



Elliott & Associates
PROPERTY TAX ATTORNEYS

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Eligibility for Tax Incentives

Situation	Industrial	Commercial	Residential (Multi-Family)
Landmarked property	Class L	Class L	Class L
Contaminated property	Class C	Class C	
Long-term ownership (10 years+) & hardship	6b SER		
New Construction	6b or 8 ¹	7(a) ² , 7(b) ² , 7(c) ² or 8 ¹	
Substantial Renovation	6b or 8 ¹	7(a) ² , 7(b) ² , 7(c) ² or 8 ¹	
Vacancy & Purchase	6b or 8 ¹	7(a) ² , 7(b) ² , 7(c) ² or 8 ¹	
Vacancy BUT No Purchase	6b or 6b TEERM	7c CURE, 8 or 8 TEERM	

¹Class 8 is available in specifically identified south suburban townships or for properties obtained through the Cook County Tax Reactivation Process.

²Class 7(a) and 7(b) are difficult to obtain as you must prove an entire area (with many PINs) meets the qualifications of the incentive program, so the burden of proof is difficult. Class 7(c) was designed to be easier to obtain as the qualifications only apply to the subject property and not to an entire area.

Requirements to be Considered Abandoned Property

Vacancy	Purchase For Value	No Purchase For Value
1 to 12 months	6b with S/S ¹ 7a or 7b with S/S ¹ 8 with S/S	
12 to 24 months	6b with S/S ¹ 7a or 7b with S/S ¹ 8 with S/S	6b TEERM 7c 8 TEERM
Over 24 months	6b 7a or 7b 8	6b with S/S ¹ 7a or 7b with S/S ¹ 8 with S/S ¹
No vacancy required		6b SER

¹Finding of special circumstances is required by the municipality or Cook County Board

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Class 6b	
Property Use	Industrial Property <ul style="list-style-type: none"> • Manufacturing • Processing of raw materials • Recycling • Wholesale distribution
Location	Anywhere in Cook County
Eligibility	<ul style="list-style-type: none"> • New construction; • Substantial rehabilitation; • Reutilized “abandoned property”, which means: (1) <ul style="list-style-type: none"> ○ Purchased for value AND vacant and un-used for 24 months or more; ○ Purchased for value AND vacant and un-used for 1 to 24 months AND a finding of special circumstances (2); ○ NOT purchased for value BUT vacant and un-used for at least 24 months AND finding of special circumstances <p><i>Note: If NOT purchased for value BUT vacant and un-used for at least 12 months, the property may be eligible for incentive under the 6b TEERM program.</i></p> <p><i>Note: If long-term ownership of industrial property (over 10 years), a finding of Special Circumstances AND hardship, a property may be eligible for incentive under 6b SER.</i></p>
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Potentially renewable for 12 more years.</i></p>
Assessment Benefit	Reduced assessment applies to ... <ul style="list-style-type: none"> • New Construction – land and building • Substantial Rehabilitation – ratable portion of land and new improvements (3) • Reutilization Of Abandoned Property – land and building (5)
Application Requirements	<ul style="list-style-type: none"> • Municipality resolution (or County Board approval if in an unincorporated area)



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Class 6b

- Application must be submitted and approved by the Assessor BEFORE new construction or substantial rehabilitation starts, or before the property is reoccupied
- Compliance with the Cook County Living Wage Ordinance
- Assessor application filing fee \$500
- Incentives Appeal Form after construction or reoccupation with a fee of \$100
- Triennial Reassessment Report(4)

Notes

- (1) "Abandoned Property" means "buildings and other structures that after having been vacant and unused for at least 24 continuous months are purchased for value by a purchaser in whom the seller has no direct financial interest." The municipality or County Board can, upon a finding of special circumstances, deem a property to be "Abandoned Property" even though the above requirements have not been met; however, there are limitations on this power. First, in the case of a purchase for value, the property must have had some vacancy. Second, if there is no purchase for value, the property must be vacant for at least 24 months unless the provisions of CURE apply (only 12 months vacancy is required) or TEERM.
- (2) "Special Circumstances" requires a finding by the municipality AND the County Board (unless in an unincorporated area) and generally means there is something particular to the building (such as obsolescence) that would induce the governing authorities to support the incentive.
- (3) The level of assessment of a substantially rehabilitated property is reduced to the extent such rehabilitation has added to the market value
 - a. Land qualifies when the rehabilitation adds vertical or horizontal square footage
 - b. The percentage of the land that benefits from the reduced assessment is equal to the square footage added divided by the total square footage after rehabilitation
- (4) The taxpayer must file an affidavit each triennial assessment year attesting to the continued use, occupancy and ownership of the property.
- (5) Class 6b requires substantial occupancy (over 50%)



