

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

CHICAGO LAWYERS' COMMITTEE)
FOR CIVIL RIGHTS,)
)
Plaintiff,)
)
v.)
)
CITY OF CHICAGO DEPARTMENT)
OF PLANNING AND DEVELOPMENT,)
TAX INCREMENT FINANCING)
INVESTMENT COMMITTEE,)
)
Defendants.)

Calendar, 9
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2022CH03482

COMPLAINT

NOW COMES Plaintiff, CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS, by its undersigned attorneys, Loevy & Loevy, and brings this Freedom of Information Act (FOIA) and Open Meetings Act (OMA) suit to force CITY OF CHICAGO DEPARTMENT OF PLANNING AND DEVELOPMENT ("DPD") to comply with FOIA and to force the TAX INCREMENT FINANCING INVESTMENT COMMITTEE ("TIF INVESTMENT COMMITTEE") to comply with OMA. DPD refused to produce all records responsive to Plaintiff's request by relying on a blanket assertion of deliberative process exemption of FOIA. Since its creation in February 2020, the TIF INVESTMENT COMMITTEE violated nearly every meaningful OMA requirement, including the statutory obligation to make meetings "convenient" and "open" to the public, to provide notice and agendas of meetings, and to allow public comment at meetings. In support of the Complaint, Plaintiff states as follows:

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INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act (“FOIA”). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” 5 ILCS 140/1.2.

4. Pursuant to the public policy of the State of Illinois, public bodies exist to aid in the conduct of the people’s business and the people have a right to be informed as to the conduct of their business. Actions and deliberations of public bodies must be taken openly in order to promote transparency and accountability at all levels of government. Such openness is crucial to democracy. 5 ILCS 120/1.

5. Under the Illinois Open Meetings Act (“OMA”), citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public’s right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest

would be clearly endangered or that the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion. 5 ILCS 120/1.

6. Under OMA, all meetings of public bodies shall be open to the public. 5 ILCS 120/2(a).

7. Under OMA, members of the public have a right to speak and be heard. Any person shall be permitted an opportunity to address public officials. 5 ILCS 120/2.06(g).

8. The General Assembly has declared that OMA intends to protect the “citizen’s right to know” and “the provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.” 5 ILCS 120/1.

PARTIES

9. Plaintiff CHICAGO LAWYERS’ COMMITTEE FOR CIVIL RIGHTS (“CLC”) is a non-profit, civil rights legal organization working to secure racial equity and economic opportunity for all. Founded in 1969, CLC has produced important victories in fair housing, hate crime, education, and other cornerstone civil right cases in Chicago and beyond.

10. Defendant CITY OF CHICAGO DEPARTMENT OF PLANNING AND DEVELOPMENT (“DPD”) is a public body under FOIA and is located in Cook County.

11. The TIF INVESTMENT COMMITTEE is a public body under OMA and is located in Cook County.

GENERAL BACKGROUND

12. On February 5, 2020, Mayor Lori Lightfoot announced “sweeping reforms to the City’s Tax Increment Financing (TIF) approval and oversight process” to “increase transparency for future TIF allocations while establishing new guidelines for TIF spending, internal review and

approval processes, and public disclosure.” The Press Release issued by the Office of the Mayor is attached as Exhibit 1.

13. Mayor Lightfoot stated that “the City’s TIF spending decisions have occurred in the shadows.” *Id.*

14. The press release emphasized that “[b]ringing greater transparency to the TIF designation process fulfills a key campaign promise made by Mayor Lightfoot and represents an important first step in ensuring a more transparent process for the public with regard to how the City determines future economic investment decisions.” *Id.*

15. As part of the reform to the TIF approval and oversight process, Mayor Lightfoot created a new TIF Investment Committee by reorganizing an existing TIF Task Force that internally reviewed potential TIF expenditures. *Id.*

16. According to the press release, the “newly created” TIF Investment Committee “aims to center equity in its decision making” and “has developed a routine analysis to guide future investments and ensure they are aligned with the administration’s commitment to promoting equity citywide.” *Id.*

17. The TIF Investment Committee “will continue to meet mostly to review proposals that expand access to TIF Funds for businesses and neighborhoods that have historically lacked the investments that other neighborhoods enjoyed.” *Id.*

18. According to DPD’s organizational chart from January 2022, the TIF Investment Committee is under DPD’s purview. Ex. 2 at 4.

FACTUAL ALLEGATIONS

A. April 27, 2021 FOIA Request to DPD

19. On March 31, 2021, CLC submitted the following FOIA request to DPD:

The first set of requested information [referred to as “Category A” hereinafter] concerns the TIF Investment Committee:

- 1) Any and all records related to the TIF Investment Committee meetings, including meeting agendas, notes and/or minutes, and records provided to Committee members at or before meetings;
- 2) Any and all records related to the analysis prepared by staff regarding the agenda items of the TIF Investment Committee meetings;
- 3) Any and all records reflecting ‘guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee.’

The second set of required information [referred to as “Category B” hereinafter] concerns the creation of a ‘more robust but-for analysis for all private applicants for TIF funds,’ as described in a February 5, 2020 City of Chicago press release:

- 1) Any and all records since February 5, 2020 regarding a ‘more robust but-for analysis for all private applicants for TIF funds’ as referenced by the Mayor’s February 5, 2020 press release;
- 2) Any and all records related to hiring or retaining consultants for work related to the ‘more robust but-for analysis for all private applicants for TIF funds’
- 3) Any and all records related to AECOM and the ‘more robust but-for analysis for all private applicants for TIF funds’ including, but not limited to any contracts, reports, analyses, and invoices.

Ex. 3.

20. On April 7, 2021, DPD sought an extension of five-business days. Ex. 4.

21. On April 13, 2021, DPD claimed that the request is unduly burdensome. Ex. 5.

22. More specifically, regarding Part 1 of Category A, DPD stated that the request for “notes” and “records provided to Committee members at or before meetings” does not “sufficiently identify the records.” For Parts 2 and 3 of Category A, DPD stated that the “language is too broad and does not properly identify what you are seeking.” *Id.*

23. Regarding Parts 1 and 2 of Category B, DPD stated that the request “does not sufficiently identify the records.” *Id.*

24. DPD referred CLC to City of Chicago’s Data Portal regarding “data included in the agenda and the meetings minutes” and Part 3 of Category B. *Id.*

25. On April 27, 2021, CLC submitted the following narrowed and clarified request to DPD. Ex. 6.

26. For Category A, Part 1, CLC stated that it was not able to find “agendas, meeting minutes, and similar records” on the website DPD provided. CLC requested, “[a]ny and all records provided to TIF Investment Committee members at TIF Investment Committee meetings or in anticipation of such meetings including meeting agendas, minutes, and notes.” *Id.*

27. For Category A, Part 2, CLC clarified that it seeks “[a]ny and all records related to the analysis of applications prepared by Financial Incentive Division and other supporting staff for review by the Committee voting members” *Id.*

28. For Category A, Part 3, CLC clarified that it seeks all records reflecting “guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee.” The time frame of the request is from May 20, 2019. *Id.*

29. For Category B, Parts 1 and 2, CLC referenced the Mayor’s February 5, 2020 press release again and sought “records as of that date, including records pertaining to the ‘but-for’ analysis of applications and any records related to hiring or retaining consultants for the ‘but-for’ analysis.” *Id.*

30. For Category B, Part 3, CLC indicated that it is not able to find contracts, reports, analyses, invoices, and other records “related to AECOM efforts for the ‘but-for analysis’” on the website DPD provided. CLC asked DPD to “provide the documents requested or clarify more specifically” where CLC can locate the records online. *Id.*

31. On May 4, 2021, DPD sought an extension of five-business days. Ex. 7.

32. DPD sought additional extensions on May 11, 2021, and May 19, 2021. Ex. 8.

33. On June 1, 2021, DPD partially granted the request by providing the “responsive records, to the extent they are maintained by DPD.” Ex. 9.

34. DPD produced a total of 160 pages of records of listed TIF projects (partially responsive to Category A, Part 2) and two invoices for services from AECOM (partially responsive to Category B, Part 3). *Id.*

35. DPD did not indicate whether it performed a search for the remaining records and whether the remaining records have been withheld. *Id.*

36. On July 30, 2021, CLC submitted a request for review to the Public Access Counselor (PAC) at the Illinois Attorney General’s Office (AG’s Office). The cover letter of CLC’s request for review is attached as Exhibit 10.

37. On September 30, 2021, DPD informed the PAC that it had identified additional records to produce and was in the process of gathering them. The PAC’s determination letter that summarizes the correspondence between the PAC and DPD is attached as Exhibit 11.

38. Since then, the PAC provided multiple opportunities to DPD to provide a written response, but the PAC never received further correspondence from DPD. *Id.*

39. CLC also never received a supplemental production from DPD.

40. On January 13, 2022, the PAC stated, “the Public Access Bureau is unable to conclude that the Department demonstrated that it performed a reasonable search for the requested records in response to the April 27, 2021 FOIA request.” The PAC further requested that DPD “immediately issue a supplemental response” to CLC and disclose the non-exempt portions of the records it subsequently located according to its September 30, 2021 correspondence to the PAC. *Id.* at 3.

41. On January 18, 2022, DPD submitted its belated response to the PAC and stated the following:

After receiving this request for review, I again consulted Mr. Jeffries, [Deputy Commissioner at DPD that oversees its TIF division] who advised that before TIF Committee meetings, DPD conducts a review of applications to determine its overall recommendation. DPD does not distribute applications to Committee members. Instead, DPD advances its recommendation as a presentation that includes a brief summary of the project, the relevant details, and DPD's recommendations. I obtained copies of these presentations from Christopher Stark, a Financial Planning Analyst for DPD.

Ex. 12.

42. DPD then claimed that the additional records that it located are exempt under Section 7(1)(f) of FOIA. *Id.*

43. Section 7(1)(f) of FOIA exempts, in relevant part, "Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

44. In violation of Section 9(a), DPD did not provide a "detailed factual basis for the application of any exemption claimed" to withhold the requested records.

45. Rather, DPD provided only a vague and generic claim that it withheld "internal notes, presentations to the TIF Investment Committee, and draft reports" under Section 7(1)(f) of FOIA "because these documents are part of the deliberative process."

46. Section 7(1)(f) does not allow public bodies to withhold factual information.

47. DPD has not demonstrated that the records responsive to the request are exempt under FOIA.

48. As of the date of this filing, DPD has not complied with FOIA and has not produced all records responsive to the request.

B. The TIF INVESTMENT COMMITTEE Has Been Holding Regular Meetings Since February 2020.

49. Since its creation in February 2020, the TIF INVESTMENT COMMITTEE has been holding regular meetings.

50. DPD's TIF Program Guideline states "The TIF Investment Committee meets on a regular basis to ensure prompt review of applications for TIF funding." Ex. 13 at 17.

51. The six voting members of the TIF INVESTMENT COMMITTEE are "the Chief Financial Officer, the Budget Director, the Comptroller, the Deputy Mayor of Infrastructure and Services, the Deputy Mayor for Neighborhood and Economic Development, and the Chief Equity Officer," all of whom are public officials. *Id.*

52. The TIF Program Guideline further outlines that a meeting of the TIF INVESTMENT COMMITTEE "requires the presence of no less than four voting members" and that the TIF INVESTMENT COMMITTEE "may approve a project based on a majority vote of present members." *Id.*

53. Department Commissioners "may also attend these meetings as non-voting members." *Id.*

54. The Financial Incentives Division of DPD, the Office of Budget and Management, and the Office of the Mayor provide support to the TIF INVESTMENT COMMITTEE. *Id.*

55. Upon information and belief, the TIF INVESTMENT COMMITTEE has held one or more meetings in the past 60 days.

C. The TIF INVESTMENT COMMITTEE Has Not Held Open Meetings and Has Been Improperly Entering into Closed Meetings.

56. Section 1.02 of OMA defines “meeting” as “any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic email, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.” 5 ILCS 120/1.02.

57. Section 1.02 of OMA states that “public body” includes “all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts, and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof.” 5 ILCS 120/1.02.

58. OMA requires that meetings be both “convenient” and “open” to the public. 5 ILCS 120/2.01.

59. The TIF INVESTMENT COMMITTEE is a public body under OMA.

60. The TIF INVESTMENT COMMITTEE’s meetings shall be open to the public under OMA.

61. The TIF INVESTMENT COMMITTEE has not held meetings open to the public.

62. In violation of the “convenient” and “open” requirements, the TIF INVESTMENT COMMITTEE has provided no way for the public to attend the meetings.

63. Under OMA, closed meetings may only be held “upon a majority vote of quorum present, *taken at a meeting open to the public* for which notice has been given as required by this Act.” 5 ILCS 120/2a. (Emphasis Added).

64. The TIF INVESTMENT COMMITTEE did not properly enter closed meetings pursuant to OMA.

D. The TIF INVESTMENT COMMITTEE Has Never Provided a Public Notice or an Agenda for Its Regular Meetings.

65. Section 2.02 of OMA requires public bodies to provide a public notice of the schedule and agenda of regular meetings.

66. The TIF INVESTMENT COMMITTEE has not provided any public notice of the schedule of its regular meetings.

67. The TIF INVESTMENT COMMITTEE has not provided an agenda for any of its regular meetings.

E. The TIF INVESTMENT COMMITTEE Has Not Allowed the Public to Address Public Officials.

68. Section 2.06(g) states, “[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” 5 ILCS 120/2.06(g).

69. The TIF INVESTMENT COMMITTEE has not allowed any individuals from the public to address the public officials since its creation in February 2020.

F. The TIF INVESTMENT COMMITTEE Will Continue to Violate OMA.

70. The TIF INVESTMENT COMMITTEE has been holding meetings that are not open to the public, has improperly entered into closed meetings, has not posted public notice or agenda of its meetings, and has not allowed the public to address the public officials since its creation in February 2020.

71. Based on its consistent failure to comply with OMA at any time during its existence, there is probable cause that the TIF INVESTMENT COMMITTEE will hold future meetings violating OMA in the same manner.

**COUNT I – DPD’S FOIA VIOLATION:
FAILURE TO PRODUCE RECORDS**

- 72. The above paragraphs are incorporated by reference.
- 73. DPD is a public body under FOIA.
- 74. The records sought in the FOIA request are non-exempt public records of DPD.
- 75. DPD violated FOIA by failing to produce all records responsive to the request.

**COUNT II – DPD’S FOIA VIOLATION:
FAILURE TO PERFORM AN ADEQUATE SEARCH**

- 76. The above paragraphs are incorporated by reference.
- 77. DPD is a public body under FOIA.
- 78. DPD bears the burden of proving beyond material doubt that it performed an adequate search for responsive records.
- 79. DPD has failed to come forward with sufficient evidence to carry this burden.
- 80. DPD has violated FOIA by failing to adequately search for responsive records.

**COUNT III – DPD’S FOIA VIOLATION:
WILLFUL AND INTENTIONAL VIOLATION OF FOIA**

- 81. The above paragraphs are incorporated by reference.
- 82. DPD is a public body under FOIA.
- 83. The records sought in the FOIA request are non-exempt public records of DPD.
- 84. During the time period from April 27, 2021, to present, DPD was aware that it cannot withhold factual information under Section 7(1)(f) of FOIA.

85. Because DPD did not have a good faith basis to withhold the records under 7(1)(f), DPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

**COUNT IV – TIF INVESTMENT COMMITTEE’S OMA VIOLATION:
CONVENIENT AND OPEN**

86. The above paragraphs are incorporated by reference.

87. The TIF INVESTMENT COMMITTEE is a public body under OMA required to hold open meetings.

88. The TIF INVESTMENT COMMITTEE violated OMA 2.01 by failing to hold its meetings in a manner “convenient and open to the public.”

