**Section 520.315 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections**

a) Application to Expand, Limit, or Repeal Incentives

1) Changing Incentives. An applicant shall apply to the Department to expand, limit, or repeal the incentives provided in the ordinance on forms provided by the Department, and shall comply with the procedures described in Section 5.4 of the Act.

2) Continuation of Incentives. Sections 5.4(e) and (f) of the Act provide that all incentives and benefits previously offered shall continue for the original term of the zone for three groups:

A) Receiving Benefits. Business enterprises that are receiving benefits or incentives in the zone on the effective date of the amending ordinance;

B) Proposed Expansions. Business enterprises or expansions that are proposed or under development on the effective date of the amending ordinance, if the business enterprise demonstrates that:

i) The proposed business enterprise or expansion has been committed to locating or expanding in the zone; and

ii) Substantial and binding financial obligations have been made in reasonable reliance on the benefits and programs that would have been available because of the Enterprise Zone;

C) Individuals in Homestead/Shopstead. Individuals participating in urban homestead or shopstead programs.

3) Local Government Duties. With respect to businesses that are already receiving Enterprise Zone benefits, the local government has the responsibility to attempt to inform eligible businesses through public notice or mailings, and to take administrative steps necessary to assure compliance.

4) Evidence of Financial Commitment. Evidence of commitment under subsection (a)(2)(B)(ii) shall include, but not be limited to: internal memoranda; purchase orders; construction plans and schematics; evidence of financial commitment from financial institutions and/or State, local, or federal governments; and written contracts. Proposed business locations or expansions shall also demonstrate reliance on Enterprise Zone benefits by applying for the incentives, provided that all other requirements are met.

5) Local Government Duties. With respect to homestead and shopstead programs, the local government shall inform affected parties and meet its obligations concerning transfer of title to the property and any other provisions that relate to the rights and privileges of the affected parties.

b) Application to Alter Termination Date

1) Altering Termination Date. An applicant shall apply to the Department to alter the termination date provided in the ordinance, on forms provided by the Department, and shall comply with the procedures described in Section 5.4 of the Act.

2) Reducing Duration of Zone. If the amendatory ordinance reduces the duration of the Enterprise Zone, the "benefit entitlement" provisions of Section 5.4(e) and (f) of the Act and described in subsections (a)(2)(A), (B) and (C) shall apply.

3) *Any Enterprise Zone in existence on July 25, 2013 that has a term of 20 calendar years may be extended for an additional 10 calendar years upon amendment of the designating ordinance by the designating municipality or county and submission of the ordinance to the Department. The amended ordinance must be properly recorded in the Office of Recorder of Deeds of each county in which the Enterprise Zone lies.* [20 ILCS 655/5.3(c)]

4) *Each Enterprise Zone in existence on August 7, 2012 that is scheduled to expire before July 1, 2016 may have its termination date extended until July 1, 2016 upon amendment of the designating ordinance by the designating municipality or county extending the termination date to July 1, 2016 and submission of the ordinance to the Department. The amended ordinance must be properly recorded in the Office of Recorder of Deeds of each county in which the Enterprise Zone lies.* [20 ILCS 655/5.3(c)]

5) Enterprise Zones designated after August 7, 2012, shall be in effect for a term of 15 calendar years, or for a lesser number of years specified in the certified designation ordinance. Those Enterprise Zones *shall be subject to review by the Board after 13 years for an additional 10-year designation. During the review process, the Board shall consider the costs incurred by the State and units of local government as a result of tax benefits received by the Enterprise Zone.* [20 ILCS 655/5.3(c)] The application for the additional 10 years must be approved by majority vote of the Board.

c) Application to Make Technical Corrections

1) Making Technical Corrections. An applicant shall apply to the Department to make a technical correction in the ordinance, on forms provided by the Department, and shall comply with the procedures described in Section 5.4 of the Act.

2) Definition of Technical Correction. A "technical correction" shall mean a non-substantive change that corrects or clarifies the wording, terms, or conditions of an Enterprise Zone ordinance or intergovernmental agreement. A technical correction is not one that affects any rights and privileges accorded to residents of the zone.

(Source: Amended at 38 Ill. Reg. 457, effective December 20, 2013)