



Rep. Michael J. Zalewski

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1 AMENDMENT TO SENATE BILL 217

2 AMENDMENT NO. _____. Amend Senate Bill 217, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Power Agency Act is amended by
6 changing Section 1-130 as follows:

7 (20 ILCS 3855/1-130)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 1-130. Home rule preemption.

10 (a) The authorization to impose any new taxes or fees
11 specifically related to the generation of electricity by, the
12 capacity to generate electricity by, or the emissions into the
13 atmosphere by electric generating facilities after the
14 effective date of this Act is an exclusive power and function
15 of the State. A home rule unit may not levy any new taxes or
16 fees specifically related to the generation of electricity by,

1 the capacity to generate electricity by, or the emissions into
2 the atmosphere by electric generating facilities after the
3 effective date of this Act. This Section is a denial and
4 limitation on home rule powers and functions under subsection
5 (g) of Section 6 of Article VII of the Illinois Constitution.

6 (b) This Section is repealed on January 1, 2023 ~~January 1,~~
7 ~~2022~~.

8 (Source: P.A. 100-1157, eff. 12-19-18; 101-639, eff. 6-12-20.)

9 Section 10. The Property Tax Code is amended by changing
10 Sections 15-37 and 21-260 as follows:

11 (35 ILCS 200/15-37)

12 Sec. 15-37. Educational trade schools.

13 (a) In a county other than a county described in
14 subsection (b), property ~~Property~~ that is owned by a
15 non-profit trust fund and used exclusively for the purposes of
16 educating and training individuals for occupational, trade,
17 and technical careers and is certified by the United States
18 Department of Labor as registered with the Office of
19 Apprenticeship is exempt.

20 (b) In a county with a population of more than 3,000,000
21 inhabitants, and in a county with a population of more than
22 600,000 inhabitants but not more than 700,000 inhabitants,
23 property that is owned or leased by a non-profit trust fund and
24 used exclusively for the purposes of educating and training

1 individuals for occupational, trade, and technical careers and
2 is certified by the United States Department of Labor as
3 registered with the Office of Apprenticeship is exempt.

4 (Source: P.A. 102-16, eff. 6-17-21.)

5 (35 ILCS 200/21-260)

6 Sec. 21-260. Collector's scavenger sale. Upon the county
7 collector's application under Section 21-145, to be known as
8 the Scavenger Sale Application, the Court shall enter judgment
9 for the general taxes, special taxes, special assessments,
10 interest, penalties and costs as are included in the
11 advertisement and appear to be due thereon after allowing an
12 opportunity to object and a hearing upon the objections as
13 provided in Section 21-175, and order those properties sold by
14 the County Collector at public sale, or by electronic
15 automated sale if the collector chooses to conduct an
16 electronic automated sale pursuant to Section 21-261, to the
17 highest bidder for cash, notwithstanding the bid may be less
18 than the full amount of taxes, special taxes, special
19 assessments, interest, penalties and costs for which judgment
20 has been entered.

21 (a) Conducting the sale; bidding ~~sale~~ ~~Bidding~~. All
22 properties shall be offered for sale in consecutive order as
23 they appear in the delinquent list. The minimum bid for any
24 property shall be \$250 or one-half of the tax if the total
25 liability is less than \$500. For in-person scavenger sales,

1 the successful bidder shall pay the amount of the minimum bid
2 to the County Collector by the end of the business day on which
3 the bid was placed. That amount shall be paid in cash, by
4 certified or cashier's check, by money order, or, if the
5 successful bidder is a governmental unit, by a check issued by
6 that governmental unit. For electronic automated scavenger
7 sales, the successful bidder shall pay the minimum bid amount
8 by the close of the business day on which the bid was placed.
9 That amount shall be paid online via ACH debit or by the
10 electronic payment method required by the county collector.
11 For in-person scavenger sales, if the bid exceeds the minimum
12 bid, the successful bidder shall pay the balance of the bid to
13 the county collector in cash, by certified or cashier's check,
14 by money order, or, if the successful bidder is a governmental
15 unit, by a check issued by that governmental unit by the close
16 of the next business day. For electronic automated scavenger
17 sales, the successful bidder shall pay, by the close of the
18 next business day, the balance of the bid online via ACH debit
19 or by the electronic payment method required by the county
20 collector. If the minimum bid is not paid at the time of sale
21 or if the balance is not paid by the close of the next business
22 day, then the sale is void and the minimum bid, if paid, is
23 forfeited to the county general fund. In that event, the
24 property shall be reoffered for sale within 30 days of the last
25 offering of property in regular order. The collector shall
26 make available to the public a list of all properties to be

1 included in any reoffering due to the voiding of the original
2 sale. The collector is not required to serve or publish any
3 other notice of the reoffering of those properties. In the
4 event that any of the properties are not sold upon reoffering,
5 or are sold for less than the amount of the original voided
6 sale, the original bidder who failed to pay the bid amount
7 shall remain liable for the unpaid balance of the bid in an
8 action under Section 21-240. Liability shall not be reduced
9 where the bidder upon reoffering also fails to pay the bid
10 amount, and in that event both bidders shall remain liable for
11 the unpaid balance of their respective bids. A sale of
12 properties under this Section shall not be final until
13 confirmed by the court.