**COUNT V – TIF INVESTMENT COMMITTEE’S OMA VIOLATION:
IMPROPERLY CLOSED MEETINGS**

89. The above paragraphs are incorporated by reference.

90. The TIF INVESTMENT COMMITTEE is a public body under OMA required to hold open meetings.

91. The TIF INVESTMENT COMMITTEE violated OMA Section 2a by failing to comply with the requirements to enter closed sessions.

**COUNT VI – TIF INVESTMENT COMMITTEE’S OMA VIOLATION:
FAILURE TO PROVIDE PUBLIC NOTICE AND AGENDA**

92. The above paragraphs are incorporated by reference.

93. The TIF INVESTMENT COMMITTEE is a public body under OMA required to hold open meetings.

94. The TIF INVESTMENT COMMITTEE violated OMA Section 2.02 by failing to provide the required public notice and agenda of the meetings.

**COUNT VII – TIF INVESTMENT COMMITTEE’S OMA VIOLATION:
PUBLIC COMMENT**

95. The above paragraphs are incorporated by reference.

96. The TIF INVESTMENT COMMITTEE is a public body under OMA required to hold open meetings.

97. The TIF INVESTMENT COMMITTEE violated OMA Section 2.06(g) by failing to provide any opportunity for public comment.

WHEREFORE, CLC asks that the Court:

- i. declare that DPD violated FOIA;
- ii. order DPD to conduct an adequate search for the requested records;
- iii. order DPD to produce all records responsive to the request;
- iv. enjoin DPD from withholding non-exempt public records under FOIA;
- v. declare that the TIF INVESTMENT COMMITTEE violated OMA;
- vi. enjoin the TIF INVESTMENT COMMITTEE from refusing to comply with OMA;
- vii. order the TIF INVESTMENT COMMITTEE to make future meetings accessible to the public;
- viii. order the TIF INVESTMENT COMMITTEE to provide appropriate notice and agendas for all future meetings;
- ix. order the TIF INVESTMENT COMMITTEE to allow for public comment at all future meetings;
- x. order Defendants to pay civil penalties;
- xi. award Plaintiff reasonable attorneys’ fees and costs; and
- xii. award such other relief the court considers appropriate.

RESPECTFULLY SUBMITTED,

/s/ Matt Topic

Attorneys for Plaintiff
CHICAGO LAWYERS' COMMITTEE
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FOR IMMEDIATE RELEASE

February 5, 2020

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MAYOR LIGHTFOOT ANNOUNCES MAJOR REFORMS TO THE CITY'S APPROACH TO ALLOCATING TAX INCREMENT FINANCING (TIF) FUNDS

Reforms to elevate transparency, accountability, and equity in how TIF spending decisions are made and will ensure TIF delivers intended benefits as economic development tool for areas of need

CHICAGO—Mayor Lori E. Lightfoot today announced sweeping reforms to the City's tax increment financing (TIF) approval and oversight process. These reforms, which affects how TIF spending occurs within existing districts, will increase transparency for future TIF allocations while establishing new guidelines for TIF spending, internal review and approval processes, and public disclosures. Bringing greater transparency to the TIF designation process fulfills a key campaign promise made by Mayor Lightfoot and represents an important first step in ensuring a more transparent process for the public with regard to how the City determines future economic investment decisions.

"For too long, the City's TIF spending decisions have occurred in the shadows," said Mayor Lightfoot. "With our reforms, we are bringing a new level of transparency to the way the City spends precious taxpayer dollars, while holding private recipients of TIF dollars accountable to higher standards during the review and approval process. As I have said from the beginning, it is imperative that we use these limited resources responsibly in order to ensure we bring equity and economic development to the neighborhoods that need it most – exactly as TIF law is intended to do."

TIF is a state-regulated economic development tool that allows municipalities to allocate property tax growth within designated TIF districts toward local needs involving economic development, public infrastructure, schools, affordable housing and other uses. The reforms brought forward today are meant to ensure that there is a standard level of accountability across the board for all TIF spending in each of Chicago's 136 TIF districts.



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“Each year, the City receives hundreds of millions of dollars in property taxes through the TIF program – and residents deserve to know that their money is being used well,” said Deputy Mayor of Economic and Neighborhood Development and Chair of the TIF Investment Committee, Samir Mayekar. “With these reforms, we are committed to being more transparent with TIF decisions and ensuring that communities have information on the spending considerations that directly impact them.”

The City is bringing additional transparency and accountability to the TIF system with the following reforms:

- **Creation of a new TIF Investment Committee:** As one of her first acts in office, Mayor Lightfoot reorganized an existing TIF Task Force committee that internally reviewed potential TIF expenditures. The newly created TIF Investment Committee now aims to center equity in its decision making. Supported by the city’s first-ever Chief Equity Officer Candace Moore, the committee has developed a routine analysis to guide future investments and ensure they are aligned with the administration’s commitment to promoting equity citywide. The committee will continue to meet mostly to review proposals that expand access to TIF funds for businesses and neighborhoods that have historically lacked the investments that other neighborhoods enjoyed.
- **Rigorous Analysis of TIF proposals:** The TIF Investment Committee has directed the Department of Planning and Development (DPD) to adopt a more robust “but-for” analysis for all private applicants for TIF funds. These changes, which affect the way TIF spending occurs in existing TIF districts, are meant to guarantee that TIF funds are only used for projects that wouldn’t otherwise move forward.
- **Publication of new TIF Program Guide:** This new guide, which will be updated annually, will offer clarity to taxpayers, researchers and the development community on how the City operates its TIF program.
- **Release of data for public review:** To keep Chicago residents informed of how the City is spending TIF, Mayor Lightfoot instructed the Department of Planning and Development (DPD) to publish TIF spending decisions on a monthly basis. Going forward, the City will make it easier to find information on TIF by publishing annual reports as well as a new, user-friendly version of the long-standing online TIF Portal. This information is now available at [Chicago.gov/tif](https://chicago.gov/tif).

“The City of Chicago is committed to advancing uses of TIF that maximize its impact for the communities that most need economic development,” said DPD



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Commissioner Maurice Cox. “Mayor Lightfoot’s reforms will allow the City to fulfill our responsibility to marshal critical investments in communities where the needs are greatest.”

The administration has taken on other TIF reforms since taking office, starting by eliminating the possibility of conflicts of interest for consultants who prepare proposals on developer driven TIFs.

“The City’s reforms to the TIF system are an essential step to ensure we make the most of taxpayer dollars generated for and by our communities, and that they are invested in the communities where they are most needed,” said 32nd Ward Alderman and Finance Committee Chair, Scott Waguespack. “I applaud Mayor Lightfoot and her administration for finally taking necessary action to reform this program so we can unlock its full potential and chart a new course for strategic, long-term economic development in our city.”

Finally, to ensure the City’s economic investments do not rely solely on a one-off, developer-driven approach, Mayor Lightfoot will direct DPD to develop a broad, comprehensive vision for investment in each neighborhood to ensure the future economic investments by the City are allocated fairly, transparently, and in a way that makes the most responsible use of taxpayer dollars.

“These historic reforms will allow Chicago to ensure TIF resources are properly allocated to support critical infrastructure and provide the highest value for areas of the city that need them most,” said 3rd Ward Alderman and Budget Committee Chair, Pat Dowell.

These reforms build on actions taken by the Lightfoot administration to improve transparency and accountability across City government, notably with the passage of ethics reforms, an executive order eliminating aldermanic prerogative from City departments, and other structural changes to ensure that City government prioritizes efficient and fair neighborhood service delivery.

“By bringing these long needed reforms to the TIF program, Mayor Lightfoot is sending a clear signal to our neighborhoods and developers that her administration is committed to ensuring this tool generates equitable, economic growth for underinvested communities, exactly as it was designed to do,” said Ralph Martire, Executive Director for the Center for Tax and Budget Accountability. “We are heartened to see the City take these important first steps for ensuring clearer guidelines for future allocation of taxpayer resources and believe this will bring greater stability and predictability to the market for communities and developers alike.”



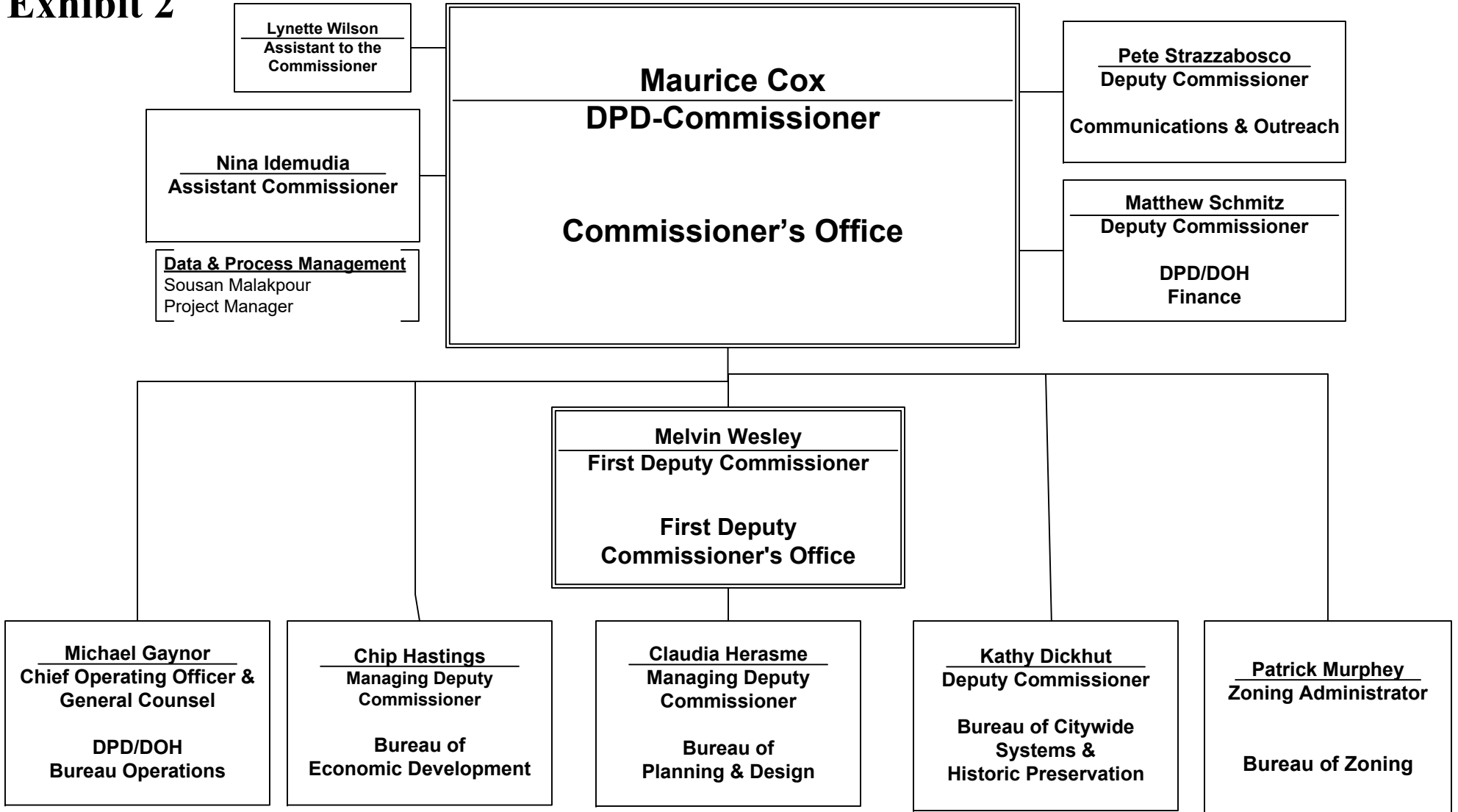
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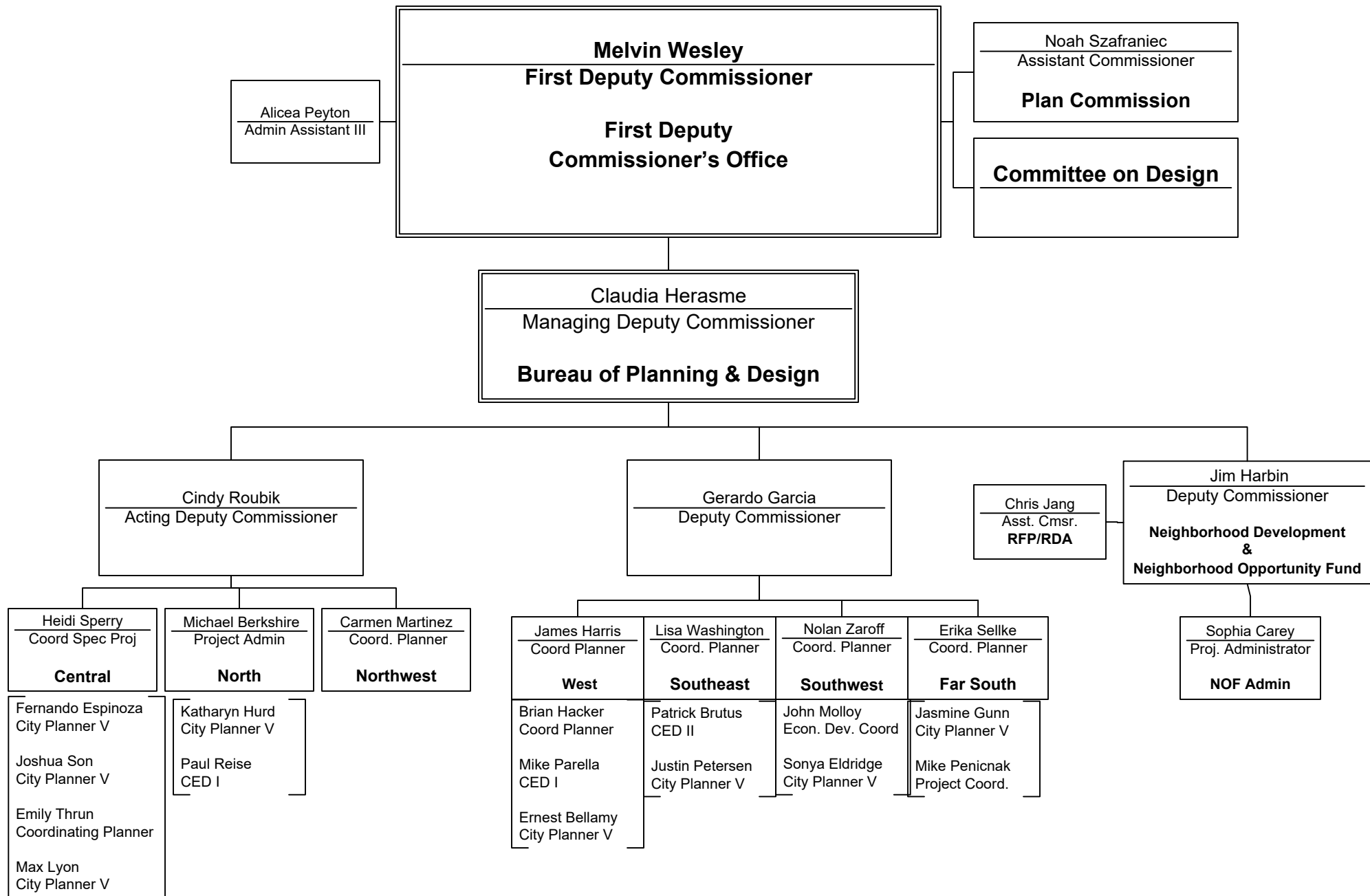
Mayor Lightfoot has also made equitable investments for neighborhoods a top priority. Last year, her administration launched INVEST South/West, an unprecedented community initiative to marshal the resources of multiple City departments, community organizations, and corporate partners towards 10 neighborhoods on Chicago's South and West Sides. The City will align more than \$750 million in public funding over the next three years to re-activate neighborhood cores and provide coordinated investments.

