 8a designation absent abandonment.
- (9) Real estate receiving a Class 8a designation pursuant to the provisions of this section shall not be eligible for a Class 8a designation for any year prior to the assessment year for which an application for the designation is made to the Cook County Assessor.
- (10) The Cook County Board of Commissioners or its designee may adopt rules consistent with this section that may be needed to ensure proper review of information, data and documents submitted in support of a request to the County Board for a resolution or ordinance in support of a Class 8a designation as provided for in this section.
- (11) Applicants for a Class 8a designation of property can only make such an application for the following assessment years 2008, 2009, 2010, 2011, 2012, 2013 and the Cook County Assessor shall not designate any real estate as Class 8a property for assessment year 2018 or thereafter.
- (12) Real estate that receives a designation as a Class 8a incentive property will lose such designation and the corresponding reduced level of assessment, if the industrial or commercial enterprise located on the property ceases operations and the subject real estate becomes vacant and unused.
- (13) Real estate that receives a designation as a Class 8a incentive property will lose such designation and the corresponding reduced level of assessment upon termination of the required partial sales tax abatement by local government.

[(14)] This Section 74-70 of the Real Estate Classification Ordinance will become effective upon passage.

(b) *Class 8b.* Real estate and improvements that house inpatient and outpatient hospital based services, where the

property has been acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer, thereby avoiding Illinois Health Facilities and Services Review Board discontinuation approval, shall be considered for a Class 8b designation if it meets the requirements of this section and the Cook County Board of Commissioners provides a resolution or ordinance in support of such designation.

(1) The Cook County Board of Commissioners may only provide such a resolution or ordinance in support of Class 8b designation when:

- a. The applicant is a hospital, as defined in the Hospital Licensing Act, or an entity that owns the real property on which a hospital is located, the hospital is licensed by the state, and the abandonment of the hospital would require the applicant, or the hospital on behalf of which the applicant owns the real property on which the hospital is located, to obtain a permit or exemption from the State of Illinois Health Facilities and Services Review Board pursuant to the Illinois Health Facilities Planning Act prior to discontinuing hospital operations and to obtain a second permit or exemption prior to reopening or otherwise reestablishing the hospital after abandonment;
- b. The applicant demonstrated to the satisfaction of the Cook County Assessor that approval of the Class 8b designation will materially increase the likelihood that the property will be retained for hospital use with the associated employment benefits relative to industrial or commercial use of the property;
- c. The subject hospital is located in a zip code which has a ten percent or greater incidence of families and/or individuals below the poverty level, as identified by the U.S. Census Bureau's most recent census; and
- d. The subject hospital employs at least 750 full-time equivalents (full-time equivalent jobs being defined as total hours worked by all non full-time employees divided by average annual hours worked by the full-time employees).

(2) Such a resolution or ordinance must contain:

- a. A finding that the Cook County Board of Commissioners has determined that the applicant demonstrated to the satisfaction of the Cook County Assessor that approval of the Class 8b designation will materially increase the likelihood that the property will be retained for hospital use; and
- b. A statement by the Cook County Board of Commissioners that it supports and consents to the designation of the property as a Class 8b property.

(3) When the real estate is located in an incorporated area of the county, and designation as a Class 8b property is sought using the provisions of this section, the municipality in which the real estate is located must provide to the Cook County Assessor a resolution or ordinance that contains the following:

- a. A finding by the corporate authorities of the municipality that the proposed redevelopment contemplated for the subject hospital or the property on which the hospital sits is necessary and appropriate and that, without a classification having the impact of this section, the special circumstances that exist on the property on which the subject hospital sits including, but not limited to, the unique requirement that mandates that the subject hospital's operations are continually maintained without interruption in order for the State of Illinois Health Facilities and Services Review Board to issue a certificate of need and licensure approval for the continued operation of the subject hospital and the extraordinary need for the continued operation of the subject hospital within the applicable region, will not be addressed and the property on which the subject hospital sits will become vacant and underutilized and cause the continued exasperation of blighted factors within the municipality and region;

- b. A finding by the corporate authorities of the municipality that a classification having the impact of this section is necessary for the redevelopment to occur on the property on which the subject hospital sits; and
 - c. A statement by the corporate authorities of the municipality supporting and consenting to the filing of an application for a classification having the impact of this section for the property on which the subject hospital sits.
- (4) Real estate receiving a Class 8b designation pursuant to the provisions of this section shall be assessed at the lowest percentage of market value and for the term provided for in Section 74-64(~~11~~12).
- (5) In order for real estate to qualify for a Class 8b designation, a Class 8 or Class 8b application must be made or have been made to the Cook County Assessor. Any application for Class 8 submitted with required municipal approval after July 1, 2008, for hospital property where the property was acquired for hospital use by an unrelated for-profit acquirer, avoiding the Health Facilities and Services Review Board discontinuation approval, shall be reconsidered as an application pursuant to this section upon supplement of such Class 8 application with the additional information required in this section, if any. Upon receipt of an application, the Cook County Assessor shall forward such application and any supporting documentation provided with the application to the Cook County Board of Commissioners for consideration as to whether the Cook County Board will provide a resolution or ordinance in support of a Class 8b designation. Real estate receiving a Class 8b designation pursuant to the provisions of this section shall be eligible for such designation beginning in the assessment year during which an application for the classification having the impact of this section is made to the Cook County Assessor.
- (6) Class 8b designation cannot be applied to real estate unless the following has occurred: application is made or has been made to the Cook County Assessor, and all required municipal and county ordinances and resolutions are provided to the Cook County Assessor.

Sec. 74-71. Definition.

Property tax incentive for the purpose of applicability of the Living Wage pursuant to Section 34-160 of the County's Code means a reduction in the assessment level as set forth in Chapter 74, Article II, Division 2 of this Code for owner-occupied Class 6b industrial property, Class 8 industrial property, or Class 9 multifamily residential property. For the purpose of this article, "property tax incentive" shall not include a Class 9 designation granted to supportive living facilities, which establish an alternative to nursing home care for low income older persons and persons with disabilities under Medicaid and which are certified by the State Department of Public Aid pursuant to Chapter 74, Article II, Division 2 of this Code, the County Real Property Assessment Classification Ordinance.

Sales tax means the Retailer's Occupation Tax, the Service Occupation Tax and/or the Use Tax.

Sec. 74-72. Living wage requirement.

Unless expressly waived by the County Board, not less than a Living Wage, as defined in the Cook County Procurement Code, shall be paid to each Employee of any Employer that receives a Property Tax Incentive for owner-occupied property. Each Employer receiving a Property Tax Incentive shall comply with all the requirements and procedures set forth in the County Code Chapter 34 with regard to such Living Wage, including notification of Employees and all other requirements.

Sec. 74-73 Revocation or Cancellation of Incentive Classification

- (a) The following Incentive Classifications are subject to revocation herein:

Class 7c

- (b) The incentive may be revoked under the following circumstances:
1. By rule, as provided by the Assessor,
 2. By the County Board by Resolution or Ordinance,
 3. By the County Board by Resolution or Ordinance at the request of the Municipality's submission of a Municipal Resolution or Ordinance,
 4. By request of the taxpayer to cancel.

In case of revocation or cancellation, the Incentive Classification shall be deemed null and void for the tax year in which the incentive was revoked or cancelled as to the subject property. In such an instance, the taxpayer shall be liable for and shall reimburse to the County Collector an amount equal to the difference in the amount of taxes that would have been collected had the subject property been assessed as a Class 5 property and the amount of taxes collected under the Incentive Classification as determined by the Assessor.

Effective date: This ordinance amendment shall be in effect immediately upon adoption.