14 (b) Confirmation of sales. The county collector shall file
15 his or her report of sale in the court within 30 days of the
16 date of sale of each property. No notice of the county
17 collector's application to confirm the sales shall be required
18 except as prescribed by rule of the court. Upon confirmation,
19 except in cases where the sale becomes void under Section
20 22-85, or in cases where the order of confirmation is vacated
21 by the court, a sale under this Section shall extinguish the in
22 rem lien of the general taxes, special taxes and special
23 assessments for which judgment has been entered and a
24 redemption shall not revive the lien. Confirmation of the sale
25 shall in no event affect the owner's personal liability to pay
26 the taxes, interest and penalties as provided in this Code or

1 prevent institution of a proceeding under Section 21-440 to
2 collect any amount that may remain due after the sale.

3 (c) Issuance of tax sale certificates. Upon confirmation
4 of the sale, the County Clerk and the County Collector shall
5 issue to the purchaser a certificate of purchase in the form
6 prescribed by Section 21-250 as near as may be. A certificate
7 of purchase shall not be issued to any person who is ineligible
8 to bid at the sale or to receive a certificate of purchase
9 under Section 21-265.

10 (d) Scavenger Tax Judgment, Sale and Redemption Record;
11 sale Record—Sale of parcels not sold. The county collector
12 shall prepare a Scavenger Tax Judgment, Sale and Redemption
13 Record. The county clerk shall write or stamp on the scavenger
14 tax judgment, sale, forfeiture and redemption record opposite
15 the description of any property offered for sale and not sold,
16 or not confirmed for any reason, the words "offered but not
17 sold". The properties which are offered for sale under this
18 Section and not sold or not confirmed shall be offered for sale
19 annually thereafter in the manner provided in this Section
20 until sold, except in the case of mineral rights, which after
21 10 consecutive years of being offered for sale under this
22 Section and not sold or confirmed shall no longer be required
23 to be offered for sale. At any time between annual sales the
24 County Collector may advertise for sale any properties subject
25 to sale under judgments for sale previously entered under this
26 Section and not executed for any reason. The advertisement and

1 sale shall be regulated by the provisions of this Code as far
2 as applicable.

3 (e) Proceeding to tax deed. The owner of the certificate
4 of purchase shall give notice as required by Sections 22-5
5 through 22-30, and may extend the period of redemption as
6 provided by Section 21-385. At any time within 6 months prior
7 to expiration of the period of redemption from a sale under
8 this Code, the owner of a certificate of purchase may file a
9 petition and may obtain a tax deed under Sections 22-30
10 through 22-55. Within 30 days from filing of the petition, the
11 owner of a certificate must file with the clerk of the circuit
12 court ~~county clerk~~ the names and addresses of the owners of the
13 property and those persons entitled to service of notice at
14 their last known addresses. The clerk shall mail notice within
15 30 days from the date of the filing of addresses with the
16 clerk. All proceedings for the issuance of a tax deed and all
17 tax deeds for properties sold under this Section shall be
18 subject to Sections 22-30 through 22-55. Deeds issued under
19 this Section are subject to Section 22-70. This Section shall
20 be liberally construed so that the deeds provided for in this
21 Section convey merchantable title.

22 (f) Redemptions from scavenger sales. Redemptions may be
23 made from sales under this Section in the same manner and upon
24 the same terms and conditions as redemptions from sales made
25 under the County Collector's annual application for judgment
26 and order of sale, except that in lieu of penalty the person

1 redeeming shall pay interest as follows if the sale occurs
2 before September 9, 1993:

3 (1) If redeemed within the first 2 months from the
4 date of the sale, 3% per month or portion thereof upon the
5 amount for which the property was sold;

6 (2) If redeemed between 2 and 6 months from the date of
7 the sale, 12% of the amount for which the property was
8 sold;

9 (3) If redeemed between 6 and 12 months from the date
10 of the sale, 24% of the amount for which the property was
11 sold;

12 (4) If redeemed between 12 and 18 months from the date
13 of the sale, 36% of the amount for which the property was
14 sold;

15 (5) If redeemed between 18 and 24 months from the date
16 of the sale, 48% of the amount for which the property was
17 sold;

18 (6) If redeemed after 24 months from the date of sale,
19 the 48% herein provided together with interest at 6% per
20 year thereafter.

21 If the sale occurs on or after September 9, 1993, the
22 person redeeming shall pay interest on that part of the amount
23 for which the property was sold equal to or less than the full
24 amount of delinquent taxes, special assessments, penalties,
25 interest, and costs, included in the judgment and order of
26 sale as follows:

1 (1) If redeemed within the first 2 months from the
2 date of the sale, 3% per month upon the amount of taxes,
3 special assessments, penalties, interest, and costs due
4 for each of the first 2 months, or fraction thereof.

5 (2) If redeemed at any time between 2 and 6 months from
6 the date of the sale, 12% of the amount of taxes, special
7 assessments, penalties, interest, and costs due.

8 (3) If redeemed at any time between 6 and 12 months
9 from the date of the sale, 24% of the amount of taxes,
10 special assessments, penalties, interest, and costs due.

11 (4) If redeemed at any time between 12 and 18 months
12 from the date of the sale, 36% of the amount of taxes,
13 special assessments, penalties, interest, and costs due.

14 (5) If redeemed at any time between 18 and 24 months
15 from the date of the sale, 48% of the amount of taxes,
16 special assessments, penalties, interest, and costs due.

17 (6) If redeemed after 24 months from the date of sale,
18 the 48% provided for the 24 months together with interest
19 at 6% per annum thereafter on the amount of taxes, special
20 assessments, penalties, interest, and costs due.

