

finance

**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 2-45-155 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

**2-45-155 Tax increment financing (T.I.F.) Sunshine ordinance.**

The following T.I.F.-related documents for each active T.I.F. district shall be made publicly available on the Department's website:

*(Omitted text is unaffected by this ordinance)*

5. A copy of each executed T.I.F. redevelopment agreement, including any amendments thereto, and any ancillary or related agreements, including any amendments thereto;

6. City-issued Certificates of Completion and any required annual employment certifications prepared pursuant to T.I.F. redevelopment agreements.

*(Omitted text is unaffected by this ordinance)*

~~The Department of Housing and Economic Development~~ shall create and maintain an online and searchable database for public consumption on the City of Chicago Data Portal for every private project funded by any active TIF district starting with fiscal year 2009 in the City of Chicago within one year of the issuance of a final certificate of completion. The database shall be made available by July 1, 2014. The database shall include the following information:

*(Omitted text is unaffected by this ordinance)*

13. A copy of all materials required to be submitted to City Council pursuant to Section 2-45-156(d); and

14. For projects approved by the Community Development Commission after the date of enactment, green matrix (sustainable) requirements, if applicable.

**SECTION 2.** Chapter 2-45 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-45-156, as follows:

**2-45-156 Redevelopment agreement and approval requirements for certain development subsidies.**

(a) For the purposes of this section, the following definitions shall apply:

"Development subsidy" means any financing or monetary incentive of \$100,000 or more provided by the City in connection with a retail, commercial, or industrial development, a mixed-use development containing retail, or commercial or industrial elements, or any portion thereof, or any related infrastructure, including, but not limited to, grants, direct or indirect loans, bond financing, Donation Tax Credits, Community Development Block Grant funds, and Tax Increment Financing. "Development subsidy" does not include any tax incentive classification, as defined in

Section 2-45-160, any grant or loan under the Neighborhood Opportunity Fund, or any financing or other grant of funds by the City to another governmental entity.

“Major tenant” means any tenant: (i) that occupies 33% or more of the rentable square footage of the applicable premises for retail, commercial, or industrial use; and (ii) that employs, globally, 100 or more employees; provided that numbers of employees will be aggregated if such employees are employed by members of a single unitary business group as defined for Illinois income tax purposes.

(b) Each applicant for a development subsidy shall enter into a redevelopment agreement with the City as a condition of the City Council authorizing the issuance of such development subsidy. A substantially final version of each such redevelopment agreement shall be attached to the ordinance or resolution seeking approval of a development subsidy, and must include the following minimum terms with respect to the retail, commercial, and industrial elements of the development:

(1) Remedy provisions providing that the development subsidy shall be subject to suspension, recapture, repayment, or rescission, in full or in part, in the event of a breach or default by the owner, developer, any major tenant, or any other non-governmental party to the redevelopment agreement, including, at a minimum, a breach of any of the minimum terms required under this Section;

(2) A requirement that the City approve the lease for any major tenant; a requirement for all major tenants to join the redevelopment agreement as a party upon executing a lease; provisions regarding the rights, obligations, and remedies of such major tenants; and joint and several liability of the owner or developer in the event of any breach of the redevelopment agreement by such major tenants;

(3) A requirement that the owner of the property subject to the redevelopment agreement must notify the Commissioner and Alderman of the ward or wards in which the applicable property is located no less than 180 days prior to the closure, relocation, vacation, sublease, or other change of occupant of any portion of the premises occupied by the owner or leased by any major tenant;

(4) Anti-speculation provisions that must include, at a minimum, a representation that the owner or developer is not receiving the development subsidy for speculative purposes; a prohibition on the sale, transfer, assignment, or disposition other than by lease for the term of the redevelopment agreement without City approval;