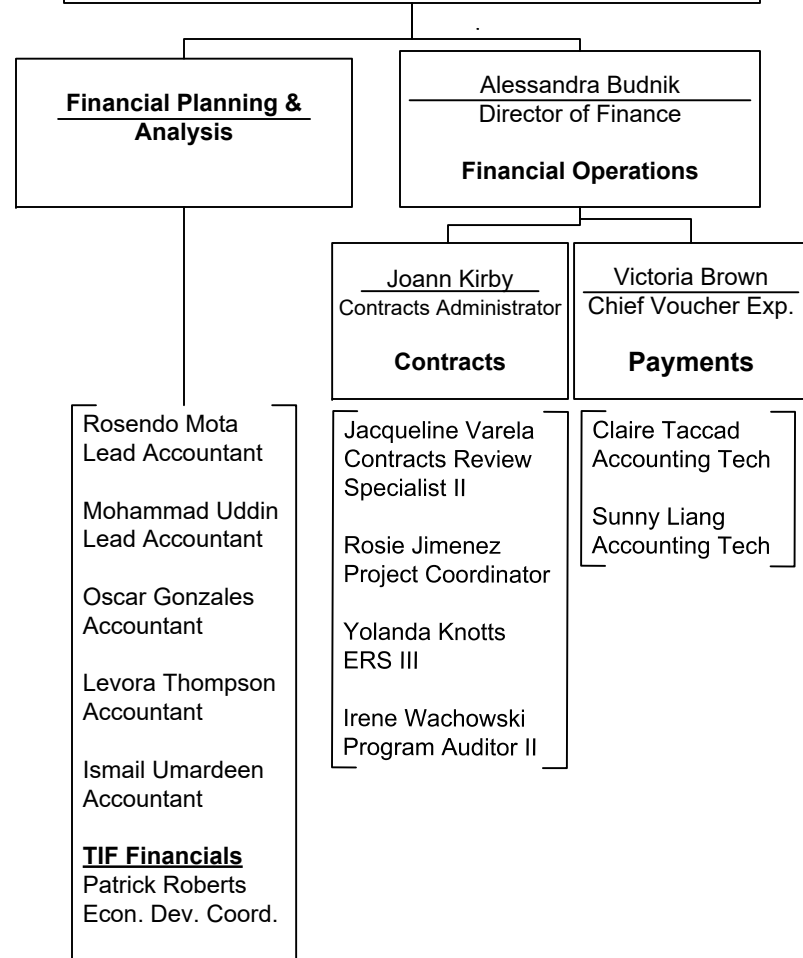
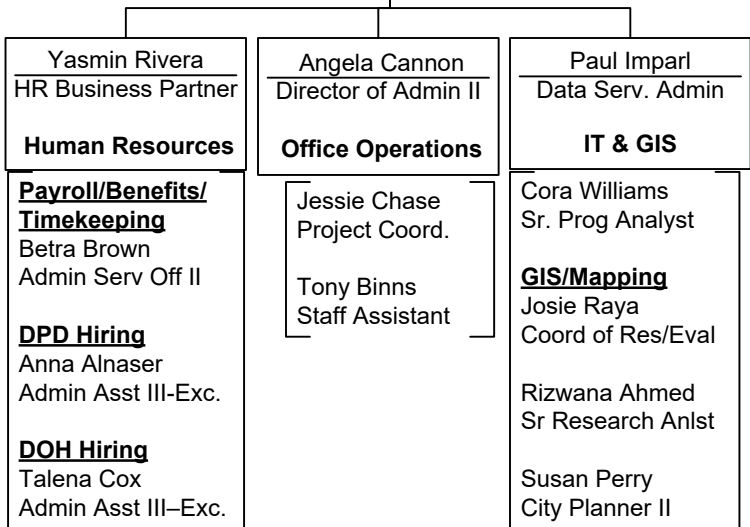
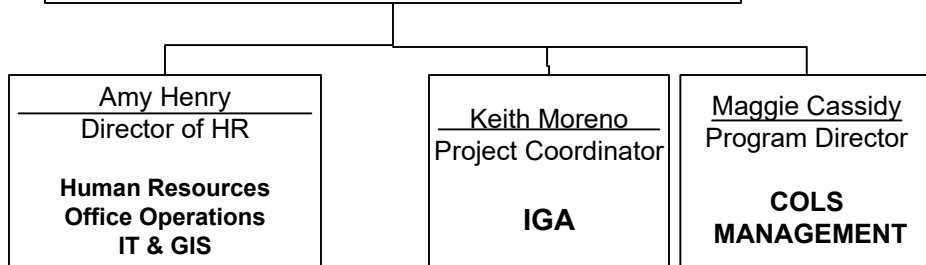
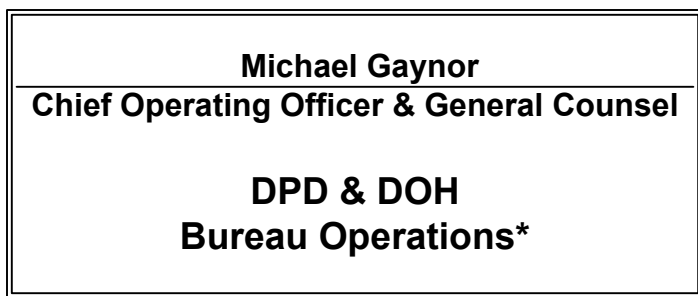
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Exhibit 2



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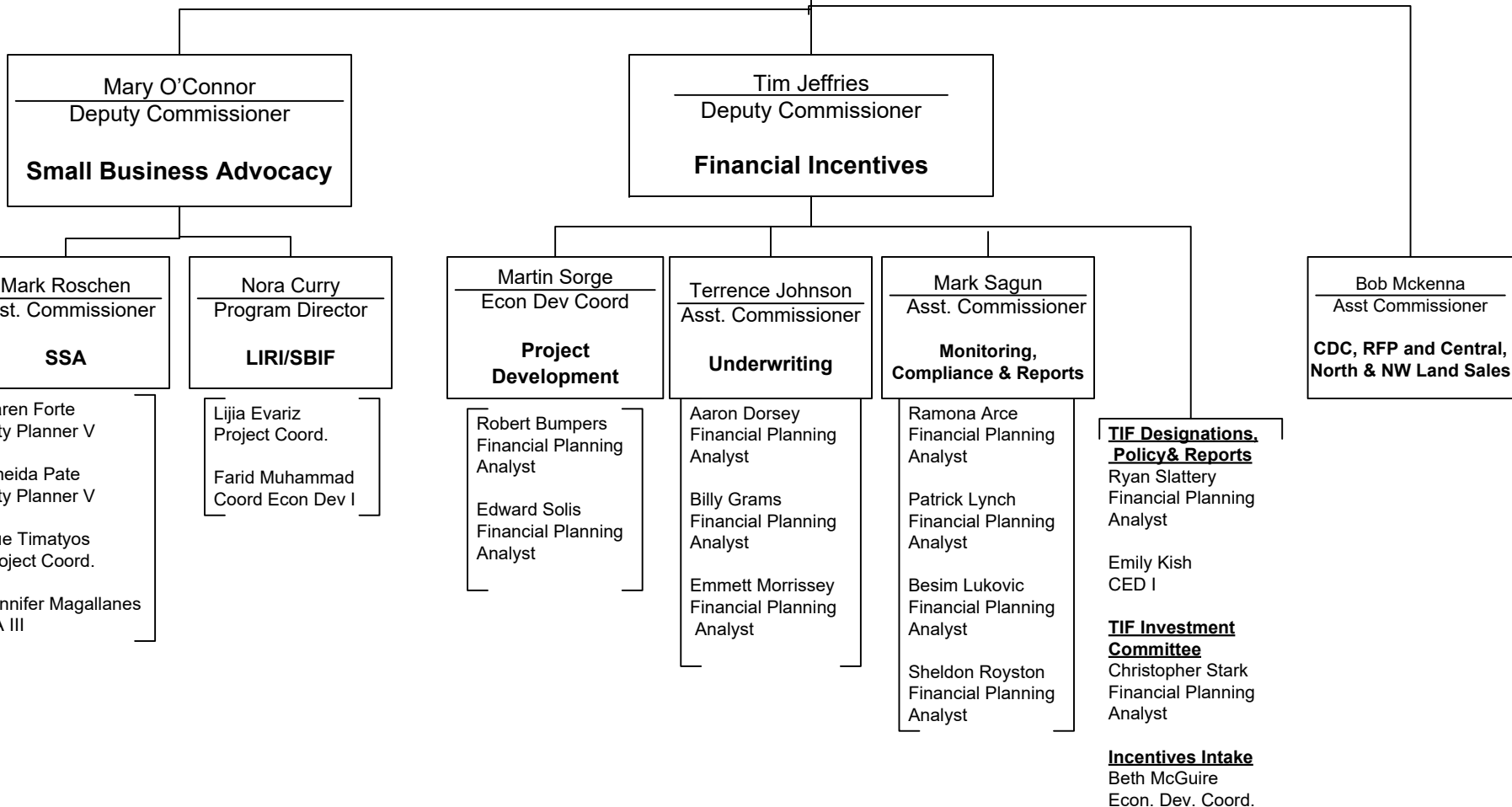


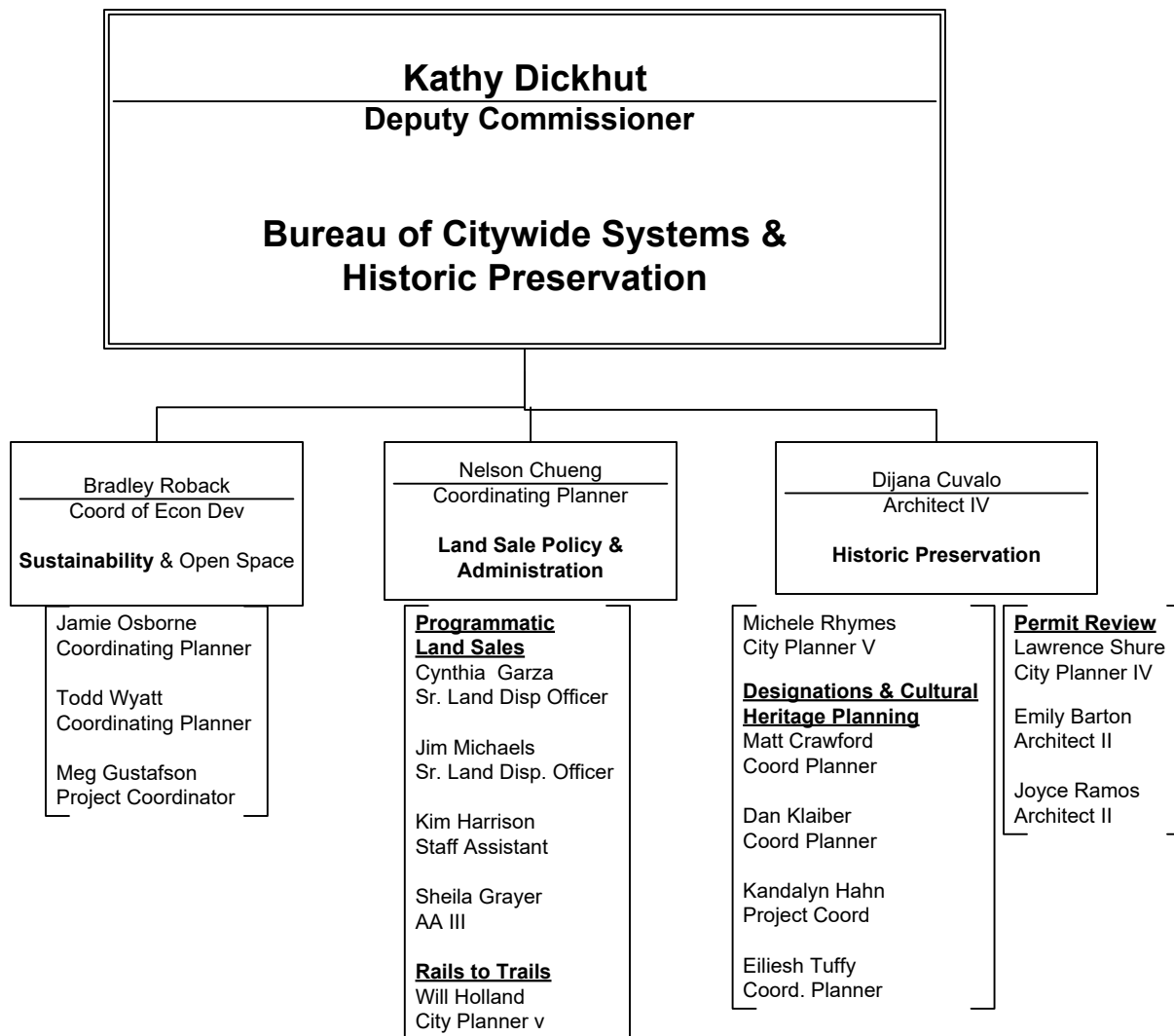


*DPD Bureau Operations & Finance (contained in DPD's budget) will provide operational support to both DPD and DOH.

Chip Hastings
Managing Deputy Commissioner

Bureau of
Economic Development





Patrick Murphey
Zoning Administrator

Bureau of Zoning

Cecilia Rodriguez
Executive Admin Asst. I

Steven Valenziano
Asst. Zoning Administrator

Zoning Ordinance Administration

Kyle Bartlett
Sprv. Zoning Plan Examiner

Standard Permit Reviews

Standard Plan Reviews
Peter Beran
Sr. Zoning Plan Examiner

Shosha Chen
Sr. Zoning Plan Examiner

William Dunkley
Sr. Zoning Plan Examiner

Jose Gaeta
Sr. Zoning Plan Exam

Robert Nolter
Sr. Zoning Plan Examiner

Antonio Pena
Sr. Zoning Plan Examiner

Carl Rice
Sr. Zoning Plan Examiner

Michael Marmo
Coordinating Planner

PD Permit Reviews

PD Permit & License Review
Erik Glass
Coordinating Planner

Janice Hill
Sr. Zoning Plan Examiner

Teresa McLaughlin
Coord Econ Dev

Opinion Letters
PD Minor Changes
Lakefront Exemptions

Anna Robles
Chief Zoning Plan Examiner

Zoning Admin

Sign Reviews
Alicia Duplaga
Sr. Zoning Plan Examiner

Landscape Reviews
Ronald Daye
Chf Landscape Plan Examiner

Leszek Ociepka
Sr. Landscape Plan Examiner

Inspections
Farhan Khalique
Zoning Investigator

Carlos Ramirez
Zoning Investigator

Front Desk, Zoning Certs & Admin Adjustments

Samie Martinez
Project Coordinator

Christina Mason-Johnson
Project Coordinator

Victor Resa
Manager – ZBA

Zoning Board of Appeals

Janine Klich-Jensen
Project Coordinator

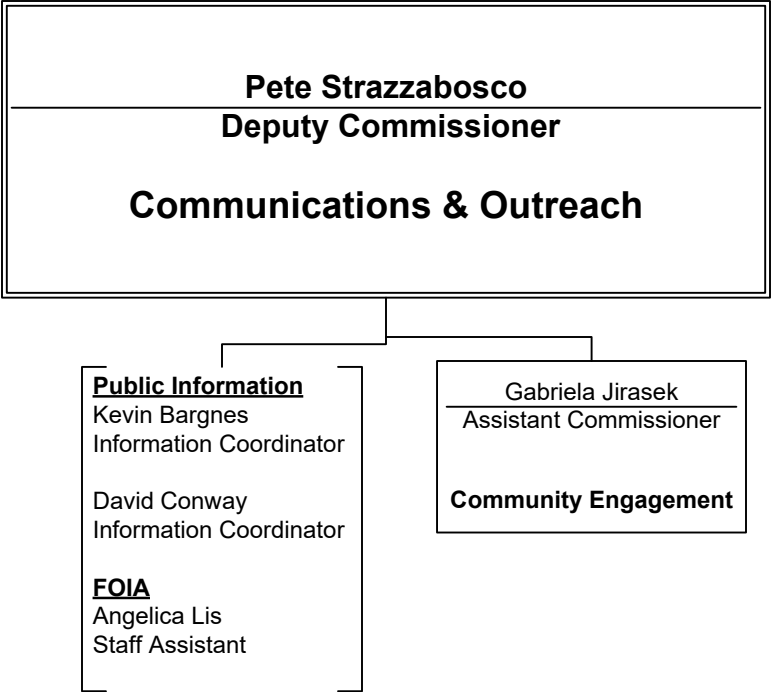
Jeannette Velazquez
Project Coordinator

Nancy Radzevich
Assistant Commissioner

FOIA
Special Use Coordination
Zoning & Permit Data Management
Parking Determinations

Zoning Data Coordination & Parking Determinations
John Schneider
Project Coordinator

FOIA & Permit Data Coordination
Victoria Ortega
Project Coordinator



Submitted Via Email to:
DPDFOIA@cityofchicago.org

March 31, 2021

Angelica Lis
FOIA Officer
City of Chicago Department of Planning and Development
121 N. LaSalle St., Room 1000
Chicago, IL 60602

Re: Illinois Freedom of Information Act Request

Dear Ms. Lis,

This is a request under the Illinois Freedom of Information Act (FOIA) for access to and copies of any and all records responsive to the information requested below. I have divided the requests into two different sets of information, listed below, for clarity.