21 The person redeeming shall not be required to pay any
22 interest on any part of the amount for which the property was
23 sold that exceeds the full amount of delinquent taxes, special
24 assessments, penalties, interest, and costs included in the
25 judgment and order of sale.

26 Notwithstanding any other provision of this Section,

1 except for owner-occupied single family residential units
2 which are condominium units, cooperative units or dwellings,
3 the amount required to be paid for redemption shall also
4 include an amount equal to all delinquent taxes on the
5 property which taxes were delinquent at the time of sale. The
6 delinquent taxes shall be apportioned by the county collector
7 among the taxing districts in which the property is situated
8 in accordance with law. In the event that all moneys received
9 from any sale held under this Section exceed an amount equal to
10 all delinquent taxes on the property sold, which taxes were
11 delinquent at the time of sale, together with all publication
12 and other costs associated with the sale, then, upon
13 redemption, the County Collector and the County Clerk shall
14 apply the excess amount to the cost of redemption.

15 (g) Bidding by county or other taxing districts. Any
16 taxing district may bid at a scavenger sale. The county board
17 of the county in which properties offered for sale under this
18 Section are located may bid as trustee for all taxing
19 districts having an interest in the taxes for the nonpayment
20 of which the parcels are offered. The County shall apply on the
21 bid the unpaid taxes due upon the property and no cash need be
22 paid. The County or other taxing district acquiring a tax sale
23 certificate shall take all steps necessary to acquire title to
24 the property and may manage and operate the property so
25 acquired.

26 When a county, or other taxing district within the county,

1 is a petitioner for a tax deed, no filing fee shall be required
2 on the petition. The county as a tax creditor and as trustee
3 for other tax creditors, or other taxing district within the
4 county shall not be required to allege and prove that all taxes
5 and special assessments which become due and payable after the
6 sale to the county have been paid. The county shall not be
7 required to pay the subsequently accruing taxes or special
8 assessments at any time. Upon the written request of the
9 county board or its designee, the county collector shall not
10 offer the property for sale at any tax sale subsequent to the
11 sale of the property to the county under this Section. The lien
12 of taxes and special assessments which become due and payable
13 after a sale to a county shall merge in the fee title of the
14 county, or other taxing district, on the issuance of a deed.
15 The County may sell the properties so acquired, or the
16 certificate of purchase thereto, and the proceeds of the sale
17 shall be distributed to the taxing districts in proportion to
18 their respective interests therein. The presiding officer of
19 the county board, with the advice and consent of the County
20 Board, may appoint some officer or person to attend scavenger
21 sales and bid on its behalf.

22 (h) Miscellaneous provisions. In the event that the tract
23 of land or lot sold at any such sale is not redeemed within the
24 time permitted by law and a tax deed is issued, all moneys that
25 may be received from the sale of properties in excess of the
26 delinquent taxes, together with all publication and other

1 costs associated with the sale, shall, upon petition of any
2 interested party to the court that issued the tax deed, be
3 distributed by the County Collector pursuant to order of the
4 court among the persons having legal or equitable interests in
5 the property according to the fair value of their interests in
6 the tract or lot. Section 21-415 does not apply to properties
7 sold under this Section. Appeals may be taken from the orders
8 and judgments entered under this Section as in other civil
9 cases. The remedy herein provided is in addition to other
10 remedies for the collection of delinquent taxes.

11 (i) The changes to this Section made by Public Act 95-477
12 ~~this amendatory Act of the 95th General Assembly~~ apply only to
13 matters in which a petition for tax deed is filed on or after
14 June 1, 2008 (the effective date of Public Act 95-477) ~~this~~
15 ~~amendatory Act of the 95th General Assembly~~.

16 (Source: P.A. 102-519, eff. 8-20-21; 102-528, eff. 1-1-22;
17 revised 10-18-21.)

18 Section 15. The Parking Excise Tax Act is amended by
19 changing Section 10-20 as follows:

20 (35 ILCS 525/10-20)

21 Sec. 10-20. Exemptions. The tax imposed by this Act shall
22 not apply to:

23 (1) parking in a parking area or garage operated by
24 the federal government or its instrumentalities that has

1 been issued an active tax exemption number by the
2 Department under Section 1g of the Retailers' Occupation
3 Tax Act; for this exemption to apply, the parking area or
4 garage must be operated by the federal government or its
5 instrumentalities; the exemption under this paragraph (1)
6 does not apply if the parking area or garage is operated by
7 a third party, whether under a lease or other contractual
8 arrangement, or any other manner whatsoever;

9 (2) residential off-street parking for home or
10 apartment tenants or condominium occupants, if the
11 arrangement for such parking is provided in the home or
12 apartment lease or in a separate writing between the
13 landlord and tenant, or in a condominium agreement between
14 the condominium association and the owner, occupant, or
15 guest of a unit, whether the parking charge is payable to
16 the landlord, condominium association, or to the operator
17 of the parking spaces;

18 (3) parking by hospital employees in a parking space
19 that is owned and operated by the hospital for which they
20 work; ~~and~~

21 (4) parking in a parking area or garage where 3 or
22 fewer motor vehicles are stored, housed, or parked for
23 hire, charge, fee or other valuable consideration, if the
24 operator of the parking area or garage does not act as the
25 operator of more than a total of 3 parking spaces located
26 in the State; if any operator of parking areas or garages,

1 including any facilitator or aggregator, acts as an
2 operator of more than 3 parking spaces in total that are
3 located in the State, then this exemption shall not apply
4 to any of those spaces; ~~7~~