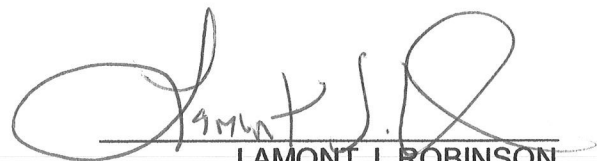
(5) Anti-vacancy provisions that must include, at a minimum, a prohibition on intentionally refraining from actively attempting to lease, sell, or alter any vacant portion of the applicable property, including in order to receive a decrease in assessed value, a decrease in market value, or an abatement of property taxes from the Cook County Assessor, the Board of Review, or any other taxing district; and minimum operations and occupancy covenants, subject to reasonable cure periods not to exceed 365 days in the aggregate; and

(6) A survivability clause providing that the rights and obligations of the parties to the redevelopment agreement related to the minimum terms required under this Section will run with the land and survive for a term equal to the greater of the term of the redevelopment agreement or 15 years following the issuance of a final certificate of completion.

(c) No less than 60 days prior to introducing a proposed development subsidy for City Council approval, the Commissioner shall provide the application, supporting documentation, any staff analyses, and a copy of the proposed redevelopment agreement to the Alderman of the ward or wards in which the applicable property is located. The Alderman shall provide a recommendation to the Commissioner regarding the application within 30 days of receiving it, unless the Commissioner determines that good cause exists for a reasonable extension, not to exceed 30 days. Such recommendation may include reasonable job creation covenants, required infrastructure improvements, traffic and noise mitigation requirements, the establishment of a community advisory council related to the project, community-focused programming and events, leasing preferences for or partnerships with local businesses and non-profit organizations, open space requirements, and non-monetary benefits provided by the City or community organizations to the owner, developer, or major tenants, such as expedited permitting processes or access to advertising opportunities at community-sponsored or City-sponsored events. Following receipt of such recommendations, the Commissioner shall promptly notify the applicant, and shall facilitate negotiations between the applicable Alderman and the applicant to incorporate any recommended terms into the redevelopment agreement.

(d) The ordinance submission for any proposed development subsidy shall state the name of the developer, owner, and any major tenants known or reasonably known at the time the ordinance is submitted to City Council. The ordinance submission shall be accompanied by, at a minimum: (i) the application for the development subsidy; (ii) any supporting documentation, including site plans, construction drawings, traffic studies, and an estimated sources and use budget; (iii) any staff analyses prepared by the Department; (iv) a copy of the proposed redevelopment agreement; (v) Economic Disclosure Statements in accordance with Chapter 2-154 for the owner, developer, and any major tenants; (vi) an explanation for any deviation in the proposed redevelopment agreement from the minimum terms required under subsection (b) of this Section; and (vii) a list of all previously issued approvals and all required approvals that have not yet been issued by the City or any other governmental unit related to the project.

(e) Notwithstanding anything in this Section to the contrary, the required minimum provisions under subsection (b) of this Section shall not apply to any development subsidy funded in whole or in part by State or federal sources to the extent such required minimum provisions conflict with or are preempted by applicable State or federal laws, regulations, standards, or the terms or conditions of the applicable State or federal grant agreement; provided, however the Department shall include an explanation of such conflict or preemption as an exhibit attached to the ordinance alongside the required submissions under subsection (d) of this Section.



LAMONT J. ROBINSON  
Alderman, 4th Ward

The following legislation is being introduced by Alderman Lamont J. Robinson regarding  
co-sponsored by *Ald. Robinson*

*TIF Sunshine  
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*R. L. Mosby*  
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Alderman Ward 21

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Alderman Ward 11

*Mary*  
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Alderman Ward 22

The following legislation is being introduced by Alderman Lamont J. Robinson regarding co-sponsored by

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Alderman Ward 24

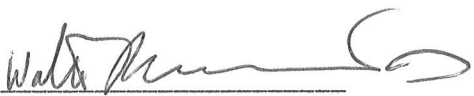
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Alderman Ward 44

The following legislation is being introduced by Alderman Lamont J. Robinson regarding co-sponsored by

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Mayor Johnson

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Alderman Ward 46

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Clerk Valencia

  
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Alderman Ward 47

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Alderman Ward 48

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Alderman Ward 50