The first set of requested information concerns the TIF Investment Committee:

1. Any and all records related to the TIF Investment Committee meetings, including meeting agendas, notes and/or minutes, and records provided to Committee members at or before meetings.
2. Any and all records related to the analysis prepared by staff regarding the agenda items of the TIF Investment Committee meetings.
3. Any and all records reflecting “guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee.”¹

The second set of requested information concerns the creation of a “more robust but-for analysis for all private applicants for TIF funds,” as described in a February 5, 2020 City of Chicago press release:²

1. Any and all records since February 5, 2020 regarding a “more robust but-for analysis for all private applicants for TIF funds” as referenced by the Mayor’s February 5, 2020 press release.
2. Any and all records related to hiring or retaining consultants for work related to the “more robust but-for analysis for all private applicants for TIF funds.”

¹ CITY OF CHICAGO TAX INCREMENT FINANCING PROGRAM GUIDE, 17, Department of Planning and Development, 2020.

² MAYOR LIGHTFOOT ANNOUNCES MAJOR REFORMS TO THE CITY’S APPROACH TO ALLOCATING TAX INCREMENT FINANCING (TIF) FUNDS, 2, Office of the Mayor, Feb. 5, 2020.



3. Any and all records related to AECOM and the “more robust but-for analysis for all private applicants for TIF funds” including, but not limited to any contracts, reports, analyses, and invoices.

If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire (electronic) document. Under the Freedom of Information Act, all non-exempt portions of any partially exempt documents must be disclosed.

If any records or portions of records are withheld, please state the exemption upon which you rely, the basis on which the exemption is invoked, and the address to which an appeal should be addressed.

Chicago Lawyers’ Committee for Civil Rights requests a waiver of any fees your office would ordinarily impose in responding to a request. We are a non-profit organization and do not seek the records for commercial purposes. We seek these documents for non-profit research, investigation, and advocacy efforts in the public interest. To the extent you intend to assess any charges, please notify me to discuss first.

Please send the information in its original electronic form, the electronic form in which the records are kept, or as scanned pdfs. Please email the information to me at eclouse@clccrul.org or notify me if you would like to discuss alternatives.

We look forward to hearing from you in writing within five working days, as required by the Act 5 ILCS 140(3). Thank you for considering and responding to this request.

Sincerely,

Emma Clouse

From: Emma Clouse eclouse@clccrul.org
Subject: FW: FOIA Request
Date: July 29, 2021 at 12:00 PM
To: Malachy Schrobilgen mschrobilgen@clccrul.org



From: Emma Clouse
Sent: Monday, April 12, 2021 8:17 AM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: RE: FOIA Request

Thank you, a five day extension is fine.

Best,
Emma

From: DPDFOIA <DPDFOIA@cityofchicago.org>
Sent: Wednesday, April 7, 2021 1:26 PM
To: Emma Clouse <eclouse@clccrul.org>
Subject: RE: FOIA Request

On behalf of the City of Chicago Department of Planning and Development, I am responding to March 31, 2021. At this time, I am seeking an extension of five additional working days to respond to the request for one or more of the following reasons identified in 5 ILCS 140/3(e) of FOIA:

- () the requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- () the request requires the collection of a substantial number of specified records;
- () the request is couched in categorical terms and requires an extensive search for the records responsive to it;
- () the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- () the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the FOIA or should be revealed only with appropriate deletions;
- (x) the request for records cannot be complied with by the public body within the time limits prescribed by 5 ILCS 140/3(d) without unduly burdening or interfering with the operations of the public body;
- (x) there is need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

Sincerely,

Angelica Lis
FOIA Officer
Department of Planning and Development
312-742-7144

From: Emma Clouse <eclouse@clccrul.org>
Sent: Wednesday, March 31, 2021 3:07 PM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: FOIA Request

[Warning: External email]

Dear Ms. Lis,

Please see the attached request pursuant to the Illinois Freedom of Information Act. Please contact me with any questions or the need for any clarification.

Thank you,
Emma Clouse

Emma Clouse | Equal Justice Works Fellow
Chicago Lawyers' Committee for Civil Rights
Pronouns: She/Her/Hers
eclouse@clccrul.org
100 N. LaSalle Street, Ste. 600 | Chicago, IL 60602
www.clccrul.org | Follow Us on [Facebook](#) and [Twitter](#)





DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

April 13, 2021

Emma Clouse
Equal Justice Works Fellow

VIA ELECTRONIC MAIL:

Dear Ms. Clouse:

This letter is in response to the Freedom of Information Act ("FOIA") request received by the City of Chicago Department of Planning and Development ("DPD") on March 31, 2021. Your request asks for and states the following:

This is a request under the Illinois Freedom of Information Act (FOIA) for access to and copies of any and all records responsive to the information requested below. I have divided the requests into two different sets of information, listed below, for clarity.

The first set of requested information concerns the TIF Investment Committee:

- 1. Any and all records related to the TIF Investment Committee meetings, including meeting agendas, notes and/or minutes, and records provided to Committee members at or before meetings.*
- 2. Any and all records related to the analysis prepared by staff regarding the agenda items of the TIF Investment Committee meetings.*
- 3. Any and all records reflecting "guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee."*

The second set of requested information concerns the creation of a "more robust but-for analysis for all private applicants for TIF funds," as described in a February 5, 2020 City of Chicago press release:

- 1. Any and all records since February 5, 2020 regarding a "more robust but-for analysis for all private applicants for TIF funds" as referenced by the Mayor's February 5, 2020 press release.*
- 2. Any and all records related to hiring or retaining consultants for work related to the "more robust but-for analysis for all private applicants for TIF funds."*
- 3. Any and all records related to AECOM and the "more robust but-for analysis for all private applicants for TIF funds" including, but not limited to any contracts, reports, analyses, and invoices.*

In regards to the first portion of the request and (1), data included in the agenda and the meetings minutes are reflective of [what is published on the City's Open Data Portal](#).

Your request for “notes” and “records provided to Committee members at or before meetings.”, does not sufficiently identify the records you are seeking, and is therefore burdensome. Section 3(g) of FOIA provides that “[r]equests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” 5 ILCS 140/3(g). In order to comply with your request as written, this department would need to identify, procure and review an unknown quantity of records. Without direction from you as to which specific records you seek, such an endeavor would pose an undue burden on the operations of this department. As the Illinois Attorney General’s Public Access Counselor has noted (see 2017 PAC 47756, issued June 20, 2017), Illinois courts have held, “[a] request to inspect or copy must reasonably identify a public record[.]” Chicago Tribune Co. v. Dept. of Financial and Professional Regulation, 2014 IL App (4th) 130427, par. 33. A FOIA request “reasonably describes records if ‘the agency is able to determine precisely what records are being requested.’” Kowalczyk v. Dept. of Justice, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting Yeager v. Drug Enforcement Admin., 678 F.2d 315, 326 (D.C. Cir. 1982)).

Regarding number (2) and (3) of the first portion of your request, your request is unduly burdensome because the language is too broad and does not properly identify what you are seeking. Section 3(g) of FOIA provides that “[r]equests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” 5 ILCS 140/3(g). In order to comply with your request as written, this department would need to identify, procure and review an unknown quantity of records. Without direction from you as to which specific records you seek, such an endeavor would pose an undue burden on the operations of this department. As the Illinois Attorney General’s Public Access Counselor has noted (see 2017 PAC 47756, issued June 20, 2017), Illinois courts have held, “[a] request to inspect or copy must reasonably identify a public record[.]” Chicago Tribune Co. v. Dept. of Financial and Professional Regulation, 2014 IL App (4th) 130427, par. 33. A FOIA request “reasonably describes records if ‘the agency is able to determine precisely what records are being requested.’” Kowalczyk v. Dept. of Justice, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting Yeager v. Drug Enforcement Admin., 678 F.2d 315, 326 (D.C. Cir. 1982)).

In response to numbers (1) and (2), of your second portion of the request, your request for “Any and all records since February 5, 2020 regarding a “more robust but-for analysis for all private applicants for TIF funds” as referenced by the Mayor’s February 5, 2020 press release.”, and “Any and all records related to hiring or retaining consultants for work related to the “more robust but-for analysis for all private applicants for TIF funds.”, does not sufficiently identify the records you are seeking, and is therefore burdensome. Section 3(g) of FOIA provides that “[r]equests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” 5 ILCS 140/3(g). In order to comply with your request as written, this department would need to identify, procure and review an unknown quantity of records. Without direction from you as to which specific records you seek, such an endeavor would pose an undue burden on the operations of this

department. As the Illinois Attorney General's Public Access Counselor has noted (see 2017 PAC 47756, issued June 20, 2017), Illinois courts have held, "[a] request to inspect or copy must reasonably identify a public record[.]" *Chicago Tribune Co. v. Dept. of Financial and Professional Regulation*, 2014 IL App (4th) 130427, par. 33. A FOIA request "reasonably describes records if 'the agency is able to determine precisely what records are being requested.'" *Kowalczyk v. Dept. of Justice*, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982)).

In response to number (3) of the second portion of your request, materials are reflected in the link above.

It is therefore necessary that your FOIA request be narrowed and clarified. If you would like assistance in narrowing your request, please contact me, and I will assist you. Otherwise, for the reasons provided above, DPD is unable to respond to your FOIA request as currently drafted.

If you agree to narrow your request, you must submit a revised written request to my attention. DPD will take no further action or send you any further correspondence unless and until your current request is narrowed in writing. If we do not receive your narrowed request within fourteen (14) calendar days of the date of this letter, your current request will be denied.

In the event that we do not receive a narrowed request and your current FOIA request is therefore denied, you have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,



Angelica Lis
FOIA Officer
City of Chicago Department of Planning and Development
312-742-7144

From: Emma Clouse eclouse@clccrul.org
Subject: FW: FOIA Request
Date: July 29, 2021 at 12:41 PM
To: Malachy Schrobilgen mschrobilgen@clccrul.org



From: Emma Clouse
Sent: Tuesday, April 27, 2021 1:40 PM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: RE: FOIA Request

Dear Ms. Lis,

Thanks you for the response to our Freedom of Information Act request below. Attached to this email is our revised request. I reached out last week when preparing this revised request to see if we might be able to talk through some of the requests on the phone to clarify a few questions I had. If you'd like to still have a phone call, I'm happy to walk through this revised request during that conversation. If you have any questions, please let me know.

Thank you,
Emma Clouse

From: DPDFOIA <DPDFOIA@cityofchicago.org>
Sent: Tuesday, April 13, 2021 4:55 PM
To: Emma Clouse <eclouse@clccrul.org>
Subject: RE: FOIA Request

Please see attached.

Thank you,

Angelica Lis
City of Chicago
Department of Planning and Development
121 N. LaSalle St. Room 1000
Chicago, IL 60602



From: Emma Clouse <eclouse@clccrul.org>
Sent: Wednesday, March 31, 2021 3:07 PM
To: DPDFOIA <DPDFOIA@cityofchicago.org>

FILED DATE: 4/15/2022 2:26 PM 2022CH03482

Subject: FOIA Request

[Warning: External email]

Dear Ms. Lis,

Please see the attached request pursuant to the Illinois Freedom of Information Act. Please contact me with any questions or the need for any clarification.

Thank you,
Emma Clouse

Emma Clouse | Equal Justice Works Fellow

Chicago Lawyers' Committee for Civil Rights

Pronouns: She/Her/Hers

eclouse@clccrul.org

100 N. LaSalle Street, Ste. 600 | Chicago, IL 60602

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2021-04-27
FOIA R...PD.pdf





Submitted Via Email to:
DPDFOIA@cityofchicago.org

April 27, 2021

Angelica Lis
FOIA Officer
City of Chicago Department of Planning and Development
121 N. LaSalle St., Room 1000
Chicago, IL 60602

Re: Illinois Freedom of Information Act Request

Dear Ms. Lis,

Thank you for your April 13, 2021 letter responding to our March 31, 2021 Freedom of Information Act (FOIA) request. In the original request (the "Request"), we requested two sets of information and the Department of Planning and Development (DPD) responded on April 13, 2021 (the "Response"). You responded that some materials in response to the request could be found [on the City's Open Data Portal](#) and that the remaining requests were unduly burdensome. You also requested that this FOIA request be narrowed and clarified. We respond as follows:

Set One

Request #1: *Any and all records related to the TIF Investment Committee meetings, including meeting agendas, notes and/or minutes, and records provided to Committee members at or before meetings.*

You responded that the request for agendas and meeting minutes are reflective of what is "[published on the City's Open Data Portal](#)" and that "'notes' and 'records provided to Committee members at or before meetings' does not sufficiently identify the records" we are seeking and is therefore burdensome. We are unable to find agendas, meeting minutes and similar records on the website link provided in your response, and request these records in the following clarified request:

- (a) Any and all records provided to TIF Investment Committee members at TIF Investment Committee meetings or in anticipation of such meetings including meeting agendas, minutes, and notes.

Request #2: *Any and all records related to the analysis prepared by staff regarding the agenda items of the TIF Investment Committee meetings.*

This request refers to the process described on page 17 of the [2020 TIF Program Guide](#), which states:

Projects are submitted to the TIF Investment Committee by departments, aldermen, and other applicants for funding. The TIF Investment Committee promulgates guidance to potential applicants on the form their application should take and what information is required for consideration by the Committee. Prior to a meeting of the TIF Investment Committee, *the Financial Incentives Division and other supporting staff shall review each application to ensure that it is eligible for TIF funding and to prepare an analysis of the application for review by voting members.* The TIF Investment Committee shall review each application to determine whether the application presents a TIF-eligible project that advances the objectives of the TIF district and the surrounding community.

We agree to narrow this request to the following:

- (a) Any and all records related to the analysis of applications prepared by Financial Incentives Division and other supporting staff for review by the Committee voting members.

Request #3: *Any and all records reflecting “guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee.”*¹

You responded that requests #2 and #3 are “unduly burdensome because the language is too broad and does not properly identify what [we] are seeking.” Your collective response to Request #2 and #3 fails to separately identify how Request #3 is unduly burdensome or not specific enough to identify the records requested. The request specifically identifies the records as those described in the 2020 TIF Program Guide on page 17. We are willing to narrow the timeframe of the request for responsive records to the period starting May 20, 2019. Please provide the documents requested.