5 (5) parking in a parking area or garage operated by
6 the State, a State university created by statute, or a
7 unit of local government that has been issued an active
8 tax exemption number by the Department under Section 1g of
9 the Retailers' Occupation Tax Act; the parking area or
10 garage must be operated by the State, State university, or
11 unit of local government; the exemption under this
12 paragraph (5) does not apply if the parking area or garage
13 is operated by a third party, whether under a lease or
14 other contractual arrangement, or held in any other
15 manner;

16 (6) parking in a parking area or garage owned and
17 operated by a person engaged in the business of renting
18 real estate if the parking area or garage is used by the
19 lessee to park motor vehicles, recreational vehicles, or
20 self-propelled vehicles for the lessee's own use and not
21 for the purpose of subleasing parking spaces for
22 consideration;

23 (7) the purchase of a parking space by the State, a
24 State university created by statute, or a unit of local
25 government that has been issued an active tax exemption
26 number by the Department under Section 1g of the

1 Retailers' Occupation Tax Act, for use by employees of the
2 State, State university, or unit of local government,
3 provided that the purchase price is paid directly by the
4 governmental entity, and

5 (8) parking space leased to a governmental entity that
6 is exempt pursuant to (1) or (5) when the exempt entity
7 rents or leases the parking spaces in the parking area or
8 garage to the public; the purchase price must be paid by
9 the governmental entity; the exempt governmental entity is
10 exempt from collecting tax subject to the provisions of
11 (1) or (5), as applicable, when renting or leasing the
12 parking spaces to the public.

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 Section 20. The Illinois Municipal Code is amended by
15 changing Section 11-74.4-3 as follows:

16 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

17 Sec. 11-74.4-3. Definitions. The following terms, wherever
18 used or referred to in this Division 74.4 shall have the
19 following respective meanings, unless in any case a different
20 meaning clearly appears from the context.

21 (a) For any redevelopment project area that has been
22 designated pursuant to this Section by an ordinance adopted
23 prior to November 1, 1999 (the effective date of Public Act
24 91-478), "blighted area" shall have the meaning set forth in

1 this Section prior to that date.

2 On and after November 1, 1999, "blighted area" means any
3 improved or vacant area within the boundaries of a
4 redevelopment project area located within the territorial
5 limits of the municipality where:

6 (1) If improved, industrial, commercial, and
7 residential buildings or improvements are detrimental to
8 the public safety, health, or welfare because of a
9 combination of 5 or more of the following factors, each of
10 which is (i) present, with that presence documented, to a
11 meaningful extent so that a municipality may reasonably
12 find that the factor is clearly present within the intent
13 of the Act and (ii) reasonably distributed throughout the
14 improved part of the redevelopment project area:

15 (A) Dilapidation. An advanced state of disrepair
16 or neglect of necessary repairs to the primary
17 structural components of buildings or improvements in
18 such a combination that a documented building
19 condition analysis determines that major repair is
20 required or the defects are so serious and so
21 extensive that the buildings must be removed.

22 (B) Obsolescence. The condition or process of
23 falling into disuse. Structures have become ill-suited
24 for the original use.

25 (C) Deterioration. With respect to buildings,
26 defects including, but not limited to, major defects

1 in the secondary building components such as doors,
2 windows, porches, gutters and downspouts, and fascia.
3 With respect to surface improvements, that the
4 condition of roadways, alleys, curbs, gutters,
5 sidewalks, off-street parking, and surface storage
6 areas evidence deterioration, including, but not
7 limited to, surface cracking, crumbling, potholes,
8 depressions, loose paving material, and weeds
9 protruding through paved surfaces.

10 (D) Presence of structures below minimum code
11 standards. All structures that do not meet the
12 standards of zoning, subdivision, building, fire, and
13 other governmental codes applicable to property, but
14 not including housing and property maintenance codes.

15 (E) Illegal use of individual structures. The use
16 of structures in violation of applicable federal,
17 State, or local laws, exclusive of those applicable to
18 the presence of structures below minimum code
19 standards.

20 (F) Excessive vacancies. The presence of buildings
21 that are unoccupied or under-utilized and that
22 represent an adverse influence on the area because of
23 the frequency, extent, or duration of the vacancies.

24 (G) Lack of ventilation, light, or sanitary
25 facilities. The absence of adequate ventilation for
26 light or air circulation in spaces or rooms without

1 windows, or that require the removal of dust, odor,
2 gas, smoke, or other noxious airborne materials.
3 Inadequate natural light and ventilation means the
4 absence of skylights or windows for interior spaces or
5 rooms and improper window sizes and amounts by room
6 area to window area ratios. Inadequate sanitary
7 facilities refers to the absence or inadequacy of
8 garbage storage and enclosure, bathroom facilities,
9 hot water and kitchens, and structural inadequacies
10 preventing ingress and egress to and from all rooms
11 and units within a building.

12 (H) Inadequate utilities. Underground and overhead
13 utilities such as storm sewers and storm drainage,
14 sanitary sewers, water lines, and gas, telephone, and
15 electrical services that are shown to be inadequate.
16 Inadequate utilities are those that are: (i) of
17 insufficient capacity to serve the uses in the
18 redevelopment project area, (ii) deteriorated,
19 antiquated, obsolete, or in disrepair, or (iii)
20 lacking within the redevelopment project area.

