

# HB3091



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3091

Introduced 2/19/2021, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

35 ILCS 5/232 new

Amends the Illinois Income Tax Act. Creates an income tax credit for taxpayers who open and operate a supermarket or grocery store in a food desert community designated by the Department of Commerce and Economic Opportunity. Provides that the credit shall be in an amount equal to the total amount the taxpayer is assessed in property taxes for the location at which the supermarket or grocery store is located during the full taxable year that the supermarket or grocery store is open for business to the public. Effective immediately.

LRB102 14209 HLH 19561 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Illinois Income Tax Act is amended by  
5 adding Section 232 as follows:

6 (35 ILCS 5/232 new)

7 Sec. 232. Food desert elimination credit.

8 (a) By July 1, 2021, the Department of Commerce and  
9 Economic Opportunity shall designate not more than 75 separate  
10 geographic areas throughout the State as food desert  
11 communities. The Department of Commerce and Economic  
12 Opportunity shall develop criteria for the designation of food  
13 desert communities, but each separate food desert community  
14 shall consist of a distinct geographic area with a single  
15 defined border. The criteria shall, at a minimum, incorporate  
16 analysis of municipal or census tract population size and  
17 population density, municipal or census tract poverty  
18 statistics, food desert information from the United States  
19 Department of Agriculture's Economic Research Service, and  
20 healthier food retail tract information from the federal  
21 Centers for Disease Control and Prevention.

22 (b) For taxable years beginning on and after January 1,  
23 2022 and beginning prior to January 1, 2025, the first

1 taxpayer to open and operate a supermarket or grocery store in  
2 a food desert community on or after the date the food desert  
3 community is established under subsection (a) is entitled to a  
4 credit against the taxes imposed by subsections (a) and (b) of  
5 Section 201 in an amount equal to the total amount the taxpayer  
6 is assessed in property taxes for the location at which the  
7 supermarket or grocery store is located during the full  
8 taxable year that the supermarket or grocery store is open for  
9 business to the public.

10 (c) In no event shall a credit under this Section reduce a  
11 taxpayer's liability to less than zero. If the amount of  
12 credit exceeds the tax liability for the year, the excess may  
13 be carried forward and applied to the tax liability for the 5  
14 taxable years following the excess credit year. The tax credit  
15 shall be applied to the earliest year for which there is a tax  
16 liability. If there are credits for more than one year that are  
17 available to offset liability, the earlier credit shall be  
18 applied first.

19 (d) For partners, shareholders of Subchapter S  
20 corporations, and owners of limited liability companies, if  
21 the liability company is treated as a partnership for the  
22 purposes of federal and State income taxation, there shall be  
23 allowed a credit under this Section to be determined in  
24 accordance with the determination of income and distributive  
25 share of income under Sections 702 and 704 and Subchapter S of  
26 the Internal Revenue Code.

1           (e) As used in this Section:

2           "Food desert community" means a physically contiguous area  
3           in the State in which residents have limited access to  
4           nutritious foods, such as fresh fruits and vegetables, through  
5           supermarkets and grocery stores.

6           "Supermarket or grocery store" means a retail facility of  
7           at least 18,000 square feet, of which at least 90 percent is  
8           occupied by a full-service supermarket or grocery store.

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