Set Two

Request #1: *Any and all records since February 5, 2020 regarding a “more robust but-for analysis for all private applicants for TIF funds” as referenced by the Mayor’s February 5, 2020 press release.*

Request #2: *Any and all records related to hiring or retaining consultants for work related to the “more robust but-for analysis for all private applicants for TIF funds.”*

You responded that requests #2 and #3 are “unduly burdensome because the language is too broad and does not properly identify what [we] are seeking.” To clarify our request, by citing the Mayor’s February 5, 2020 press release, we are asking for the records as of

¹ CITY OF CHICAGO TAX INCREMENT FINANCING PROGRAM GUIDE, 17, Department of Planning and Development, 2020.

that date, including records pertaining to the “but-for” analysis of applications (reflective in Request #1) and any records related to hiring or retaining consultants for the “but-for” analysis (reflective in Request #2).

Request #3: *Any and all records related to AECOM and the “more robust but-for analysis for all private applicants for TIF funds” including, but not limited to any contracts, reports, analyses, and invoices.*

You responded that the requested records are materials reflected in the “[the City’s Open Data Portal](#).” Again, we were unable to locate records of AECOM contracts, reports, analyses, invoices, and other records related to AECOM efforts for the “but-for analysis” on this site. Please provide the documents requested or clarify more specifically where we can find these records on-line.

Please provide all responsive records in electronic format to eclouse@clccrul.org. Thank you for your assistance.

Sincerely,

/s/ Emma Clouse

Emma Clouse

Equal Justice Works Fellow

From: Emma Clouse eclouse@clccrul.org
Subject: FW: FOIA Request
Date: July 29, 2021 at 12:00 PM
To: Malachy Schrobilgen mschrobilgen@clccrul.org



From: Emma Clouse
Sent: Wednesday, May 5, 2021 9:29 AM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: RE: FOIA Request

An extension is fine, thank you.

Best,
Emma Clouse

From: DPDFOIA <DPDFOIA@cityofchicago.org>
Sent: Tuesday, May 4, 2021 5:06 PM
To: Emma Clouse <eclouse@clccrul.org>
Subject: RE: FOIA Request


On behalf of the City of Chicago Department of Planning and Development, I am responding to April 27, 2021. At this time, I am seeking an extension of five additional working days to respond to the request for one or more of the following reasons identified in 5 ILCS 140/3(e) of FOIA:

- () the requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- () the request requires the collection of a substantial number of specified records;
- () the request is couched in categorical terms and requires an extensive search for the records responsive to it;
- () the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- () the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the FOIA or should be revealed only with appropriate deletions;
- (x) the request for records cannot be complied with by the public body within the time limits prescribed by 5 ILCS 140/3(d) without unduly burdening or interfering with the operations of the public body;
- (x) there is need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

Sincerely,

Angelica Lis
FOIA Officer
Department of Planning and Development

Exhibit 7

From: Emma Clouse eclouse@clccrul.org 
Subject: FW: FOIA Request
Date: July 29, 2021 at 12:01 PM
To: Malachy Schrobilgen mschrobilgen@clccrul.org

EC

From: Emma Clouse
Sent: Wednesday, May 19, 2021 3:20 PM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: RE: FOIA Request

Angelica,

Thanks again for letting me know.

Emma

From: DPDFOIA <DPDFOIA@cityofchicago.org>
Sent: Wednesday, May 19, 2021 2:39 PM
To: Emma Clouse <eclouse@clccrul.org>
Subject: RE: FOIA Request

Emma,

I will need another extensions. Our TIF commissioner was out of the office, my apologies for the delay. I am still in the process of processing your request.

Thank you,

Angelica Lis

City of Chicago
Department of Planning and Development
121 N. LaSalle St. Room 1000
Chicago, IL 60602



From: Emma Clouse <eclouse@clccrul.org>
Sent: Wednesday, May 12, 2021 8:38 AM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: Re: FOIA Request

[Warning: External email]

Exhibit 8

FILED DATE: 4/15/2022 2:26 PM 2022CH03482

Thank you for letting me know!

Emma

Get [Outlook for Android](#)

From: DPDFOIA <DPDFOIA@cityofchicago.org>
Sent: Tuesday, May 11, 2021 5:07:27 PM
To: Emma Clouse <eclouse@clccrul.org>
Subject: RE: FOIA Request

Emma,

I am still working on your FOIA request and will need an additional week to respond. Please do not hesitate to reach out if you have any questions.

312-742-7144

Thank you,

Angelica Lis

City of Chicago
Department of Planning and Development
121 N. LaSalle St. Room 1000
Chicago, IL 60602



From: Emma Clouse <eclouse@clccrul.org>
Sent: Tuesday, April 27, 2021 1:40 PM
To: DPDFOIA <DPDFOIA@cityofchicago.org>
Subject: RE: FOIA Request

[Warning: External email]

Dear Ms. Lis,

Thanks you for the response to our Freedom of Information Act request below. Attached to this email is our revised request. I reached out last week when preparing this revised request to see if we might be able to talk through some of the requests on the phone to clarify a few questions I had. If you'd like to still have a phone call, I'm happy to walk through this revised request during that conversation. If you have any questions, please



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

June 01, 2021

Emma Clouse

VIA ELECTRONIC MAIL:

Dear Ms. Clouse:

On behalf of the City of Chicago Department of Planning and Development, I am responding to your Freedom of Information Act (FOIA) request. Your FOIA request specifically states and seeks the following information:

Thank you for your April 13, 2021 letter responding to our March 31, 2021 Freedom of Information Act (FOIA) request. In the original request (the "Request"), we requested two sets of information and the Department of Planning and Development (DPD) responded on April 13, 2021 (the "Response"). You responded that some materials in response to the request could be found on the City's Open Data Portal and that the remaining requests were unduly burdensome. You also requested that this FOIA request be narrowed and clarified. We respond as follows:

Set One

Request #1: Any and all records related to the TIF Investment Committee meetings, including meeting agendas, notes and/or minutes, and records provided to Committee members at or before meetings.

You responded that the request for agendas and meeting minutes are reflective of what is "published on the City's Open Data Portal" and that "'notes' and 'records provided to Committee members at or before meetings' does not sufficiently identify the records" we are seeking and is therefore burdensome. We are unable to find agendas, meeting minutes and similar records on the website link provided in your response, and request these records in the following clarified request:

(a) Any and all records provided to TIF Investment Committee members at TIF Investment Committee meetings or in anticipation of such meetings including meeting agendas, minutes, and notes.

Request #2: Any and all records related to the analysis prepared by staff regarding the agenda items of the TIF Investment Committee meetings.

This request refers to the process described on page 17 of the 2020 TIF Program Guide, which states:

Projects are submitted to the TIF Investment Committee by departments, aldermen, and other applicants for funding. The TIF Investment Committee promulgates guidance to potential applicants on the form their application should take and what information is required for consideration by the Committee. Prior to a meeting of the TIF Investment Committee, the Financial Incentives Division and other supporting staff shall review each application to ensure that it is eligible for TIF funding and to prepare an analysis of

the application for review by voting members. The TIF Investment Committee shall review each application to determine whether the application presents a TIF-eligible project that advances the objectives of the TIF district and the surrounding community. We agree to narrow this request to the following:

(a) Any and all records related to the analysis of applications prepared by Financial Incentives Division and other supporting staff for review by the Committee voting members.

Request #3: Any and all records reflecting “guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee.”¹

You responded that requests #2 and #3 are “unduly burdensome because the language is too broad and does not properly identify what [we] are seeking.” Your collective response to Request #2 and #3 fails to separately identify how Request #3 is unduly burdensome or not specific enough to identify the records requested. The request specifically identifies the records as those described in the 2020 TIF Program Guide on page 17. We are willing to narrow the timeframe of the request for responsive records to the period starting May 20, 2019. Please provide the documents requested.

Set Two

Request #1: Any and all records since February 5, 2020 regarding a “more robust but-for analysis for all private applicants for TIF funds” as referenced by the Mayor’s February 5, 2020 press release.

Request #2: Any and all records related to hiring or retaining consultants for work related to the “more robust but-for analysis for all private applicants for TIF funds.”

You responded that requests #2 and #3 are “unduly burdensome because the language is too broad and does not properly identify what [we] are seeking.” To clarify our request, by citing the Mayor’s February 5, 2020 press release, we are asking for the records as of that date, including records pertaining to the “but-for” analysis of applications (reflective in Request #1) and any records related to hiring or retaining consultants for the “but-for” analysis (reflective in Request #2).

Request #3: Any and all records related to AECOM and the “more robust but-for analysis for all private applicants for TIF funds” including, but not limited to any contracts, reports, analyses, and invoices.

You responded that the requested records are materials reflected in the “the City’s Open Data Portal.” Again, we were unable to locate records of AECOM contracts, reports, analyses, invoices, and other records related to AECOM efforts for the “but-for analysis” on this site. Please provide the documents requested or clarify more specifically where we can find these records on-line.

Your request was dated and received by this department on April 27, 2021.

The responsive records, to the extent they are maintained by DPD, are attached.

Sincerely,
Angelica Lis
FOIA Officer
City of Chicago Department of Planning and Development
(312) 742-7144

Submitted Via Email to: leah.bartelt@illinois.gov; steven.silverman@illinois.gov

July 30, 2021

Sarah Pratt
Public Access Counselor
Illinois Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

Re: Freedom of Information Act Appeal

Dear Ms. Pratt,

This is an appeal by Chicago Lawyers' Committee for Civil Rights for records sought from the City of Chicago's Department of Planning and Development (DPD) under the Freedom of Information Act (FOIA). The records sought and improperly withheld relate to the activities of the City's Tax Increment Financing (TIF) Investment Committee, which is administratively supported by DPD.

The TIF Investment Committee was established by the City on February 5, 2020 as part of an effort to bring "additional transparency and accountability to the TIF system,"¹ which handles over \$850 million in annual revenue.² The TIF Investment Committee includes, as voting members, the following City of Chicago Officials: the Chief Financial Officer, the Budget Director, the Comptroller, the Deputy Mayor for Infrastructure and Services, the Deputy Mayor for Neighborhood and Economic Development, and the Chief Equity Officer of the City of Chicago.³ The Committee reviews each application for TIF based upon analyses prepared by DPD's Financial Incentives Division and votes to approve or reject the application. Approved applications proceed to the City's Community Development Commission and to the Chicago City Council for further approval.⁴ The City's announced reform efforts also indicated that DPD, at the direction of the TIF Investment Committee, would "adopt a more robust 'but for' analysis for all private applicants for TIF funds."⁵ Legally required for TIF applications, the "but-for" analysis determines whether a project can be developed without the aid of TIF funding.

Chicago Lawyers' Committee sought records in DPD's possession related to the TIF Investment Committee, including: meeting agendas, minutes, and notes; records related to the analysis of applications; consulting records related to the City's partnership with AECOM— a consulting firm that works on the stated reform analyses; and any and all records related to the TIF

¹MAYOR LIGHTFOOT ANNOUNCES MAJOR REFORMS TO THE CITY'S APPROACH TO ALLOCATING TAX INCREMENT FINANCING (TIF) FUNDS, 2, Office of the Mayor, Feb. 5, 2020.

² Bridget Fisher, Flavia Leite, and Lina Moe. TIF CASE STUDIES: CALIFORNIA AND CHICAGO, Schwartz Center for Economic Policy Analysis, August 20, 2020.

³ CITY OF CHICAGO TAX INCREMENT FINANCING PROGRAM GUIDE, 17, Department of Planning and Development, 2020.

⁴ Id.

⁵ MAYOR LIGHTFOOT ANNOUNCES MAJOR REFORMS TO THE CITY'S APPROACH TO ALLOCATING TAX INCREMENT FINANCING (TIF) FUNDS, 2, Office of the Mayor, Feb. 5, 2020.

Investment Committee’s “more robust ‘but-for’ analysis.” DPD failed to fully comply with this request, providing extremely limited records and no indication that other responsive records were withheld and exempt from disclosure. (See Exh. H.) We respectfully request that the Public Access Counsel issue a binding opinion that DPD must disclose records responsive to our request and provide a detailed, factual justification for any records withheld as exempt from disclosure.

I. FACTS

On March 31st, Chicago Lawyers’ Committee for Civil Rights requested records from DPD under FOIA. (See Exh. A) On April 13th, Angelica Lis, FOIA Officer for DPD, responded by stating the request did not “sufficiently identify the records” sought and was “unduly burdensome.” (See Exh. C, citing 5 ILCS § 140/3(g)). We were asked to narrow and clarify our request. On April 27th, we submitted a revised request seeking the following:

The first set of requested information concerns the TIF Investment Committee:

1. *Any and all records provided to TIF Investment Committee members at TIF Investment Committee meetings or in anticipation of such meetings, including meeting agendas, minutes, and notes.*
2. *Any and all records related to the analysis of applications prepared by the Financial Incentives Division and other supporting staff for review by the Committee voting members.*
3. *Any and all records reflecting “guidance provided to potential applicants on the form their application should take and what information is required for consideration by the Committee.”⁶*

The second set of requested information concerns the creation of a “more robust but-for analysis for all private applicants for TIF funds,” as described in a February 5, 2020 City of Chicago press release:⁷

1. *Any and all records since February 5, 2020 regarding a “more robust but-for analysis for all private applicants for TIF funds” as referenced by the Mayor’s February 5, 2020 press release.*
2. *Any and all records related to hiring or retaining consultants for work related to the “more robust but-for analysis for all private applicants for TIF funds.”*
3. *Any and all records related to AECOM and the “more robust but-for analysis for all private applicants for TIF funds” including, but not limited to any contracts, reports, analyses, and invoices.*

⁶ CITY OF CHICAGO TAX INCREMENT FINANCING PROGRAM GUIDE, 17, Department of Planning and Development, 2020.

⁷ MAYOR LIGHTFOOT ANNOUNCES MAJOR REFORMS TO THE CITY’S APPROACH TO ALLOCATING TAX INCREMENT FINANCING (TIF) FUNDS, 2, Office of the Mayor, Feb. 5, 2020.

(See Exh. D) Ms. Lis then asked for, and we agreed to, a series of extensions. On June 1st, we received a response to our request in a letter signed by Ms. Lis stating “[t]he responsive records, to the extent they are maintained by DPD, are attached.” (See Exh. H) The attached records consisted of 160 pages of listed TIF projects, organized by date, to be considered by the TIF Investment Committee and two invoices for services from AECOM. (See Exh. H for an excerpt of the project list and invoice copies). In her response, Ms. Lis provided no indication that otherwise responsive records were exempt from disclosure and thus withheld.

The activities and records of the TIF Investment Committee, described in a number of sources, including information in the 2020 City of Chicago Tax Increment Financing Program Guide (“Program Guide”) and the Office of the Mayor’s Press Release on February 5, 2020 (“Press Release”), make clear that DPD’s response is not compliant with its FOIA obligations. The Program Guide describes the TIF Investment Committee’s purpose and procedures on page 17. According to the Program Guide, the TIF Investment Committee meetings involve the submission of TIF program proposals, promulgation of guidance materials, review of application materials, assessment of eligibility based on TIF district objectives and the surrounding community, and preparation of materials to inform voting members. Records explicitly described and records highly likely to be generated by the activities described (such as agendas, meeting minutes, and records of decision-making) are responsive to our FOIA request but were not provided.

In its Press Release, the City indicates that the TIF Investment Committee has developed a routine analysis to guide future investments and ensure they are aligned with the administration’s commitment to promoting equity citywide. The committee meets to review proposals that expand access to TIF funds for businesses and neighborhoods that have historically lacked the investments that other neighborhoods enjoyed. The Press Release also indicates that the TIF Investment Committee “directed [DPD] to adopt a more robust ‘but-for’ analysis for all private applicants for TIF funds.” Records related to these activities, which undoubtedly exist, would be responsive to our FOIA request but were not provided.