21 (I) Excessive land coverage and overcrowding of
22 structures and community facilities. The
23 over-intensive use of property and the crowding of
24 buildings and accessory facilities onto a site.
25 Examples of problem conditions warranting the
26 designation of an area as one exhibiting excessive

1 land coverage are: (i) the presence of buildings
2 either improperly situated on parcels or located on
3 parcels of inadequate size and shape in relation to
4 present-day standards of development for health and
5 safety and (ii) the presence of multiple buildings on
6 a single parcel. For there to be a finding of excessive
7 land coverage, these parcels must exhibit one or more
8 of the following conditions: insufficient provision
9 for light and air within or around buildings,
10 increased threat of spread of fire due to the close
11 proximity of buildings, lack of adequate or proper
12 access to a public right-of-way, lack of reasonably
13 required off-street parking, or inadequate provision
14 for loading and service.

15 (J) Deleterious land use or layout. The existence
16 of incompatible land-use relationships, buildings
17 occupied by inappropriate mixed-uses, or uses
18 considered to be noxious, offensive, or unsuitable for
19 the surrounding area.

20 (K) Environmental clean-up. The proposed
21 redevelopment project area has incurred Illinois
22 Environmental Protection Agency or United States
23 Environmental Protection Agency remediation costs for,
24 or a study conducted by an independent consultant
25 recognized as having expertise in environmental
26 remediation has determined a need for, the clean-up of

1 hazardous waste, hazardous substances, or underground
2 storage tanks required by State or federal law,
3 provided that the remediation costs constitute a
4 material impediment to the development or
5 redevelopment of the redevelopment project area.

6 (L) Lack of community planning. The proposed
7 redevelopment project area was developed prior to or
8 without the benefit or guidance of a community plan.
9 This means that the development occurred prior to the
10 adoption by the municipality of a comprehensive or
11 other community plan or that the plan was not followed
12 at the time of the area's development. This factor
13 must be documented by evidence of adverse or
14 incompatible land-use relationships, inadequate street
15 layout, improper subdivision, parcels of inadequate
16 shape and size to meet contemporary development
17 standards, or other evidence demonstrating an absence
18 of effective community planning.

19 (M) The total equalized assessed value of the
20 proposed redevelopment project area has declined for 3
21 of the last 5 calendar years prior to the year in which
22 the redevelopment project area is designated or is
23 increasing at an annual rate that is less than the
24 balance of the municipality for 3 of the last 5
25 calendar years for which information is available or
26 is increasing at an annual rate that is less than the

1 Consumer Price Index for All Urban Consumers published
2 by the United States Department of Labor or successor
3 agency for 3 of the last 5 calendar years prior to the
4 year in which the redevelopment project area is
5 designated.

6 (2) If vacant, the sound growth of the redevelopment
7 project area is impaired by a combination of 2 or more of
8 the following factors, each of which is (i) present, with
9 that presence documented, to a meaningful extent so that a
10 municipality may reasonably find that the factor is
11 clearly present within the intent of the Act and (ii)
12 reasonably distributed throughout the vacant part of the
13 redevelopment project area to which it pertains:

14 (A) Obsolete platting of vacant land that results
15 in parcels of limited or narrow size or configurations
16 of parcels of irregular size or shape that would be
17 difficult to develop on a planned basis and in a manner
18 compatible with contemporary standards and
19 requirements, or platting that failed to create
20 rights-of-ways for streets or alleys or that created
21 inadequate right-of-way widths for streets, alleys, or
22 other public rights-of-way or that omitted easements
23 for public utilities.

24 (B) Diversity of ownership of parcels of vacant
25 land sufficient in number to retard or impede the
26 ability to assemble the land for development.

1 (C) Tax and special assessment delinquencies exist
2 or the property has been the subject of tax sales under
3 the Property Tax Code within the last 5 years.

4 (D) Deterioration of structures or site
5 improvements in neighboring areas adjacent to the
6 vacant land.

7 (E) The area has incurred Illinois Environmental
8 Protection Agency or United States Environmental
9 Protection Agency remediation costs for, or a study
10 conducted by an independent consultant recognized as
11 having expertise in environmental remediation has
12 determined a need for, the clean-up of hazardous
13 waste, hazardous substances, or underground storage
14 tanks required by State or federal law, provided that
15 the remediation costs constitute a material impediment
16 to the development or redevelopment of the
17 redevelopment project area.

18 (F) The total equalized assessed value of the
19 proposed redevelopment project area has declined for 3
20 of the last 5 calendar years prior to the year in which
21 the redevelopment project area is designated or is
22 increasing at an annual rate that is less than the
23 balance of the municipality for 3 of the last 5
24 calendar years for which information is available or
25 is increasing at an annual rate that is less than the
26 Consumer Price Index for All Urban Consumers published

1 by the United States Department of Labor or successor
2 agency for 3 of the last 5 calendar years prior to the
3 year in which the redevelopment project area is
4 designated.

5 (3) If vacant, the sound growth of the redevelopment
6 project area is impaired by one of the following factors
7 that (i) is present, with that presence documented, to a
8 meaningful extent so that a municipality may reasonably
9 find that the factor is clearly present within the intent
10 of the Act and (ii) is reasonably distributed throughout
11 the vacant part of the redevelopment project area to which
12 it pertains:

13 (A) The area consists of one or more unused
14 quarries, mines, or strip mine ponds.

15 (B) The area consists of unused rail yards, rail
16 tracks, or railroad rights-of-way.