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Class 7a & 7b	
Property Use	<p>Commercial Property</p> <ul style="list-style-type: none"> • Selling of goods and services • Hotels and motels
Location	Anywhere in Cook County
Eligibility	<ul style="list-style-type: none"> • New construction; • Substantial rehabilitation; • Reutilization of “abandoned property”, which means: (1) <ul style="list-style-type: none"> ○ Purchased for value AND vacant and un-used for 24 months or more; ○ Purchased for value AND vacant and un-used for 1 to 24 months AND a finding of special circumstances; (2) ○ NOT purchased for value BUT vacant and un-used for at least 24 months AND a finding of special circumstances. <p><i>Note: property with 12 to 23 months vacancy (and no purchase for value) may qualify under the 7(c) CURE program if the 5 requirements below are met.</i></p>
Requirements	<p>Five Requirements (3)</p> <ol style="list-style-type: none"> 1. The area must be designated as “in need of commercial development”. 2. Real estate taxes over last 6 years must have declined, remained stagnant or potential taxes are not being fully realized due to the depressed condition of the area. 3. There is a reasonable expectation the development is viable and will proceed on a timely basis if 7a or 7b is granted. 4. Class 7a or 7b will “materially assist” advancement of the project AND project will not proceed without 7a or 7b. 5. Class 7a or 7b is reasonably expected to result in property taxes and revenue in the area.
Additional Considerations	<p>Project Cost Limit</p> <ul style="list-style-type: none"> • Class 7a: Total project costs (excluding land) are less than \$2 Million • Class 7b: Total project costs (excluding land) are more than \$2 Million
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Potentially renewable for 12 more years.</i></p>



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Class 7a & 7b	
Assessment Benefit	<p>Reduced assessment applies to ...</p> <ul style="list-style-type: none"> • New Construction – land and building • Substantial Rehabilitation – ratable portion of land and new improvements (4) • Reutilization Of Abandoned Property – land and building (7)
Application Requirements	<ul style="list-style-type: none"> • Municipality resolution (or County Board approval if in an unincorporated area) • Application must be submitted and approved by the Assessor BEFORE new construction or substantial rehabilitation starts, or before the property is re-occupied. • Assessor Application filing fee \$500 • Project must commence within one year after Assessor’s approval of 7a/7b • Incentives Appeal Form after construction or reoccupation with a fee of \$100 • Triennial Reassessment Report(5)
Notes	<p>(1) “Abandoned Property” means “buildings and other structures that after having been vacant and unused for at least 24 continuous months are purchased for value by a purchaser in whom the seller has no direct financial interest.” The municipality or County Board can, upon a finding of special circumstances, deem a property to be “Abandoned Property” even though the above requirements have not been met; however, there are limitations on this power. First, in the case of a purchase for value, the property must have had some vacancy. Second, if there is no purchase for value, the property must be vacant for at least 24 months unless the provisions of CURE apply (only 12 months vacancy is required) or TEERM.</p> <p>(2) “Special Circumstances” requires a finding by the municipality AND the Cook County Board (unless in an unincorporated area) and generally means there is something particular to the building (such as obsolescence) that would induce the governing authorities to support the incentive</p> <p>(3) Because 7a is targeted for smaller projects, the Assessor will more liberally construe the requirements of the five factors and will require less extensive documentation, particularly in proof of declining taxes in the area. Under 7(b) you must demonstrate declining taxes for the entire area. Under 7(a), the Assessor will generally let you prove decline in the immediately surrounding</p>



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Class 7a & 7b

area.

- (4) The level of assessment of a substantially rehabilitated property is reduced to the extent such rehabilitation has added to the market value
 - a. Land qualifies when the rehabilitation adds vertical or horizontal square footage
 - b. The percentage of the land that benefits from the reduced assessment is equal to the square footage added divided by the total square footage after rehabilitation
- (5) The taxpayer must file an affidavit each triennial assessment year attesting to the continued use, occupancy and ownership of the property
- (6) Note: 7(a) and 7(b) are relatively hard to prove and infrequently used. 7(c) is easier to prove as the focus on 7(c) is decline within the development while 7(a) and 7(b) focus on a larger qualified area. Also, 7(c) requires proof of declining assessments while 7(a) and 7(b) require proof of declining taxes.
- (7) Class 7 requires substantial occupancy (over 50%)



