



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5364

Introduced 1/31/2022, by Rep. Brad Halbrook

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1049.2  
55 ILCS 5/5-1049.3 new

Amends the Counties code. Provides that the county board may lease real estate acquired or held by the county for any term not exceeding 99 years and may lease the real estate when, in the opinion of the county board, the leasing of the real estate is appropriate, in the best interests of the county, and serves a public purpose, excluding a public purpose of financially supporting the operations of government or revenue generation (currently, the board may lease if the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the county). Provides that the county shall not acquire, hold, own, or lease real estate for the exclusive public purpose of financially supporting the operation of government or for the purpose of revenue generation. Provides that the county board shall sell real estate if the county board determines, by ordinance or resolution passed by three-fourths of the county board, that the ownership or the leasing of the real estate is no longer necessary, appropriate, required for the use of, or for the best interests of the county. Provides that, if the county board has determined by ordinance or resolution to sell real estate owned by the county under the provisions, the county shall, by ordinance or resolution passed by a majority vote, determine the terms of sale of the real estate. Effective immediately.

LRB102 25368 AWJ 34648 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing  
5 Section 5-1049.2 and by adding Section 5-1049.3 as follows:

6 (55 ILCS 5/5-1049.2)

7 Sec. 5-1049.2. Lease of county property. The county board  
8 may lease real estate acquired or held by the county for any  
9 term not exceeding 99 years and may lease the real estate when,  
10 in the opinion of the county board, the leasing of the real  
11 estate is appropriate, in the best interests of the county,  
12 and serves a public purpose, excluding a public purpose of  
13 financially supporting the operations of government or revenue  
14 generation ~~the real estate is no longer necessary,~~  
15 ~~appropriate, required for the use of, profitable to, or for~~  
16 ~~the best interests of the county.~~ The authority to lease shall  
17 be exercised by an ordinance passed by three-fourths of the  
18 county board members then holding office, at any regular  
19 meeting or at any special meeting called for that purpose.  
20 However, the county board may authorize any county officer to  
21 make leases for terms not exceeding 2 years in a manner  
22 determined by the board ~~Board~~.

23 (Source: P.A. 88-526.)

1 (55 ILCS 5/5-1049.3 new)

2 Sec. 5-1049.3. Real estate for revenue generation; real  
3 estate no longer necessary.

4 (a) The county shall not acquire, hold, own, or lease real  
5 estate for the exclusive public purpose of financially  
6 supporting the operation of government or for the purpose of  
7 revenue generation.

8 (b) The county board shall sell real estate if the county  
9 board determines, by ordinance or resolution passed by  
10 three-fourths of the county board, that the ownership or the  
11 leasing of the real estate is no longer necessary,  
12 appropriate, required for the use of, or for the best  
13 interests of the county. If the county board has determined by  
14 ordinance or resolution to sell real estate owned by the  
15 county under this subsection, the county shall, by ordinance  
16 or resolution passed by a majority vote, determine the terms  
17 of sale of the real estate.

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