17 (C) The area, prior to its designation, is subject
18 to (i) chronic flooding that adversely impacts on real
19 property in the area as certified by a registered
20 professional engineer or appropriate regulatory agency
21 or (ii) surface water that discharges from all or a
22 part of the area and contributes to flooding within
23 the same watershed, but only if the redevelopment
24 project provides for facilities or improvements to
25 contribute to the alleviation of all or part of the
26 flooding.

1 (D) The area consists of an unused or illegal
2 disposal site containing earth, stone, building
3 debris, or similar materials that were removed from
4 construction, demolition, excavation, or dredge sites.

5 (E) Prior to November 1, 1999, the area is not less
6 than 50 nor more than 100 acres and 75% of which is
7 vacant (notwithstanding that the area has been used
8 for commercial agricultural purposes within 5 years
9 prior to the designation of the redevelopment project
10 area), and the area meets at least one of the factors
11 itemized in paragraph (1) of this subsection, the area
12 has been designated as a town or village center by
13 ordinance or comprehensive plan adopted prior to
14 January 1, 1982, and the area has not been developed
15 for that designated purpose.

16 (F) The area qualified as a blighted improved area
17 immediately prior to becoming vacant, unless there has
18 been substantial private investment in the immediately
19 surrounding area.

20 (b) For any redevelopment project area that has been
21 designated pursuant to this Section by an ordinance adopted
22 prior to November 1, 1999 (the effective date of Public Act
23 91-478), "conservation area" shall have the meaning set forth
24 in this Section prior to that date.

25 On and after November 1, 1999, "conservation area" means
26 any improved area within the boundaries of a redevelopment

1 project area located within the territorial limits of the
2 municipality in which 50% or more of the structures in the area
3 have an age of 35 years or more. Such an area is not yet a
4 blighted area but because of a combination of 3 or more of the
5 following factors is detrimental to the public safety, health,
6 morals or welfare and such an area may become a blighted area:

7 (1) Dilapidation. An advanced state of disrepair or
8 neglect of necessary repairs to the primary structural
9 components of buildings or improvements in such a
10 combination that a documented building condition analysis
11 determines that major repair is required or the defects
12 are so serious and so extensive that the buildings must be
13 removed.

14 (2) Obsolescence. The condition or process of falling
15 into disuse. Structures have become ill-suited for the
16 original use.

17 (3) Deterioration. With respect to buildings, defects
18 including, but not limited to, major defects in the
19 secondary building components such as doors, windows,
20 porches, gutters and downspouts, and fascia. With respect
21 to surface improvements, that the condition of roadways,
22 alleys, curbs, gutters, sidewalks, off-street parking, and
23 surface storage areas evidence deterioration, including,
24 but not limited to, surface cracking, crumbling, potholes,
25 depressions, loose paving material, and weeds protruding
26 through paved surfaces.

1 (4) Presence of structures below minimum code
2 standards. All structures that do not meet the standards
3 of zoning, subdivision, building, fire, and other
4 governmental codes applicable to property, but not
5 including housing and property maintenance codes.

6 (5) Illegal use of individual structures. The use of
7 structures in violation of applicable federal, State, or
8 local laws, exclusive of those applicable to the presence
9 of structures below minimum code standards.

10 (6) Excessive vacancies. The presence of buildings
11 that are unoccupied or under-utilized and that represent
12 an adverse influence on the area because of the frequency,
13 extent, or duration of the vacancies.

14 (7) Lack of ventilation, light, or sanitary
15 facilities. The absence of adequate ventilation for light
16 or air circulation in spaces or rooms without windows, or
17 that require the removal of dust, odor, gas, smoke, or
18 other noxious airborne materials. Inadequate natural light
19 and ventilation means the absence or inadequacy of
20 skylights or windows for interior spaces or rooms and
21 improper window sizes and amounts by room area to window
22 area ratios. Inadequate sanitary facilities refers to the
23 absence or inadequacy of garbage storage and enclosure,
24 bathroom facilities, hot water and kitchens, and
25 structural inadequacies preventing ingress and egress to
26 and from all rooms and units within a building.

1 (8) Inadequate utilities. Underground and overhead
2 utilities such as storm sewers and storm drainage,
3 sanitary sewers, water lines, and gas, telephone, and
4 electrical services that are shown to be inadequate.
5 Inadequate utilities are those that are: (i) of
6 insufficient capacity to serve the uses in the
7 redevelopment project area, (ii) deteriorated, antiquated,
8 obsolete, or in disrepair, or (iii) lacking within the
9 redevelopment project area.

10 (9) Excessive land coverage and overcrowding of
11 structures and community facilities. The over-intensive
12 use of property and the crowding of buildings and
13 accessory facilities onto a site. Examples of problem
14 conditions warranting the designation of an area as one
15 exhibiting excessive land coverage are: the presence of
16 buildings either improperly situated on parcels or located
17 on parcels of inadequate size and shape in relation to
18 present-day standards of development for health and safety
19 and the presence of multiple buildings on a single parcel.
20 For there to be a finding of excessive land coverage,
21 these parcels must exhibit one or more of the following
22 conditions: insufficient provision for light and air
23 within or around buildings, increased threat of spread of
24 fire due to the close proximity of buildings, lack of
25 adequate or proper access to a public right-of-way, lack
26 of reasonably required off-street parking, or inadequate

1 provision for loading and service.

2 (10) Deleterious land use or layout. The existence of
3 incompatible land-use relationships, buildings occupied by
4 inappropriate mixed-uses, or uses considered to be
5 noxious, offensive, or unsuitable for the surrounding
6 area.