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Class 7c or Commercial Urban Relief Eligibility (CURE)	
Property Use	<p>Commercial Property</p> <ul style="list-style-type: none"> • Selling of goods and services • Hotels and motels
Eligibility	<ul style="list-style-type: none"> • New construction • Substantial rehabilitation; • Reutilization of “abandoned property” that has been vacant and unused for at least 12 months.
Requirements	<p>Four Requirements</p> <ol style="list-style-type: none"> 1. For 3 of the past 6 years, the assessed value or equalized assessed value of the property or the real estate taxes must have declined or remained stagnant (4). 2. There is a reasonable expectation that the development is viable and will proceed on a timely basis if the 7c incentive is granted. 3. “But For”(1) and “Condition Subsequent”(2) certifications are required. 4. Class 7c is reasonably expected to result in an increase in real property tax revenue and employment opportunities.
Assessment Level	<ul style="list-style-type: none"> • 10% for years 1 – 3 • 15% in year 4 • 20% in year 5 • 25% thereafter <p><i>Note: Potentially renewable one time only.</i></p>
Assessment Benefit	<p>Reduced assessment applies to ...</p> <ul style="list-style-type: none"> • New Construction – land and building • Substantial Rehabilitation – ratable portion of land and new improvements (3) • Reutilization Of Abandoned Property – land and building (5)
Application Requirements	<ul style="list-style-type: none"> • Application must be made on or before November 30, 2019 • Municipality resolution (or County Board Resolution if in an unincorporated area) • Application must be submitted to Assessor and Bureau of Economic Development • Assessor application filing fee \$500 • Application must be submitted and approved by the Assessor BEFORE new construction or substantial rehabilitation starts, or before property is reoccupied
Notes	<p>(1) “But For” certification requires that the incentive materially assists the development, redevelopment or rehabilitation of the</p>



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Class 7c or Commercial Urban Relief Eligibility (CURE)

property and the development will not go forward without the incentive.

- (2) "Condition Subsequent" certification requires that the property be economically feasible when the incentive expires.
- (3) The level of assessment of a substantially rehabilitated property is reduced to the extent such rehabilitation has added to the market value.
 - a. Land qualifies when the rehabilitation adds vertical or horizontal square footage.
 - b. The percentage of the land that benefits from the reduced assessment is equal to the square footage added divided by the total square footage after rehabilitation.
- (4) 7(c) requires proof of declining **assessments** in the development (among other things), while 7(a) and 7(b) require proof of declining **taxes in** an entire district (which is a much greater and costly burden of proof).
- (5) Class 7(c) requires substantial occupancy (over 50%)



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Class 6b SER (Sustainable Emergency Relief)

Property Use	Industrial Property <ul style="list-style-type: none"> • Manufacturing • Processing of raw materials • Recycling • Wholesale distribution
Location	Anywhere in Cook County
Requirements	<p>In cases where property does not meet the traditional requirements of “abandoned property”, an industrial property may qualify for a 6b incentive if there is:</p> <ul style="list-style-type: none"> • Substantial occupancy(1) of a property for at least 10 years by an industrial enterprise; • The tax incentive is necessary to “continue operations at the current location and maintain its staff” and that without the designation the business would “not be economically viable causing the property to be in imminent risk of becoming vacant and unused”; • The property is not receiving any other tax incentives; • There is a finding of “Special Circumstances” (2); • The taxpayer complies with the Cook County Living Wage Ordinance
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Not Renewable.</i></p>
Assessment Benefit	Reduced assessment applies to ... <ul style="list-style-type: none"> • Land and building
Application Requirements	<ul style="list-style-type: none"> • Application must be made on or before November 30, 2018 • Municipality resolution (or County Board Resolution if in an unincorporated area) • The approval of the County Board in the form of a County Resolution validating the Municipal Resolution • Assessor filing fee \$500 • Must file an Annual Report(3)
Notes	<p>(1) “Substantial Occupancy” requires an industrial user to occupy a minimum of 51% of the property.</p> <p>(2) “Special Circumstances” requires a finding by the municipality</p>



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Class 6b SER (Sustainable Emergency Relief)

AND the Cook County Board and generally means there is something particular to the building (such as obsolescence) that would induce the governing authorities to support the incentive

- (3) The taxpayer must submit an Annual Report that attests that the Applicant's industrial enterprise continues to occupy the property and is in compliance with the substantial occupancy requirement.



