
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE ADOPTING A LOCAL HOUSING INCENTIVE PROGRAM

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray, LLC, City Attorneys
1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

ORDINANCE NO: _____

Date Passed:

AN ORDINANCE ADOPTING A LOCAL HOUSING INCENTIVE PROGRAM

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, an increase in construction costs and other factors have caused residential development to become stagnant; and

WHEREAS, less than ten (10) residential homes have been built since 2004; and

WHEREAS, the population of Rochelle decreased with the last census; and

WHEREAS, the corporate authorities recognize the importance of new developments and growth to the community of Rochelle,

WHEREAS, in order to encourage new development and population growth, the corporate authorities would like to adopt a local housing incentive; and

WHEREAS, a local housing incentive program has been drafted and is attached herein as Exhibit A; and

WHEREAS, the Mayor and City Council of the City of Rochelle hereby find that adopting the attached local housing incentive is in the best interests of the City.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: The local housing incentive program as outlined and attached in Exhibit A, is hereby adopted. Furthermore, the officials and officers of the City are further hereby authorized to undertake actions on the part of the City as to implement the provisions, terms or conditions stated therein.

SECTION THREE: If any provision of this Ordinance application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 23rd day of September 2024.

ATTEST:

City Clerk

Mayor

EXHIBIT A

CITY OF ROCHELLE RESIDENTIAL HOUSING INCENTIVE PROGRAM (PARTIAL PROPERTY TAX REBATE)

- I. Program.** Up to fifteen (15) homeowners of new residential construction per year, may qualify for up to five years of Rochelle property tax rebates, which will serve as a residential housing incentive. Residents are eligible for the housing incentive once they have paid property taxes for the first full calendar year they occupy the property.
 - a. Each new single-family home, duplex or townhome may qualify for a full refund of 100% of the City's portion of the property taxes for up to five consecutive years.
 - b. Up to fifteen (15) new homeowners may qualify each year, over five consecutive years; for a total of seventy-five (75) homes, each eligible for up to five years of tax rebates.
 - c. Property tax rebates are for the City's portion of property taxes only; property taxes assessed for other taxing districts are not eligible, unless those other taxing districts enter into an Intergovernmental Agreement relative to this "Housing Incentive" with the City of Rochelle.
- II. Qualifications.** In order to qualify for this incentive program, you must meet all of the following criteria:
 - a. Be the first and original owner of a newly built single-family home, duplex or townhome (only the owner is qualified to apply) built within the Rochelle City limits; and
 - b. Reside full-time in the newly built single-family home, duplex or townhome; and
 - c. The building permit for the new residential construction must have been issued after January 1, 2025; and
 - d. The occupancy permit for the new residential construction must have been issued no more than twelve (12) months after the building permit for construction was issued; and
 - e. The property and property owner(s) must not have any pending code or ordinance violations, or any outstanding debt, balance, or fines owed to RMU, the City or the County.
 - f. All property taxes must be paid on or before the County deadline.
- III. Disqualification.** Property owners living in new residential construction that was part of a development agreement with the City or which qualifies for State or Federal funding will not qualify for this housing incentive program. Only original property owners are eligible for this housing incentive program; subsequent owners are not eligible.
- IV. Application.** It shall be the responsibility of the applicant to establish by clear and

convincing evidence that he or she is eligible for the refund requested. Applicants are responsible for providing all the necessary documentation every year.

- a. All applicants must provide the following items to the Rochelle Finance Director for consideration by October 1st of each year:
 - i. A verified application for the refund.
 - ii. A written statement that they (the applicant) are the owner and occupant of new residential construction; that they meet all of the above listed qualifications and that there are no challenges to the assessed value of the property or amount of taxes owed; and
 - iii. A written acknowledgement that they (the applicant) shall have the sole responsibility (when applicable) for reporting any rebate to the IRS as part of their annual income tax filling; and
 - iv. A copy of the building permit and the occupancy permit.
 - v. Proof that all property taxes have been timely paid for the calendar year.
- b. Failure to provide adequate documentation shall result in an automatic denial of the application.
- c. New property tax applications shall be reviewed on a first-come, first-serve basis each year. Even after being awarded a tax rebate the first year, recipients are still obligated to provide a complete application for subsequent tax rebates.
- d. Property tax rebates for qualified applicants with complete applications will be issued by the City by December 31st each year.

V. Property Tax Rebate. Upon review and approval of a complete application, the Director of Finance shall issue a rebate for the City's portion of property taxes to the applicant.

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois,
DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____,
“AN ORDINANCE ADOPTING A LOCAL HOUSING INCENTIVE PROGRAM” which was
adopted by the Mayor and City Council of the City of Rochelle on September 23, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 23rd day of September 2024.

CITY CLERK