7 (11) Lack of community planning. The proposed
8 redevelopment project area was developed prior to or
9 without the benefit or guidance of a community plan. This
10 means that the development occurred prior to the adoption
11 by the municipality of a comprehensive or other community
12 plan or that the plan was not followed at the time of the
13 area's development. This factor must be documented by
14 evidence of adverse or incompatible land-use
15 relationships, inadequate street layout, improper
16 subdivision, parcels of inadequate shape and size to meet
17 contemporary development standards, or other evidence
18 demonstrating an absence of effective community planning.

19 (12) The area has incurred Illinois Environmental
20 Protection Agency or United States Environmental
21 Protection Agency remediation costs for, or a study
22 conducted by an independent consultant recognized as
23 having expertise in environmental remediation has
24 determined a need for, the clean-up of hazardous waste,
25 hazardous substances, or underground storage tanks
26 required by State or federal law, provided that the

1 remediation costs constitute a material impediment to the
2 development or redevelopment of the redevelopment project
3 area.

4 (13) The total equalized assessed value of the
5 proposed redevelopment project area has declined for 3 of
6 the last 5 calendar years for which information is
7 available or is increasing at an annual rate that is less
8 than the balance of the municipality for 3 of the last 5
9 calendar years for which information is available or is
10 increasing at an annual rate that is less than the
11 Consumer Price Index for All Urban Consumers published by
12 the United States Department of Labor or successor agency
13 for 3 of the last 5 calendar years for which information is
14 available.

15 (c) "Industrial park" means an area in a blighted or
16 conservation area suitable for use by any manufacturing,
17 industrial, research or transportation enterprise, of
18 facilities to include but not be limited to factories, mills,
19 processing plants, assembly plants, packing plants,
20 fabricating plants, industrial distribution centers,
21 warehouses, repair overhaul or service facilities, freight
22 terminals, research facilities, test facilities or railroad
23 facilities.

24 (d) "Industrial park conservation area" means an area
25 within the boundaries of a redevelopment project area located
26 within the territorial limits of a municipality that is a

1 labor surplus municipality or within 1 1/2 miles of the
2 territorial limits of a municipality that is a labor surplus
3 municipality if the area is annexed to the municipality; which
4 area is zoned as industrial no later than at the time the
5 municipality by ordinance designates the redevelopment project
6 area, and which area includes both vacant land suitable for
7 use as an industrial park and a blighted area or conservation
8 area contiguous to such vacant land.

9 (e) "Labor surplus municipality" means a municipality in
10 which, at any time during the 6 months before the municipality
11 by ordinance designates an industrial park conservation area,
12 the unemployment rate was over 6% and was also 100% or more of
13 the national average unemployment rate for that same time as
14 published in the United States Department of Labor Bureau of
15 Labor Statistics publication entitled "The Employment
16 Situation" or its successor publication. For the purpose of
17 this subsection, if unemployment rate statistics for the
18 municipality are not available, the unemployment rate in the
19 municipality shall be deemed to be the same as the
20 unemployment rate in the principal county in which the
21 municipality is located.

22 (f) "Municipality" shall mean a city, village,
23 incorporated town, or a township that is located in the
24 unincorporated portion of a county with 3 million or more
25 inhabitants, if the county adopted an ordinance that approved
26 the township's redevelopment plan.

1 (g) "Initial Sales Tax Amounts" means the amount of taxes
2 paid under the Retailers' Occupation Tax Act, Use Tax Act,
3 Service Use Tax Act, the Service Occupation Tax Act, the
4 Municipal Retailers' Occupation Tax Act, and the Municipal
5 Service Occupation Tax Act by retailers and servicemen on
6 transactions at places located in a State Sales Tax Boundary
7 during the calendar year 1985.

8 (g-1) "Revised Initial Sales Tax Amounts" means the amount
9 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
10 Act, Service Use Tax Act, the Service Occupation Tax Act, the
11 Municipal Retailers' Occupation Tax Act, and the Municipal
12 Service Occupation Tax Act by retailers and servicemen on
13 transactions at places located within the State Sales Tax
14 Boundary revised pursuant to Section 11-74.4-8a(9) of this
15 Act.

16 (h) "Municipal Sales Tax Increment" means an amount equal
17 to the increase in the aggregate amount of taxes paid to a
18 municipality from the Local Government Tax Fund arising from
19 sales by retailers and servicemen within the redevelopment
20 project area or State Sales Tax Boundary, as the case may be,
21 for as long as the redevelopment project area or State Sales
22 Tax Boundary, as the case may be, exist over and above the
23 aggregate amount of taxes as certified by the Illinois
24 Department of Revenue and paid under the Municipal Retailers'
25 Occupation Tax Act and the Municipal Service Occupation Tax
26 Act by retailers and servicemen, on transactions at places of

1 business located in the redevelopment project area or State
2 Sales Tax Boundary, as the case may be, during the base year
3 which shall be the calendar year immediately prior to the year
4 in which the municipality adopted tax increment allocation
5 financing. For purposes of computing the aggregate amount of
6 such taxes for base years occurring prior to 1985, the
7 Department of Revenue shall determine the Initial Sales Tax
8 Amounts for such taxes and deduct therefrom an amount equal to
9 4% of the aggregate amount of taxes per year for each year the
10 base year is prior to 1985, but not to exceed a total deduction
11 of 12%. The amount so determined shall be known as the
12 "Adjusted Initial Sales Tax Amounts". For purposes of
13 determining the Municipal Sales Tax Increment, the Department
14 of Revenue shall for each period subtract from the amount paid
15 to the municipality from the Local Government Tax Fund arising
16 from sales by retailers and servicemen on transactions located
17 in the redevelopment project area or the State Sales Tax
18 Boundary, as the case may be, the certified Initial Sales Tax
19 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
20 Initial Sales Tax Amounts for the Municipal Retailers'
21 Occupation Tax Act and the Municipal Service Occupation Tax
22 Act. For the State Fiscal Year 1989, this calculation shall be
23 made by utilizing the calendar year 1987 to determine the tax
24 amounts received. For the State Fiscal Year 1990, this
25 calculation shall be made by utilizing the period from January
26 1, 1988, until September 30, 1988, to determine the tax

