



## CLASS C ELIGIBILITY BULLETIN

### **Incentive Benefits**

The Class C classification is designed to encourage industrial and commercial developments throughout Cook County by offering a real estate tax incentive for the remediation of contaminated properties including abandoned property or vacant land. Such remediation will improve the health and safety of the County's residents and may result in an increase of the County's tax base and employment opportunities.

Under the incentive provided by the Class C, industrial and commercial real estate would be eligible to apply for the Class C level of assessment from the date of receipt of a Comprehensive "No Further Remediation Letter" confirming achievement of remediation objectives based on the industrial or commercial use. The incentive level of assessment of qualifying properties will extend to both the land and other structures in their entirety. To qualify for the Class C classification, an application must be made within one year of the receipt of the Comprehensive "No Further Remediation Letter". Industrial and commercial properties receiving the initial Class C will be assessed at 10% of market value for the first 10 years, 15% in the 11<sup>th</sup> year and 20% in 12<sup>th</sup> year. For industrial property, the incentive may be renewed during the last year a property is entitled to a 10% assessment level up until the expiration of the incentive. The incentive constitutes a substantial reduction in the level of assessment and results in significant tax savings. In the absence of this incentive, industrial and commercial real estate would normally be assessed at 25% of their market value.

### **Eligibility Requirements**

Real Estate is eligible for the Class C status under the following conditions:

1. The real estate must be used primarily for industrial or commercial purposes.
2. The real estate, because of contamination, has undergone environmental testing and remediation and is in receipt of a Comprehensive "No Further Remediation Letter" from the Illinois Environmental Protection Agency's Site Remediation Program.
3. An Eligibility Application and supporting documents have been timely filed with the Office of the Cook County Assessor according to deadlines as set forth in the "What Must Be Filed and Time For Filing" sections of the Bulletin.
4. The municipality in which such real estate is located (or the Cook County Board of Commissioner, if the real estate is located in an unincorporated area of the county) must, by lawful resolution or ordinance, expressly state that it supports and consents to the filing of a Class C application and that it finds Class C necessary for the development to occur on the subject property.
5. The present owner(s) must successfully demonstrate that they were not responsible, directly or indirectly, for the contamination which was remediated pursuant to a Site Remediation Program.
6. 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 or alternatively, must total at least 25% of the market value of the real estate as determined by the Cook County Assessor Office's property record card in the year prior to the remediation.



The following definitions, as set forth in Section 1 of the Cook County Real Estate Property Assessment Classification Ordinance, pertain to the Class C Incentive provision:

- Industrial Purposes:** “Any real estate used primarily in manufacturing ...or in the extraction or processing of raw materials unserviceable in their natural state to create new physical products or materials, or in the processing of materials for recycling, or in the transportation or storage of raw materials or finished or partially finished physical goods in the wholesale distribution of such materials or goods for sale or leasing.”
- Manufacturing:** “The material staging and production of goods used in the procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes existing materials into new shapes, new qualities, or new combinations and including research and development associated with the production of goods.
- Commercial Purposes:** “Any real estate used primarily for buying and selling of goods and services, or otherwise providing goods and services, including any real estate used for hotel and motel purposes.
- Site:** “The real estate which is remediated and developed for industrial or commercial uses. The site must be identified by:
1. The Property Index Number,
  2. Must be delineated by an accurate legal description if it comprises less than the whole of any parcel at the time of application.
- Site Remediation Program:** “Remediation of the site as appropriate for the planned industrial or commercial use, according to a Remedial Action Plan approved by the Illinois Environmental Agency (IEPA) pursuant to its Site Remediation Program, under the authority of Title XVII of the Illinois Environmental Protection Act (415 ILCS 5/58, et seq.)”.
- No Further Remediation Letter:** “A letter from the IEPA, addressing the entire site, approving or approving with conditions a Remedial Action completion report. The report should be comprehensive and be the prima facie evidence.”



**Remedial Action Plan:**

“A plan addressing remediation of the entire site, approved by the IEPA pursuant to its site remediation program. The plan must include, as applicable:

1. Remediation Application (RA) Identification;
  - a. If the RA is not owner:
    - i. Include all information pertaining to owner(s);
2. Executive summary;
3. Site Investigation Report;
  - a. Executive Summary;
  - b. Site History;
  - c. Site-specific sampling methods and results;
  - d. Documentation of field activities including:
    - i. Quality Assurance Project Plan;
  - e. Interpretation of results;
  - f. Conclusions
4. Remediation Objectives Report;
  - a. appropriate for the site using the Tier II or Tier III procedures
    - i. Objectives based on site-specific information;
    - ii. Demonstrating how the site-specific objectives were calculated or otherwise determined.
      1. This should be done using the following:
        - a. Site –specific literature review;
        - b. Sampling protocol;
        - c. Appropriate statistical methods;
        - d. Background remediation objectives;
      - iii. Described planned industrial or commercial use;
5. Remedial Action Plan;
  - a. Statement of remedial objectives;
  - b. Remedial technologies selected;
  - c. Confirmation sampling plan;
  - d. Applicable preventive,
  - e. Engineering;
  - f. Institutional controls including long-term reliability
  - g. Operating;
  - h. Maintenance Plans;
  - i. Monitoring procedures;



- j. Environmental conditions;
6. Remedial Action Completion Report;
  - a. Demonstrates that the remedial action was completed in accordance with the approved Remedial Action Plan;
  - b. Whether the Remediation objectives as well as any other requirements of the plan have been attained;
  - c. If approved remediation objectives for the regulated substance of concern established under Section 58.5 are equal to or above the levels existing at the site prior to any remedial action;
7. All related contaminants of concerns that may be expected to exist at the remediation site;
8. Document the remediation site investigation performed as a two-phase environmental assessment;
9. Cost estimates;
10. Timetables;
11. Ability to proceed documentation;