II. LEGAL STANDARDS

FOIA is intended to “open government records to the light of public scrutiny.” *Day v. City of Chi.*, 388 Ill. App. 3d 70, 73 (2009). Thus, records held by a public body are presumed to be open and accessible to the public. *Lieber v. Bd. of Trustees of S. Ill. Univ.*, 176 Ill. 2d 401, 407 (1997). FOIA provides seven specific exemptions to disclosure and those exemptions are to be read narrowly. See 5 Ill. Comp. Stat. § 140/7 (West 2016); *Lieber*, 176 Ill. 2d at 407. When a public body denies a request for public records, it must notify the requestor in writing of the decision to deny and the reasons for the denial – including a detailed, factual basis for the application of any claimed exemption. 5 Ill. Comp. Stat. § 140/9(a); see also No. Pub. Access 2012 PAC 18883 (Ill. A.G. May 3, 2013) (concluding that a public body that did not identify and provide a factual basis for a relevant FOIA exemption had failed to meet its burden in withholding requested records.)

III. ARGUMENT

DPD violated FOIA by (1) failing to produce records responsive to several of our specific requests; and (2) failing to identify a permissible exemption and factual basis for records not produced.

The records produced by DPD are very limited and are not responsive to much of what we requested. DPD provided no records that relate to the TIF Investment Committee's application of a "more robust but-for analysis" to TIF project proposals, nor did they include any mention of records produced in relation to the activities of the TIF Investment Committee by the Financial Incentives Division of DPD. Prior to consideration by the TIF Investment Committee, the Financial Incentives Division analyzes each proposal to ensure the project's eligibility for TIF funding. The Mayor's Office has confirmed that this process includes a "robust 'but-for' analysis" to determine whether TIF funding is necessary for the project's viability. Given the complex nature of this "but-for" analysis, the numerous applications to which it would be applied, and the TIF Investment Committee's consideration of such an analysis as part of its decision-making for each application, it is extremely unlikely that there are no records related to it. Similarly, DPD has neither produced nor claimed an exemption for a single meeting agenda, set of minutes, record of decision-making, presentation of a TIF application or any other record that would result from the activities of such a Committee. Taken at face value, DPD's response indicates that the activities of the TIF Investment Committee – and DPD's analytical supports to the Committee – are entirely oral and unrecorded, which is difficult to believe.

To the extent that DPD withheld such records, it has done so improperly. As noted above, DPD's legal burden for withholding responsive records is to identify the permissible ground for exemption under FOIA and provide a detailed, factual basis for the application of any claimed exemption. *See* 5 Ill. Comp. Stat. § 140/9(a). DPD's response does not indicate that any records were withheld.

IV. CONCLUSION

For the reasons described above, Chicago Lawyers' Committee for Civil Rights appeals the DPD response to our request for records under FOIA and requests that the Public Access Counsel direct DPD to provide all records responsive to our FOIA request.

If you have any questions about handling this appeal, you may contact Emma Clouse at eclouse@clccrul.org.

Thank you for your consideration of this appeal.

Sincerely,

/s/ Emma Clouse
Emma Clouse
Equal Justice Works Fellow
Chicago Lawyers' Committee for Civil Rights



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 13, 2022

Via electronic mail

Ms. Emma Clouse
Equal Justice Works Fellow
Chicago Lawyers' Committee for Civil Rights
100 North LaSalle Street, Suite 600
Chicago, Illinois 60602
eclouse@clccrul.org

Via electronic mail

Ms. Angelica Lis
City of Chicago
Department of Planning and Development
121 North LaSalle Street, Room 1000
Chicago, Illinois 60602
DPDFOIA@cityofchicago.org

RE: FOIA Request for Review – 2021 PAC C-0146

Dear Ms. Clouse and Ms. Lis:

This determination letter is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2020)). For the reasons that follow, the Public Access Bureau is unable to conclude that the City of Chicago's Department of Planning and Development conducted a reasonable search for records responsive to Ms. Emma Clouse's April 27, 2021, FOIA request.

BACKGROUND

On that date, Ms. Clouse submitted a narrowed¹ FOIA request to the Department generally seeking copies of various records concerning the TIF Investment Committee and

¹The Department denied a previous version of this FOIA request as unduly burdensome under section 3(g) of FOIA (5 ILCS 140/3(g) (West 2020)) – that denial is not under review in this matter.

Ms. Emma Clouse
Ms. Angelica Lis
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AECOM. Following a series of agreed-upon extensions, the Department provided responsive records on June 1, 2021. On July 30, 2021, Ms. Clouse submitted this Request for Review contesting the completeness of the Department's response.

On August 26, 2021, the Public Access Bureau forwarded a copy of the Request for Review to the Department and asked it to provide a written explanation of the searches performed for responsive records, including the personnel consulted and the record-keeping systems searched. On September 8, 2021, the Department responded that it was "still processing this request for review and will need another 2 weeks to process this request."² On September 30, 2021, the Department responded that it had "identified additional records to produce, and that [it was] in the process of gathering them to produce, and will therefore need additional time to send in our response."³ Having received no response to our further inquiry, on November 29, 2021, this office contacted the Department via e-mail concerning the status of its response. Later the next day, the Department responded, asserting that it was "still processing this request for review. I will need an additional week to respond."⁴ Finally, on December 14, 2021, the Department responded, stating that "[d]ue to staff members being out of the office, [the Department] is still reviewing the records. I should a response with records for your review by the end of next week."⁵ As of the date of this determination, this office has received no further correspondence from the Department. Further, Ms. Clouse has confirmed that she has received no supplemental production from the Department.

DETERMINATION

"It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with [FOIA]." 5 ILCS 140/1 (West 2020). Section 1.2 of FOIA (5 ILCS 140/1.2 (West 2020)) provides that "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." When presented with a FOIA request, a public body is required to conduct a "reasonable search tailored to the nature of [that] particular request." *Campbell v. U.S. Dep't of Justice*, 164 F. 3d 20, 28 (D.C. Cir. 1998). "Although a public body is not required to perform

²E-mail from Angelica Lis, City of Chicago, Department of Planning and Development, to Christopher Boggs (September 8, 2021).

³E-mail from Angelica Lis, City of Chicago, Department of Planning and Development, to Christopher Boggs (September 30, 2021).

⁴E-mail from Angelica Lis, City of Chicago, Department of Planning and Development, to Christopher Boggs (November 30, 2021).

⁵E-mail from Angelica Lis, City of Chicago, Department of Planning and Development, to Christopher Boggs (December 14, 2021).

Ms. Emma Clouse
Ms. Angelica Lis
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an exhaustive search of every possible location, the body must * * * search those places that are 'reasonably likely to contain responsive records.'" *Better Government Ass'n v. City of Chicago*, 2020 IL App (1st) 190038, ¶31, ___ N.E.3d ___ (2020) (quoting *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 373 F. Supp. 3d 120, 126 (D.D.C. 2019)).

Despite this office's unambiguous request for a written explanation of how the Department searched for responsive records, the Department has provided no information in that regard. Rather, in its September 30, 2021, e-mail to this office, the Department confirmed that it had located additional responsive records that it intended to gather and produce. Yet there is no indication that it has done so. Under these circumstances, the Public Access Bureau is unable to conclude that the Department demonstrated that it performed a reasonable search for the requested records in response to the April 27, 2021, FOIA request. Based on the Department's September 30, 2021, correspondence to the Public Access Bureau, this office asks the Department to immediately issue a supplemental response to Ms. Clouse, disclosing copies of the non-exempt portions of the records it has subsequently located. If any records are denied, the Department must issue a letter of denial that provides a detailed factual basis for the relevant exemption(s) and otherwise fully complies with the requirements of section 9 of FOIA (5 ILCS 140/9 (West 2020)).

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this file. If you have any questions, please contact me at (217) 785-7438 or Christopher.Boggs@ilag.gov.

Very truly yours,

Christopher R. Boggs

CHRISTOPHER R. BOGGS
Supervising Attorney
Public Access Bureau

C-0146 f 3a search improper mun



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

January 18, 2021

Christopher R. Boggs
Assistant Attorney General
Public Access Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62701

VIA ELECTRONIC MAIL: Christopher.Boggs@ilag.gov

RE: FOIA Request for Review – 2021 PAC C-0146

Dear Mr. Boggs:

I am writing this letter on behalf of the Department of Planning and Development (DPD) in response to your office's request for review regarding Ms. Clouse's April 27, 2021 FOIA request. The purpose of the is letter is address Ms. Clouse's allegation that DPD maintains but failed to provide additional responsive records.

Ms. Clouse claims that DPD's production was inadequate because it did not produce meeting agendas, minutes, records of decision-making, records related to activities of the TIF Investment Committee by the Financial Incentives Division of DPD, and records related to the TIF Investment Committee's application of a "more robust but-for analysis" referenced in a press release. A public body must establish that it conducted a reasonable search in light of the requestor's FOIA request. See *Patterson v. I.R.S.*, 56 F.3d 832, 840-41 (7th Cir. 1995). In determining the adequacy of an agency's search, "[t]he issue is not whether any further documents might conceivably exist but rather, whether the government's search for responsive documents was adequate." *Perry v. Block*, 684 F.2d 121, 128 (D.C. Cir. 1982) (Emphasis in original).

I am the FOIA Officer that searched for records responsive to Ms. Clouse's request and responded to it. I conducted a search for records in consultation with Tim Jeffries, who is a Deputy Commissioner at DPD that oversees its TIF division. I initially determined Ms. Clouse's FOIA request was unduly burdensome. Ms. Clouse eventually narrowed her request to the following:

Any and all records provided to TIF Investment Committee members at TIF Investment Committee meetings or in anticipation of such meetings including meeting agendas, minutes, and notes.

* * *

Any and all records related to the analysis of applications prepared by Financial Incentives Division and other supporting staff for review by the Committee voting members.

* * *

Any and all records since February 5, 2020 regarding a “more robust but-for analysis for all private applicants for TIF funds” as referenced by the Mayor’s February 5, 2020 press release.

* * *

Any and all records related to hiring or retaining consultants for work related to the “more robust but-for analysis for all private applicants for TIF funds.

* * *

Any and all records related to AECOM and the “more robust but-for analysis for all private applicants for TIF funds” including, but not limited to any contracts, reports, analysis, and invoices.

I obtained over 160 pages of documents pertinent to the business of the TIF committee from Mr. Jeffries. DPD maintains a database of pending TIF applications, and listings from the database constitute the agenda for each TIF Committee. Mr. Jeffries obtained responsive records from the database. In addition, DPD produced invoices and procurement and payment forms related to services by AECOM. Ms. Clouse provided copies of these records to your office, and are found in the document labeled “C-0145 initial docs.”

After receiving this request for review, I again consulted Mr. Jeffries, who advised that before TIF Committee meetings, DPD conducts a review of applications to determine its overall recommendation. DPD does not distribute applications to Committee members. Instead, DPD advances its recommendation as a presentation that includes a brief summary of the project, the relevant details, and DPD’s recommendation. I obtained copies of these presentations from Christopher Stark, a Financial Planning Analyst for DPD.

DPD received a request for review from your office, asking DPD to provide a detailed written response explaining the applicability of Section 7(1)(7). DPD is now submitting this letter in response. DPD is also submitting an unredacted version of the records for your office’s confidential review and is submitting it with the understanding that it will not be disclosed outside your office and will only be used for its confidential review of this matter.

ANALYSIS

DPD properly withheld records pursuant to Section 7(1)(f). We have withheld internal notes, presentations to the TIF Investment Committee, and drafts reports under Section 7(1)(f) of FOIA. That section exempts:

Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.

5 ILCS 140/7(1)(f). The U.S. Supreme Court has determined that the deliberative process exemption under FOIA focuses on documents that reflect “advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.” *NLRB v. Sears and Roebuck*, 421 U.S. 132, 150-151 (1975). The purpose is to encourage “frank discussion of legal or policy matters” such that employees in government feel free to express their opinions before a final legal or policy decision is made. “Deliberative” has been found to mean being a direct part of the process where recommendations and opinions are expressed. *Vaughn v. Rosen*, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975). Records where preliminary opinions are expressed and policies and actions are formulated are therefore exempt from production under Section 7(1)(f) of the Illinois FOIA, and have been properly withheld.

Accordingly, because these documents are a part of the deliberative process, it is properly withholding them pursuant to Section 7(1)(f).

CONCLUSION

For the reasons stated above, DPD requests that the PAC find DPD in compliance with FOIA. Should you have any questions or concerns, please contact me.

Sincerely,

Angelica Lis
FOIA Officer
City of Chicago Department of Planning and Development
312-742-7144

CITY OF CHICAGO

Tax Increment Financing Program Guide



DEPARTMENT OF PLANNING
AND DEVELOPMENT

2020

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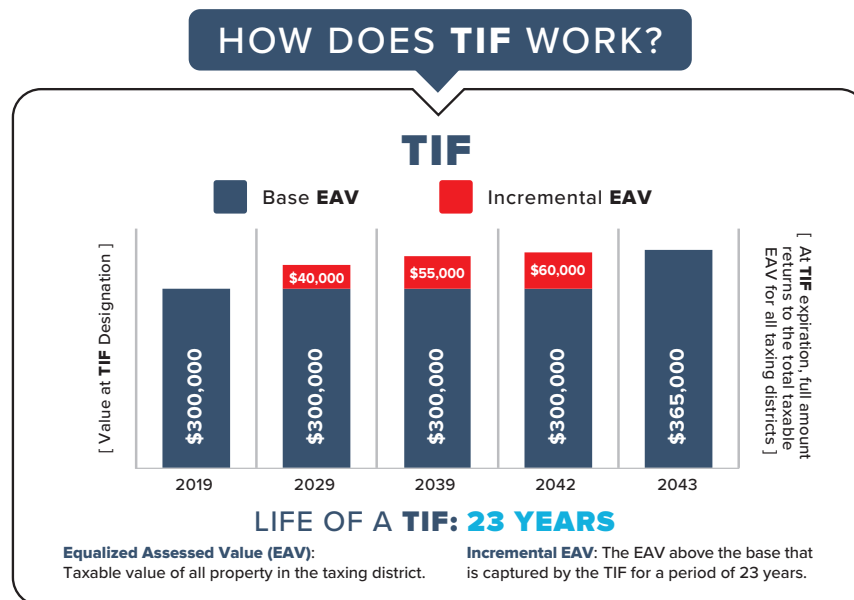
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An Overview of Tax Increment Financing

Tax Increment Financing, or “TIF”, is a financial tool used to promote economic development in the City of Chicago’s neighborhoods. Funds are primarily used to make improvements to Chicago’s physical assets, which include city infrastructure, neighborhood economic development, schools, transit, and parks. TIF is also used to leverage private-sector investment, including commercial, industrial, and affordable housing redevelopment projects.

HOW TIF DISTRICTS GENERATE FUNDS

Funds for these projects are generated from property taxes on increasing property taxes within the district over a period of 23 years. When a TIF district is created, the total Equalized Assessed Value (EAV) of the properties within the district establishes the base value of the TIF. As development in the area occurs, new property taxes are generated from the increase in EAV above the TIF district’s base. These funds are called incremental property taxes – which is often referred to either as “IPT” or just “increment” – and can be used for eligible redevelopment costs. Meanwhile, the taxes assessed on the value of the base continue to be dispersed to the other taxing bodies throughout the life of the TIF. When a TIF district expires, the increased EAV over the base is taxed normally with funds distributed to each taxing body according to their levy. The chart below explains this process.

