

Bond Case Briefs

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TAX INCREMENT FINANCING - ILLINOIS

Grassroots Collaborative v. City of Chicago

Appellate Court of Illinois, First District, Second Division - December 15, 2020 - N.E.3d - 2020 IL App (1st) 192099 - 2020 WL 7352740

Nonprofit organizations brought complaint against city, alleging that city, for over 30 years, had illegally administered tax increment financing program in a racially and ethnically discriminatory manner.

The Circuit Court dismissed complaint based on lack of standing. Organizations appealed.

The Appellate Court held that:

- Organizations did not establish injury sufficient to confer standing to bring action, and
- Organizations forfeited any argument that they should have been afforded an opportunity to allege a viable injury in an amended complaint.

Nonprofit organizations did not establish injury sufficient to confer standing to bring action against city based on city's allegedly illegal administration of tax increment financing program under Tax Increment Allocation Redevelopment Act in racially and ethnically discriminatory manner, even if organizations had diverted resources from their other, usual advocacy efforts to engage in advocacy efforts to counter city's action; organizations had for years engaged in advocacy in an effort to achieve their respective ideological goals, and their expenditure of resources to advocate against city's actions, at most, simply represented a shift in the target of their advocacy efforts.

Nonprofit organizations forfeited, for purposes of appeal, any argument that they should have been afforded an opportunity to allege a viable injury in an amended complaint, following trial court's dismissal for lack of standing of their complaint against city based on city's allegedly illegal administration of tax increment financing program under Tax Increment Allocation Redevelopment Act in racially and ethnically discriminatory manner; organizations never asked to amend complaint during trial court proceedings, and elected to forego that request by stating at dismissal hearing that they believed complaint as filed included sufficient facts establishing standing.