### **What Must Be Filed**

In the case of real estate rehabilitation or new development, an applicant has one year from the receipt of the Comprehensive “*No Further Remediation Letter*” (prima facie evidence) to file the following:

1. A Class C Eligibility Application with the supporting documents and information and,
2. A certified copy of an ordinance or resolution adopted by the municipality in which the real estate is located in (or with the Cook County Board of Commissioners, if the real estate is located in an unincorporated area), expressly stating that it supports and consents to the filing of a Class C application and that it finds the Class C necessary for the development to occur.
  - a. The Ordinance or Resolution shall:
    - i. Describe the redevelopment objective of the municipality;
    - ii. State the applicant’s intended used of the property; and
    - iii. State that an Economic Disclosure Statement was received and filed by the municipality or County Board;
3. The owner has one year from filing to commence construction,
4. When construction is complete or substantial occupancy has occurred, the owner must file an “**Incentives Appeal Form**” for reclassification.

In the case of an operating establishment, the owner has one year from the receipt of the “*No Further Remediation Letter*” to file the following:

1. A Class C Eligibility Application with the supporting documents and information and,
2. A certified copy of an ordinance or resolution adopted by the municipality in which the real estate is located in (or with the Cook County Board of Commissioners, if the real estate is



located in an unincorporated area), expressly stating that it supports and consents to the filing of a Class C application and that it finds the Class C necessary for the operation of the subject property.

3. At this time, the owner must also file an “**Incentives Appeal Form**” for reclassify the property.

The following items are supporting documents and information that must be included in the Class C Eligibility Application:

1. The full legal name, title, company, street address, city, state zip code and telephone number of the owner(s).
2. Identify all property index numbers (PINs) at the site and specify remediated PINs,
3. All items described in the Remedial Action Plan above;
4. The remediation site should be identified by the following items:
  - a. Remediation site information containing:
    - i. Name,
    - ii. Street Address,
    - iii. City, State, Zip Code,
    - iv. Approximate size of remediation site (acres),
  - b. Remediation site identification numbers:
    - i. Illinois Inventory ID number,
    - ii. USEPA ID number,
    - iii. Remediation site base map,
    - iv. Illinois Environmental Protection Agency Permit(s),
    - v. LUST/IEMA Incident Numbers for remediation site,
    - vi. Illinois Inventory ID Number assigned by the Illinois EPA.
5. The remediation site base map must be of sufficient detail and accuracy to show all of the following items:
  - a. A distance of at least 1,000 feet around the remediation site at a scale no smaller than one inch equal to 200 feet;
  - b. Map scale, North arrow orientation, date, and location of the remediation site with respect to township, range, and section;
  - c. Approximate boundary lines of the remediation site, with the owners of adjacent properties clearly indicated, if reasonable identifiable;
  - d. Surrounding land uses (e.g. residential property, industrial / commercial property, agricultural property, and conservation property).
6. Identify the current and post-remediation uses of the remediation site.
7. Submit a complete copy of the documents listed above in the Remedial Action Plan.
8. Submit a complete copy of the Comprehensive “**No Further Remediation Letter**” and attachments as received from the Illinois Environmental Protection Agency (IEPA).
9. Submit by affidavit itemized remediation costs, noting all cost incurred at the IEPA, all remediation and removal costs, all monitoring and engineering costs, and all legal fees.
10. Submit a complete copy of the Remedial Action Completion Report

No final action on a request for reclassification to Class C will be taken until an Appeal and Eligibility Application, along with the required documentation as described therein, are completed, submittal of all required fees, and filed with the Cook County Assessor's Office.



In addition, during the term of the incentive, the Class C recipients must file an annual affidavit attesting to the use of the property and the number of workers employed at the Class C site. The Cook County Assessor's Office will mail or place on the Cook County Assessor's Office Web site [www.cookcountyassessor.com](http://www.cookcountyassessor.com) affidavits for the Class C recipients to complete. The affidavits must be signed, notarized, and returned to the Cook County Assessor's Office within three weeks of issuance. Failure to file the annual affidavits within the timeframe will result in the loss of the incentive.

***Time for Filing***

In all instances, owners must file an application for Class C within one year of receipt of the a Comprehensive "No Further Remediation Letter" from the IEPA's Site Remediation Program. The owner must submit all items listed in the "What Must Be Filed" in this bulletin.

Class C is renewable (for industrial property only) during the last year in which a property is entitled to a 10% assessment level and up until the expiration of the incentive by filing a renewal application and a certified copy of a resolution or ordinance adopted by the municipality in which the real estate is located (or by the Cook County Board of Commissioners, if the real estate is located in an unincorporated area of Cook County), expressly stating that it supports and consents to the renewal of the Class C incentive and that it has determined that the industrial use of the property is necessary and beneficial to the local economy. The notice of intent to request renewal will be forwarded by the Assessor's Office to the Cook County Board of Commissioners. The owners must notify the Assessor's Office of the intent to request renewal from the municipality or Cook County Board. The number of renewal periods request is not limited.

For commercial properties, once the original twelve years incentives period has expired, the commercial Class C incentive will expire. The incentive classification will not be subject to renewal.

***Questions regarding Class C may be directed to the Incentives Department of the Office of the Cook County Assessor's Office, Room 301, 118 North Clark Street, Chicago, Illinois 60602, (312) 603-7529***