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Temporary Emergency Economic Relief Modification (TEERM) Program for Class 6b and Class 8

Property Use	<p>Industrial Property</p> <ul style="list-style-type: none"> • Manufacturing • Processing of raw materials • Recycling • Wholesale distribution <p>Commercial Property</p> <ul style="list-style-type: none"> • Selling of goods and services • Hotels and motels
Location	Anywhere in Cook County
Eligibility	<p>In instances where property does not meet the traditional definition of “abandoned property”, a property may qualify for a Class 6b or Class 8 incentive if there is:</p> <ul style="list-style-type: none"> • No purchase of value; • The buildings and other structures have been vacant and unused for at least 12 continuous months; • A finding of “Special Circumstance” (2); and • Compliance with the Cook County Living Wage Ordinance for industrial properties
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Not Renewable.</i></p>
Application Requirements	<ul style="list-style-type: none"> • Application must be made on or before November 30, 2018 • Municipality resolution (or County Board Resolution if in an unincorporated area) • The approval of the County Board in the form of a County Resolution or Ordinance validating the Municipal Resolution • Assessor application filing fee \$500 • Incentives Appeal Form after construction or reoccupation with a fee of \$100
Notes	<ol style="list-style-type: none"> 1) “Substantial Occupancy” requires user to occupy a minimum of 51% of the property 2) “Special Circumstances” requires a finding by the municipality AND the Cook County Board and generally means there is something particular to the building would induce the governing authorities to support the incentive

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Class 8	
Property Use	<p>Industrial Property</p> <ul style="list-style-type: none"> • Manufacturing • Processing of raw materials • Recycling • Wholesale distribution <p>Commercial Property</p> <ul style="list-style-type: none"> • Selling of goods and services • Hotels and motels
Location	<p>An area of Cook County that has been certified to be in need of substantial revitalization(1) (2).</p> <ul style="list-style-type: none"> • <i>The following Townships have been pre-certified by Cook County (Bloom, Bremen, Calumet, Rich or Thornton Townships</i> • <i>Properties obtained through the Cook County Tax Reactivation Project are deemed location eligible for Class 8.</i>
Eligibility	<ul style="list-style-type: none"> • New construction; • Substantial rehabilitated property • Reutilization of abandoned property
Additional Requirements	<ul style="list-style-type: none"> • Compliance with the Cook County Living Wage Ordinance if an industrial property
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Potentially renewable for 12 more years.</i></p>
Assessment Benefit	<p>Reduced assessment applies to ...</p> <ul style="list-style-type: none"> • New Construction – land and building • Substantial Rehabilitation – ratable portion of land and new improvements (3) • Reutilization Of Abandoned Property – land and building
Application Requirements	<ul style="list-style-type: none"> • Municipality resolution (or County Board Resolution if in an unincorporated area) • Application must be submitted to the Assessor BEFORE new construction or substantial rehabilitation starts, or before property is reoccupied • Assessor application filing fee \$500 • Incentive Appeal Form must be filed after completion of construction or reoccupation with a \$100 fee • Triennial Reassessment Report(4)

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Temporary Emergency Economic Relief Modification (TEERM) Program for Class 6b and Class 8

Notes

- (1) The ordinance defines an area “in need of substantial revitalization” to be “an area no less that 10 contiguous acres or more than one contiguous square mile in size which is in a state of extreme economic depression evidenced by such factors, as defined in the rules and regulations as promulgated by the Office of the Cook County Assessor, among others, as (a) substantial unemployment; (b) a low level of median family income; (c) aggravated abandonment, deterioration, and underutilization of properties; (d) a lack of viable industrial and commercial buildings whose absence significantly contributes to the depressed economic and unemployment condition in the area; (e) a clear pattern of stagnation or decline of real estate taxes within the area as a result of its depressed condition; (f) a manifest lack of economic feasibility for private enterprise to accomplish the necessary modernization, rehabilitation and development of the area without public assistance and encouragement; and (g) other factors which evidence an imminent threat to public health, welfare and safety.
- (2) An application for certification must be made by the municipality, will continue for five years and may be extended for one additional five year period.
- (3) The level of assessment of a substantially rehabilitated property is reduced to the extent such rehabilitation has added to the market value
 - a. Land qualifies when the rehabilitation adds vertical or horizontal square footage
 - b. The percentage of the land that benefits from the reduced assessment is equal to the square footage added divided by the total square footage after rehabilitation
- (4) The taxpayer must file an affidavit each triennial assessment year attesting to the use of the property and number of persons employed at the site.
- (5) Class 8 is infrequently used and hard to qualify for. It is typically used in very economically disadvantaged areas. While industrial properties can (but rarely) qualify under Class 8, it is much easier for them to qualify under 6b. But, if a property can qualify under 6b and 8, then should opt to proceed under Class 8 because the incentive will not terminate if the property converts from industrial to commercial in the future.
- (6) Class 8 requires substantial occupancy (over 50%)