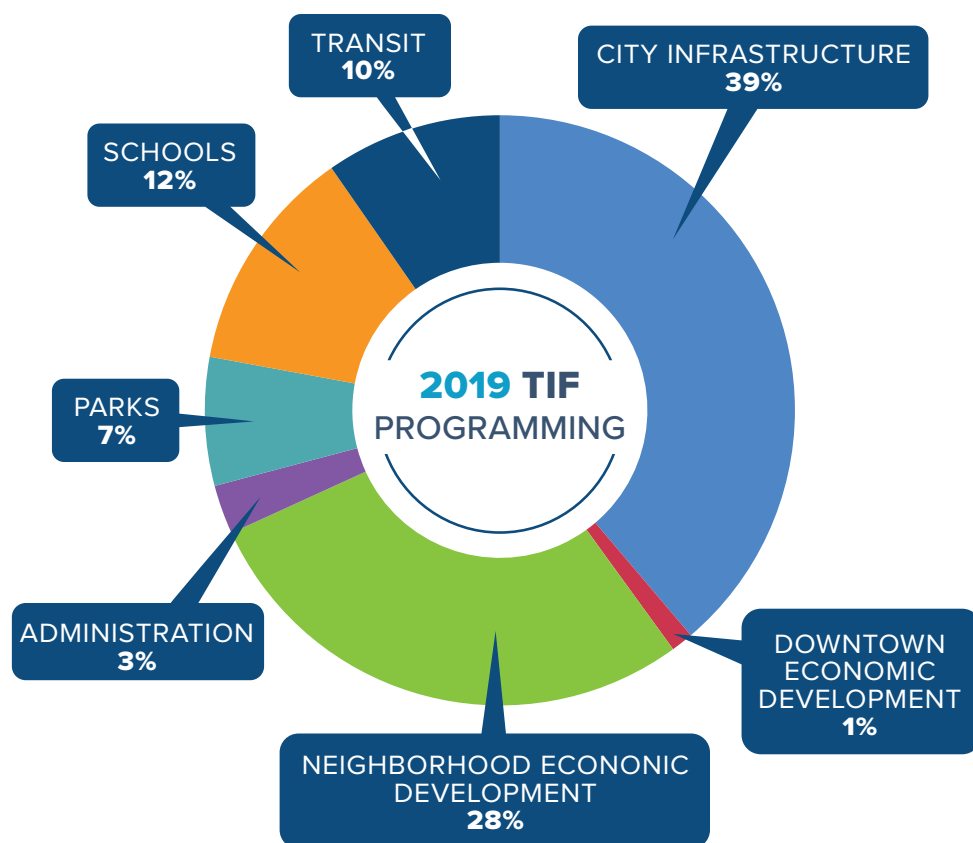


It is important to note that the inclusion of a property within a TIF does not increase its taxes. Since TIF districts do not directly change either the value of a property or the tax rate, any given property would have the same tax bill whether it was within a TIF or not.



CURRENT USE OF TIF IN CHICAGO

The use of TIF was first approved by City Council in 1983. Since then, a total of 184 TIF districts have been created and, as of January 1, 2020, there are 136 active TIF districts throughout the City of Chicago. The TIF program currently generates more than \$840 million in increment on an annual basis. The vast majority of those funds – including 71 percent of all funds in 2019 – are used to make fully public improvements, including street improvements, CTA facilities, schools, and parks. The remainder of funds are used to leverage private investment, including commercial, industrial, and affordable housing projects.



Designating TIF Districts

Illinois state law establishes a process for municipalities like Illinois to use if they intend to create TIF program. The City of Chicago follows this system to designate certain areas as TIF districts.

TIF DESIGNATIONS

The use of TIF funds starts with the creation, or designation, of a TIF district. To designate a TIF district, the City must take the following steps: (1) create a redevelopment plan that establishes goals for the TIF district, (2) study the district to learn whether it is eligible under the TIF Act, (3) obtain feedback from the public, (4) obtain the approval of the Community Development Commission, and (5) obtain City Council approval.

Activity	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
Identifies a new TIF district	■											
Hire TIF consultant		■										
Data collection/Field work			■	■								
Prepare Plan/Eligibility Study				■	■	■						
Public Meeting						■	■					
File Plan with City Clerk								■				
CDC introduction								■				
Joint Review Board									■			
CDC Public Hearing										■		
Plan Commission										■		
City Council introduction											■	
Finance Committee												■
City Council approval												■
File Plan with Cook County												■

District Eligibility Study

Once an area has been identified as in need of redevelopment, the Department of Planning and Development will undertake an analysis to determine if it meets the legal requirements necessary to designate a TIF district. This is often done in partnership with an outside consultant. The scope of work for an eligibility analysis includes field surveys performed on a parcel-by-parcel basis, exterior survey of the condition and use of each parcel, and analysis of the existing land uses and current zoning. This analysis forms the basis of an “Eligibility Study” which defines the ways in which an area meets the basic eligibility criteria legally required to be approved as a TIF district. The completed Eligibility Study provides a full summary of findings, relevant documentation demonstrating eligibility factors, and maps.

District Redevelopment Plan

In addition to the Eligibility Study, the Department of Planning and Development works to create a Redevelopment Plan. This document provides an overview of how the TIF will be used as well as City’s goals and objectives in creating the district. These are critical components for any TIF district because the City cannot allocate increment to a project unless it advances the goals of the TIF. Other elements of the Redevelopment Plan include anticipated improvements and activities, project costs and estimated budget, project boundary and legal description, and a future land use plan.



Public Review

After the completion of both the Redevelopment Plan and Eligibility Study, the Department of Planning and Development presents the findings of both documents at a public meeting to receive feedback from the public. Meetings are typically held at a location within or near the proposed TIF district and hosted in coordination with the local Aldermen that may be impacted by the designation of a TIF district. Following the meeting, the Redevelopment Plan or even the boundaries of the TIF may be refined based on feedback from the public.

Community Development Commission

The completed Redevelopment Plan and Eligibility Study are both filed with the City Clerk's Office and the Department of Planning and Development introduces the materials to the Community Development Commission ("CDC") for review. The materials are also presented to the Joint Review Board, which is comprised of representatives of the impacted taxing bodies, including Chicago Public Schools and the Chicago Park District. A presentation of the proposed TIF district is given to the Joint Review Board, which will review the matter and give a non-binding vote to either support or oppose the creation of the district.

Approximately two months after the CDC introduction, the matter is discussed by the body and community members are given another opportunity to provide input. CDC is ultimately responsible for taking a vote on the item and making a recommendation to City Council to approve the designation of the TIF district.

City Council

If the item is approved by CDC, legislation will be introduced at City Council authorizing the designation of a new TIF district and subsequently referred to the Committee on Finance. At the next meeting of the Committee in the following month, the designation of the TIF district would be subject to debate, discussion, and an additional opportunity for public feedback. Members of the Finance Committee would ultimately vote to approve the designation and refer it back to City Council for a vote and approval.

DIFFERENT TYPES OF TIF DISTRICTS

The State's TIF Act defines three different kinds of TIF districts – blighted, conservation, and transit. Each has a different rationale for their use and different eligibility criteria required for designation. The legislative process for all three, however, is generally the same.

Blighted TIF Districts

Blighted TIFs are put in place in order to provide funding for development in areas that are “blighted” based on the legal definition in the Illinois TIF Act. The definition includes factors like: a progressive and advanced deterioration of structures, a lack of physical maintenance of the built environment, and a decline in property values. A blighted TIF is unique in that it has eligibility criteria that is specific to property that is either improved or vacant. For example, criteria for improved property focuses on things like the deterioration or obsolescence of a building; while criteria for vacant property looks at environmental remediation and underground conditions. Improved areas need to demonstrate that five of 13 factors are present, while vacant areas require two of six factors to be present.

Conservation TIF Districts

Conservation TIFs are rapidly deteriorating or declining areas that do not yet meet the legal requirements of a blighted area but may become one if that decline isn't stopped. The eligibility criteria for conservation TIFs are generally the same as those for improved property in blighted TIFs. Conservation TIFs, however, require less factors to be present – three of 13, rather than five. Additionally, more than 50 percent of the buildings within a conservation TIF must have been constructed more than 35 years ago.

Transit TIF Districts

In June 2016, the Illinois General Assembly amended the TIF Act to allow for the creation of TIF districts focused on transit improvements.¹ These so-called “Transit TIFs” are distinct and different from blighted and conservation TIFs. Primarily, these TIFs can only be used to fund the construction or improvement of public transportation. Transit TIFs are also longer in place for 36 years but can only be designated within a half-mile of specific transit facilities.

Chicago currently has one Transit TIF for the Red Purple Modernization (“RPM” project. TIF will be used to provide funding for repairs and reconstruction of the CTA's nearly 100-year-old Red and Purple lines, including the modernization of stations between Lawrence and Bryn Mawr and a construction of an elevated bypass at the Belmont station.

¹ 65 ILCS 5/11-74.4-3.3



CLOSING TIF DISTRICTS

Typically, TIF districts remain in place for 23 years, which is outlined in the State's TIF Act and defined in each district's redevelopment plan. After the expiration, the increase in EAV over the life of the TIF is now part of the normal taxing levy. If there are any unspent funds remaining in a TIF district they are treated as surplus and transferred to the Cook County Treasurer to be proportionally redistributed back to the taxing bodies. There are, however, occasions when a TIF districts are closed before 23 years. Those occur either as a "Repeal" or an "Early Termination."

Repeal

The TIF Act requires the closure of a TIF district if there has been no activity or expenditures in advancement of the redevelopment plan within seven years of its designation. Any unspent funds remaining upon the repeal of the TIF are treated as surplus. Since 2011, three TIF districts have been repealed.

Early Termination

At the election of a municipality, any TIF district can be terminated any time prior to the defined expiration date. On an annual basis, the Department of Planning and Development undertakes a review of the City's portfolio of active TIF districts in order to identify districts that demonstrate:

- Inactivity – this occurs many times when the current EAV is below the base EAV, which results in no TIF revenue for the district
- Obligations Met – when projects are completed and paid in full, and no further activity is anticipated
- Redevelopment Goals Met – this occurs when districts have redeveloped without the need of TIF

In the case that one or more of those factors are present, the City may initiate the process to terminate the district. This action requires the approval of City Council and must occur before November of the year the action is taking place so that other taxing districts can be notified. Any unspent funds remaining upon the termination of the TIF are treated as surplus. Since 2011, the City has terminated 25 TIF districts.

EXTENDING TIF DISTRICTS

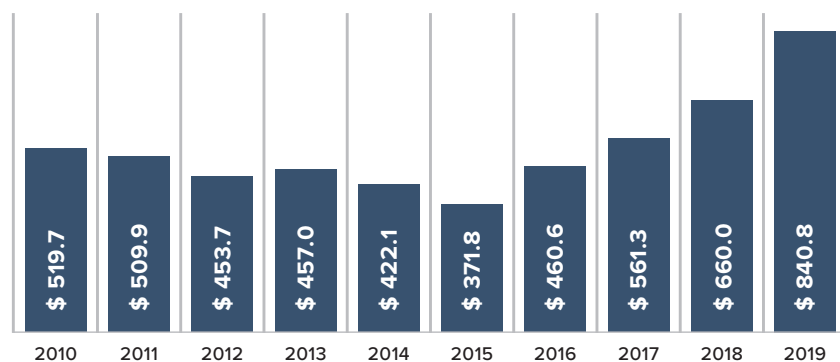
Occasionally, a TIF districts will be nearing the end of its 23-year term but still have a significant amount of redevelopment necessary to address the goal and objectives of the Redevelopment Plan. In these cases, the City may pursue an "extension" of the TIF district. This action requires authorization by the State legislature and, if approved, provides an additional 12 years to the term of the TIF district – a total of 36 years. TIFs cannot be extended more than once.

Administering TIF Districts

The City uses TIF revenues to defray redevelopment costs, such as infrastructure investments.

TIF Revenue

The amount of TIF available for the use is a function of property taxes and varies each year. In recent years, as the City has recovered from the recession, the amount of increment generated has increased. In 2019, the City's TIF districts generated \$841 million. The chart below compares that figure to recent years.



TIF REVENUE (IN MILLIONS)

* Source: Cook County Clerk TIF Reports

Eligible Redevelopment Project Costs

Once funds accumulate within each district, they are available to be used for eligible redevelopment costs. The rules of what makes a redevelopment cost either an eligible or ineligible is established by the State of Illinois. When projects request funding, the City of Chicago reviews each to determine if they meet the legal requirements for the use of TIF.

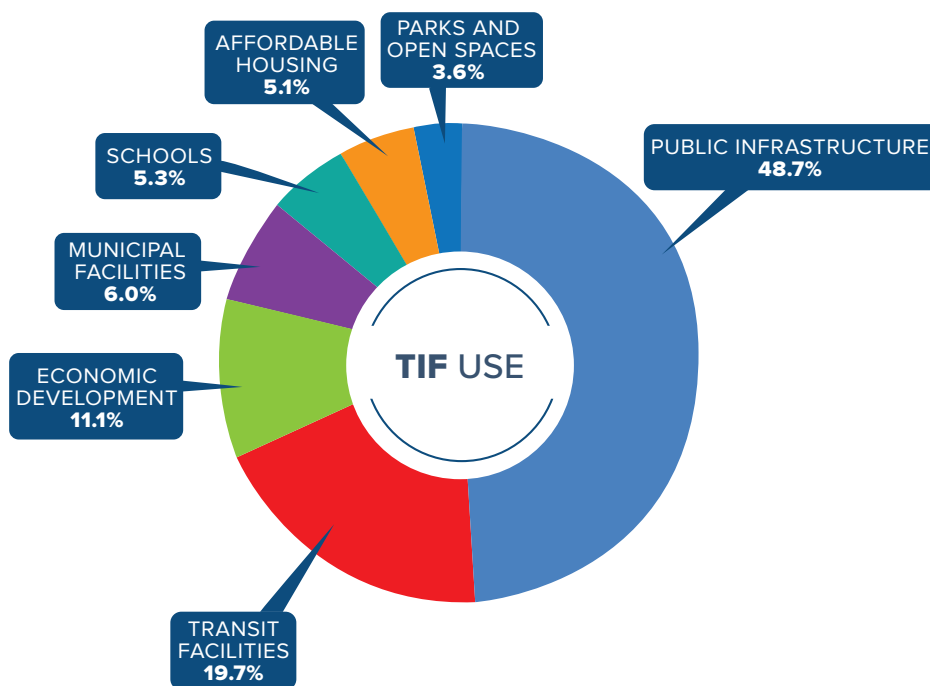
COMMON ELIGIBLE COSTS INCLUDE:	COMMON INELIGIBLE COSTS INCLUDE:
Public works, including infrastructure and municipal facilities.	New construction, except for municipal facilities and affordable housing
Property acquisition.	Fixtures, such as ornamental lighting, appliances, or furniture
Site preparation	Minor improvements, such as painting or fencing
Environmental remediation.	Parking lots
Reconstruction or renovation of existing buildings.	Landscaping, except for public parks
Affordable housing units up to 50 percent of the per unit cost.	Operational expenses
Planning and development studies, including architectural design.	
Job training of employees of businesses located within the TIF district.	
Interest costs related to the development of a TIF project.	

² <https://www.cookcountyclerk.com/service/tif-reports>



How Chicago Uses TIF

Since 2011, the City of Chicago has approved the use of more than \$4.8 billion in TIF for eligible redevelopment projects. The overwhelming majority of those costs - \$4.0 billion, or 83.8 percent of all expenditures – went towards fully public projects, including public infrastructure, schools, parks, transit, and municipal facilities. The chart below provides specific details on how these funds were allocated. There are four basic types of TIF-funded projects: public infrastructure and facilities, affordable housing, economic development, and planning and administration.



CATEGORY	TOTAL ALLOCATION	PERCENTAGE
Public Infrastructure	\$2,356,407,744	48.7%
Transit Facilities	\$952,615,500	19.7%
Economic Development	\$537,577,140	11.1%
Municipal Facilities	\$289,440,771	6.0%
Schools	\$257,942,520	5.3%
Affordable Housing	\$244,232,941	5.1%
Parks and Open Spaces	\$173,933,018	3.6%
Plans, Studies, and Administration	\$21,668,458	0.4%
TOTAL	\$4,833,818,092	100.0%

Public Infrastructure and Facilities

This category includes expenditures that are generally considered public works. This encompasses the construction or rehabilitation of infrastructure, schools, parks, transit, and municipal facilities. As stated above, this category is where a significant majority of the City's TIF funds are pledged – more than \$4.0 billion, or 83.8 percent of all expenditures since 2011.

Infrastructure generally refers to projects located in the public right-of-way, including the design and construction of streets, sidewalk, alleys, lighting, and utility improvements. Since 2011, more than \$2 billion in TIF funds has been allocated towards projects that ensure the City's infrastructure remains in a state of good repair and prioritizes the safety of all residents. These projects most commonly are undertaken by the Chicago Department of Transportation.

Example: *Built in two phases, the Pilsen Sustainable Street is the first “sustainable streetscape,” built along Cermak and Blue Island Avenue. Receiving a total of \$10.9 million in TIF funds, the two-mile street scape includes new sidewalk and roadway surfaces, street trees, landscaped planters, roadway and pedestrian lighting, and community identifier elements.*

School projects include the construction or rehabilitation of the City's public schools. Projects may include the rehabilitation an existing building to address programmatic or life safety issues, the construction of a new facility to address demand, or the improvement of school grounds including playgrounds and athletic fields. Since 2011, the Chicago Public Schools have received \$258 million in TIF investments.

Example: *After identifying a demand in the Near South Side community area, Chicago Public Schools received \$11 million of TIF funds to construct South Loop Elementary School. The four-story facility has 32 classrooms, a lunchroom, gymnasium with stage, multipurpose room, and rooftop play area.*

Park projects refer to the construction or improvement of public open space or parks. This has included the construction of new fieldhouses in existing parks, the development of new parks in areas of need, and as well as smaller investments in playgrounds and landscaping. Nearly all \$174 million in TIF funds approved for park projects have been agreements with the Chicago Park District, although occasionally the City has provided TIF funding for privately-owned parks that are publicly accessible.

Example: *The Chicago Park District received \$10 million of TIF funds to construct the 64,000 square foot Morgan Park Sports Center. The center includes an indoor NHL-sized ice rink arena with 1,200 seats, a state-of-the-art gymnastics center, and a fitness studio.*



Transit facilities encompass a number of different kinds of improvements, but includes the construction or improvement of train stations, the installation of bus-specific improvements in the roadway, and well as more basic improvements like viaduct or track replacement. Since 2011, the City has allocated \$952 million on transit projects undertaken by the Chicago Transit Authority and the Chicago Department of Transportation. This figure includes \$625 million approved for the Red-Purple Modernization project.

Example: *The Quincy Station is one of the oldest and best-preserved CTA stations in Chicago. Using \$15.7 million of TIF funds, the renovation included two new elevators, stair renovations, and lighting improvements.*

Municipal facilities refer to the buildings that are used every day by the City's residents, including libraries, fire stations, and satellite service centers. In total, the City has allocated more than \$289 million for projects that enhance these facilities and ensure that all residents have access to critical City services.

Example: *The Public Building Commission and Chicago Public Libraries used \$15.7 million in TIF funds to construct a 16,000 square foot Chinatown Library.*

Affordable Housing

One of the City's most critical issues is maintaining the affordability of housing for all residents. TIF has played an essential role in addressing these concerns. Since 2011, more than \$244 million in TIF funds have been allocated towards projects that develop new affordable units or maintain existing ones. This includes the construction of multi-family housing development projects either by private developers or the Chicago Housing Authority.

Example: *The City used \$5.2 million in TIF funds to rehabilitate a building in East Garfield Park to create the East Park Single Room Occupancy (SRO) building, which provides permanent supportive housing to homeless persons and very low-income persons at risk of homelessness.*

Economic Development

The City has used \$537 million in TIF funding since 2011 to support economic development projects in areas that have significant market challenges or on properties that are difficult to develop because of factors like environmental remediation. Projects typically include large-scale commercial or industrial developments that provide new services, create job opportunities, or allow existing businesses to expand. Of this funding, approximately \$130 million supported the Small Business Improvement Fund, which provides grants of up to \$150,000 each to small commercial or industrial businesses in order to targeted rehabilitation improvements. Additionally, the TIFWorks program is used to provide funding to businesses located in TIF districts to provide workforce training.

Example: *The Hatchery, an incubator that helps new businesses get off the ground, used \$7.2 million in TIF funding to construct a building to house the incubator, including work and production quarters, dry and cold storage, common kitchens, and shipping docks.*

Planning and Administration

In addition to capital expenses, the City uses TIF to fund planning studies that help guide the future of the City's neighborhoods. These can be broadly focused over large areas, like the effort to modernize our industrial corridors, but are often more narrowly focused on commercial corridors or neighborhoods or even specific sites. Funds are additionally used to help the City administer the TIF program, including the development of software to help make the use of TIF more transparent.

Example: *The North Branch Framework Plan was created to study the use of 760 acres along the North Branch of the Chicago River between Kinzie Street and Fullerton Avenue. The plan includes modern land use parameters that will be used by legislative bodies to assess future development proposals and land use transitions in the North Branch.*

TIF SURPLUS

Each year the City of Chicago has reviewed the balance of all active TIF districts to identify funds that have not been used and are not required for the TIF district to continue to advance its objectives. These funds are referred to as "surplus." If the City declares funds to be surplus they are returned to the local taxing bodies, including the Chicago Public Schools, the City, Cook County, and other sister agencies. Although the City of Chicago has pursued a policy of annual surpluses since 2011, Mayor Lightfoot adopted an approach that led to the City's largest ever surplus declaration of \$300 million in 2020. This approach includes a full surplus of all increment generated in Chicago's downtown TIF districts. Downtown TIF districts include Chicago/Kingsbury, River West, LaSalle Central, Canal/Congress, Jefferson/Roosevelt, Randolph/Wells, Roosevelt/Canal, and River South.

TIF Surplus Distribution Year	Total Surplus
2009	\$24,607,012
2010	\$41,439
2011	\$276,438,000
2012	\$96,487,679
2013	\$43,548,517
2014	\$65,181,708
2015	\$84,390,765
2016	\$113,163,520
2017	\$176,710,375
2018	\$171,088,000
2019	\$175,821,706
2020	\$300,183,868



TIF Transparency and Accountability

The City of Chicago is committed to managing the TIF program in a manner that is both transparent and accountable. This includes providing the public with data on individual projects and the program as well as ensuring that recipients of TIF funds are holding up their end of the agreement.

DATA SHARING

In 2009, the City Council first passed the TIF Sunshine Ordinance³ which requires the Department of Planning and Development to make certain TIF-related documents readily available to the public for both TIF districts and TIF-funded projects. This includes TIF district redevelopment plans, redevelopment agreements, and other project-specific data.

In order to provide this information in a user-friendly format, the Department of Planning and Development maintains the TIF Portal.⁴ An interactive map allows users to find detailed information on all TIF-funded projects throughout the City. Projects with a Redevelopment Agreement also have information regarding job creation, compliance status, and property tax information. Additional information on these projects, as well as other TIF-funded programs such as the Small Business Improvement Fund, can also be found in tabular format on the City's Open Data Portal.⁵ Both the TIF Portal and Open Data are updated on a daily basis.

REQUIRED DOCUMENTS UNDER THE SUNSHINE ORDINANCE	REQUIRED PROJECT DATA UNDER THE SUNSHINE ORDINANCE
TIF Redevelopment Plans and amendments	Project location
TIF Redevelopment Agreements and amendments	Total project costs and total TIF subsidy
CDC Staff Reports	Legislative approval dates by CDC and City Council
Annual TIF Reports	Jobs covenants (if applicable)
Certificate of Completion	Compliance with MBE/WBE and City residency commitments (if applicable)
	Property taxes for the project prior to approval and three years following completion
	Affordable housing units completed (if applicable)
	Sustainability requirements (if applicable)

In addition to this project-specific data, the City also provides a set of comprehensive balance sheets for all TIF districts. These are typically updated once a year and can be found on the Department of Planning and Development's website.⁶

³ Chicago, Illinois, Municipal Code § 2-45-155

⁴ DPD, TIF Portal: <https://webapps1.chicago.gov/ChicagoTif/>

⁵ Open Data Portal, TIF Projects:

<https://data.cityofchicago.org/Community-Economic-Development/Tax-Increment-Financing-TIF-Projects/mex4-ppfc>

⁶ DPD, TIF Program: https://www.chicago.gov/city/en/depts/dcd/supp_info/tax_increment_financingprogram.html



District Annual Reports

The State of Illinois requires municipalities to annually submit reports to the Illinois Office of the Comptroller which provide a detailed record of all financial activity within TIF districts over the previous year.⁷ In order to ensure accuracy, these “District Annual Reports” are reviewed by a third-party financial auditor. District Annual Reports are required to be annually submitted to the State Comptroller no later than June 30. After the reports are certified by the Comptroller they are published on the Department of Planning and Development’s website⁸ – this typically occurs in late July.

Mayor Lightfoot’s commitment to transparency also extends to these reports and, for the first time ever, in 2019 the Department of Planning and Development published the 2017 and 2018 District Annual Report in tabular format on the Open Data Portal. This provides the information in a more easily accessible format and allows users to more easily compare data between districts and years. DPD will continue this practice for the 2019 District Annual Reports and beyond.

Ten-Year Reports

In addition to Annual Reports, as of 2010 the TIF Act requires a status report on each TIF district no later than 10 years after it is established.⁹ These “Ten-Year Reports” provide a bigger picture view of the TIF districts, including the total amount of increment generated, expenditures, the amount of private and public investment in the district, and the status of the redevelopment plan’s goals and objectives. After being drafted, these reports are presented for review and comment at a Community Development Commission meeting. These reports can be found on the Department of Planning and Development’s website.¹⁰

MONITORING AND COMPLIANCE

One of the critical roles of the Department of Planning and Development is monitoring all private redevelopment projects receiving TIF funding. The goal of this work is to ensure that private parties are receiving public funds only if they provide the public benefits outlined in the redevelopment agreement. TIF beneficiaries are required to annually provide sworn affidavits detailing how performance goals are being met. The term of these compliance provisions is typically ten years. If projects fail to live up to their end of the bargain, the City may claw back funds, withhold payments, or seek damages.

The Monitoring and Compliance group is currently responsible for reviewing the status of more than 300 TIF-funded projects. Since 2014, this work has resulted in nearly \$65 million in savings taxpayer funds in the form of withheld payments or funds returned to the City.

⁷ 65 ILCS 5/11-74.4-5 (d)

⁸ District Annual Reports: https://www.chicago.gov/city/en/depts/dcd/supp_info/tif-district-annual-reports-2004-present.html

⁹ 65 ILCS 5/11-74.4-5 (h)

¹⁰ Ten-Year Reports: https://www.chicago.gov/city/en/depts/dcd/supp_info/ten-year_tif_districtstatusreports.html



PROJECT	TIF DISTRICT	FUNDS SAVED	CAUSE
Ziegler	LaSalle Central	\$1,691,200	Violation of jobs covenant
Lincoln Village	Lincoln Avenue	\$4,447,975	Property sold without City consent
Cardinal Partnership	47th/Ashland	\$40,273	Project did not maintain the required minimum occupancy
Accretive Health	LaSalle Central	\$6,000,000	Violation of jobs covenant
DeVry	LaSalle Central	\$1,000,000	Violation of jobs covenant
Coyne Institute	Kinzie Industrial	\$4,399,304	Property sold without City consent
Park Federal Savings Bank	47th/Ashland	\$850,000	Property sold without City consent
Thai Town	Lawrence/Pulaski	\$726,306	Failure to comply with construction compliance requirements
Greenwood Associates	Stony Island/Burnside	\$145,063	Developer declared bankruptcy
Grossinger	Weed/Freemont	\$11,492,827	Property sold without City consent
Home Depot	Northwest Industrial	\$2,161,891	Violation of jobs covenant
CCH	Peterson/Pulaski	\$5,295,186	Developer failed to complete the project
Keebler	Lake Calumet Industrial	\$2,056,700	Developer completed the project but failed to demonstrate compliance
Park Place Homes	51st/Archer	\$7,400,000	Developer declared bankruptcy
Career Builder	Central Loop	\$699,280	Violation of jobs covenant
Portage Square	Portage Park	\$2,000,000	Developer indicted in federal court
Marquette Village	Greater Southwest Industrial East	\$6,093,318	Developer failed to complete the project
Renaissance at Beverly Ridge	105th/Vincennes	\$7,609,180	Developer failed to complete the project
TOTAL		\$64,108,503	



Approving TIF Projects

The approval process for all TIF-funded projects starts with the Department of Planning and Development reviewing proposals to ensure they are legally eligible and financially feasible. Specifically, this includes ensuring that the proposals are allocating TIF on legally eligible expenses, ensuring that projects advance the goals and objectives of the TIF district, and that there is sufficient increment in the district to fund the project. If a project does not meet these baseline requirements, it is determined to be infeasible and is denied. Projects that do meet these requirements are advanced a review at the TIF Investment Committee (TIC) and the legislative approval process.

TIF INVESTMENT COMMITTEE

The TIF Investment Committee was created to serve as an internal review body for projects requesting the use of TIF. The objective of the TIF Investment Committee is to promote transparency and accountability in the administration of the TIF program, identify TIF-eligible projects that advance the objectives of the TIF district and the surrounding community, and avoid wasteful or inefficient spending.

The TIF Investment Committee meets on a regular basis to ensure prompt review of applications for TIF funding. There are six voting members: the Chief Financial Officer, the Budget Director, the Comptroller, the Deputy Mayor for Infrastructure and Services, the Deputy Mayor for Neighborhood and Economic Development, and the Chief Equity Officer. A meeting of the TIF Investment Committee requires the presence of no less than four voting members. The TIF Investment Committee may approve a project based on a majority vote of present members. Department Commissioners may also attend these meetings as non-voting members. Support is provided by the Financial Incentives Division of the Department of Planning and Development, the Office of Budget and Management, and the Office of the Mayor.

Projects are submitted to the TIF Investment Committee by departments, aldermen, and other applicants for funding. The TIF Investment Committee promulgates guidance to potential applicants on the form their application should take and what information is required for consideration by the Committee. Prior to a meeting of the TIF Investment Committee, the Financial Incentives Division and other supporting staff shall review each application to ensure that it is eligible for TIF funding and to prepare an analysis of the application for review by voting members. The TIF Investment Committee shall review each application to determine whether the application presents a TIF-eligible project that advances the objectives of the TIF district and the surrounding community.



PROJECT APPROVAL

In general, there are four different categories of TIF projects: Redevelopment Agreements, Intergovernmental Agreements, TIF-funded programs, and TIF-funded infrastructure.

Redevelopment Agreements

Any development projects undertaken by private developers are approved by City Council with a Redevelopment Agreement (RDA). These projects include commercial, industrial, or mixed-use developments as well as affordable housing projects. RDAs are a developer's contract with the City of Chicago and detail the use of TIF, funding requirements, and public benefits to be provided.

Intergovernmental Agreement

Intergovernmental Agreement (IGA) projects are used to provide TIF funds to the City of Chicago's sister agencies, which primarily includes the Chicago Housing Authority, the Chicago Park District, the Chicago Public Schools, and the Chicago Transit Authority. TIF has been used for these agencies to make improvements to local schools, enhance transit service through new stations, and the development of park space.

TIF-Funded Programs

TIF-funded programs are largely administered through the Department of Housing and the Department of Planning and Development and include the Small Business Improvement Fund (SBIF), the Neighborhood Improvement Program (NIP), and the Purchase Price Rehab Program. These programs are different because they receive approval for a budget allocation rather than for specific projects.

TIF-Funded Infrastructure

These projects include any TIF-funded improvements to City infrastructure or municipal facilities, and generally include projects led by the Chicago Department of Transportation or the Department of Assets, Information, and Systems. Examples of these projects include road construction, bridge replacements, or building improvements to libraries. Like all TIF-funded projects, infrastructure is subject to review by the TIF Investment Committee.

State law and the municipal ordinances authorizing the creation of TIF districts govern how redevelopment projects must be approved. When applicable, the City obtains the approval of the Community Development Commission, the Committee on Finance, and the City Council.

CITY OF CHICAGO
Tax Increment Financing
Program Guide