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Class C	
Property Use	<p>Industrial Property</p> <ul style="list-style-type: none"> • Manufacturing • Processing of raw materials • Recycling • Wholesale distribution <p>Commercial Property</p> <ul style="list-style-type: none"> • Selling of goods and services • Hotels and motels
Location	Anywhere in Cook County
Requirements	<ul style="list-style-type: none"> • Contaminated property which has undergone environmental testing and remediation • “No Further Remediation Letter”(1) • Present owner(2) must not be responsible for the contamination • Remediation costs must total \$100,000 or at least 25% of the market value of the real estate in the year prior to remediation
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Not renewable for commercial properties. Potentially renewable for industrial properties</i></p>
Assessment Benefit	Reduced assessment applies to Land and Improvements
Application Requirements	<ul style="list-style-type: none"> • Municipality Resolution (or County Board Resolution if in an unincorporated area) • Application must be filed with one year of receipt of the “No Further Remediation Letter” • Assessor application filing fee \$500 • Triennial Reassessment Report(3)
Notes	<p>(1) “No Further Remediation Letter” is received from the Illinois Environmental Protection Agency’s Site Remediation Program and an Eligibility Application must be filed within one year of receipt.</p> <p>(2) An owner is ineligible for Class C if they previously owned or operated the site (directly or indirectly, or was a partner or was associated through a family or business relationship with anyone who owned or operated the site), which ownership or operation caused the contamination.</p> <p>(3) The taxpayer must file an affidavit each triennial assessment year attesting to the use of the property and number of persons employed at the site.</p> <p>(4) Class C requires substantial occupancy (over 50%)</p>

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Class L	
Property Use	<p>Industrial Property</p> <ul style="list-style-type: none"> • Manufacturing • Processing of raw materials • Recycling • Wholesale distribution <p>Commercial Property</p> <ul style="list-style-type: none"> • Selling of goods and services • Hotels and motels <p>Multi-Family Residential Not-For-Profit</p>
Location	Anywhere in Cook County
Requirements	<p>Requirements</p> <ul style="list-style-type: none"> • The building is designated as a landmark(1) or is a contributing building in a designated historic or landmark district • There must be a substantial rehabilitation(2) of the building costing in excess of 50% of the fair market value of the building (4). • Preservation Commission Review (5)
Assessment Level	<ul style="list-style-type: none"> • 10% for 10 years • 15% in year 11 • 20% in year 12 • 25% thereafter <p><i>Note: Potentially renewable for properties initially classified as Class 3, 4, or 5b</i></p>
Assessment Benefit	<p>Reduced assessment applies to ...</p> <ul style="list-style-type: none"> • Building only. • Vacancy Exception: <ul style="list-style-type: none"> ○ If the entire building was vacant and unused for at least 24 continuous months prior to the filing of the application, the land shall also be eligible for the incentive.
Application Requirements	<ul style="list-style-type: none"> • Municipality resolution (or County Board Resolution if in an unincorporated area) • Eligibility application must be filed before, but no more than one year, the commencement of rehabilitation • Assessor application filing fee \$500 • Triennial Reassessment Report(6)
Notes	(1) Landmark is defined as “a building which is specifically



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Temporary Emergency Economic Relief Modification (TEERM) Program for Class 6b and Class 8

designated as a historic or landmark structure pursuant to a local ordinance, approved by a Certified Local Government, pursuant to its criteria, which have been certified by the Illinois Historic Preservation Agency.”

- (2) Substantial Rehabilitation is define as “the extensive renovation or replacement of primary building systems of the landmark and/or the significant improvement of the condition of the landmark as further prescribed by rule of the Assessor; which meets or exceeds the Standards of the United States Department of the Interiors for Rehabilitation, Preservation, Restoration and Reconstruction of Historic Properties; and which has been completed in accordance with plans approved by the Certified Local Government within which the landmark is located.”
- (3) Investment must be exclusive of grants, tax credits and other incentives.
- (4) Fair market value is determined by the Assessor in the year prior to the commencement of the rehabilitation
- (5) The Preservation Commission must review the project after substantial rehabilitation has been completed to determine that it meets the standards of the Commission and a copy of the determination must be submitted to the Assessor.
- (6) During the term of the incentive, a triennial affidavit must be filed as to the continued landmark status of the property and the number of persons employed at the site.
- (7) Class L requires substantial occupancy (over 50%)