1 amounts received from retailers and servicemen pursuant to the
2 Municipal Retailers' Occupation Tax and the Municipal Service
3 Occupation Tax Act, which shall have deducted therefrom
4 nine-twelfths of the certified Initial Sales Tax Amounts, the
5 Adjusted Initial Sales Tax Amounts or the Revised Initial
6 Sales Tax Amounts as appropriate. For the State Fiscal Year
7 1991, this calculation shall be made by utilizing the period
8 from October 1, 1988, to June 30, 1989, to determine the tax
9 amounts received from retailers and servicemen pursuant to the
10 Municipal Retailers' Occupation Tax and the Municipal Service
11 Occupation Tax Act which shall have deducted therefrom
12 nine-twelfths of the certified Initial Sales Tax Amounts,
13 Adjusted Initial Sales Tax Amounts or the Revised Initial
14 Sales Tax Amounts as appropriate. For every State Fiscal Year
15 thereafter, the applicable period shall be the 12 months
16 beginning July 1 and ending June 30 to determine the tax
17 amounts received which shall have deducted therefrom the
18 certified Initial Sales Tax Amounts, the Adjusted Initial
19 Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as
20 the case may be.

21 (i) "Net State Sales Tax Increment" means the sum of the
22 following: (a) 80% of the first \$100,000 of State Sales Tax
23 Increment annually generated within a State Sales Tax
24 Boundary; (b) 60% of the amount in excess of \$100,000 but not
25 exceeding \$500,000 of State Sales Tax Increment annually
26 generated within a State Sales Tax Boundary; and (c) 40% of all

1 amounts in excess of \$500,000 of State Sales Tax Increment
2 annually generated within a State Sales Tax Boundary. If,
3 however, a municipality established a tax increment financing
4 district in a county with a population in excess of 3,000,000
5 before January 1, 1986, and the municipality entered into a
6 contract or issued bonds after January 1, 1986, but before
7 December 31, 1986, to finance redevelopment project costs
8 within a State Sales Tax Boundary, then the Net State Sales Tax
9 Increment means, for the fiscal years beginning July 1, 1990,
10 and July 1, 1991, 100% of the State Sales Tax Increment
11 annually generated within a State Sales Tax Boundary; and
12 notwithstanding any other provision of this Act, for those
13 fiscal years the Department of Revenue shall distribute to
14 those municipalities 100% of their Net State Sales Tax
15 Increment before any distribution to any other municipality
16 and regardless of whether or not those other municipalities
17 will receive 100% of their Net State Sales Tax Increment. For
18 Fiscal Year 1999, and every year thereafter until the year
19 2007, for any municipality that has not entered into a
20 contract or has not issued bonds prior to June 1, 1988 to
21 finance redevelopment project costs within a State Sales Tax
22 Boundary, the Net State Sales Tax Increment shall be
23 calculated as follows: By multiplying the Net State Sales Tax
24 Increment by 90% in the State Fiscal Year 1999; 80% in the
25 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
26 in the State Fiscal Year 2002; 50% in the State Fiscal Year

1 2003; 40% in the State Fiscal Year 2004; 30% in the State
2 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
3 the State Fiscal Year 2007. No payment shall be made for State
4 Fiscal Year 2008 and thereafter.

5 Municipalities that issued bonds in connection with a
6 redevelopment project in a redevelopment project area within
7 the State Sales Tax Boundary prior to July 29, 1991, or that
8 entered into contracts in connection with a redevelopment
9 project in a redevelopment project area before June 1, 1988,
10 shall continue to receive their proportional share of the
11 Illinois Tax Increment Fund distribution until the date on
12 which the redevelopment project is completed or terminated.
13 If, however, a municipality that issued bonds in connection
14 with a redevelopment project in a redevelopment project area
15 within the State Sales Tax Boundary prior to July 29, 1991
16 retires the bonds prior to June 30, 2007 or a municipality that
17 entered into contracts in connection with a redevelopment
18 project in a redevelopment project area before June 1, 1988
19 completes the contracts prior to June 30, 2007, then so long as
20 the redevelopment project is not completed or is not
21 terminated, the Net State Sales Tax Increment shall be
22 calculated, beginning on the date on which the bonds are
23 retired or the contracts are completed, as follows: By
24 multiplying the Net State Sales Tax Increment by 60% in the
25 State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40%
26 in the State Fiscal Year 2004; 30% in the State Fiscal Year

1 2005; 20% in the State Fiscal Year 2006; and 10% in the State
2 Fiscal Year 2007. No payment shall be made for State Fiscal
3 Year 2008 and thereafter. Refunding of any bonds issued prior
4 to July 29, 1991, shall not alter the Net State Sales Tax
5 Increment.

6 (j) "State Utility Tax Increment Amount" means an amount
7 equal to the aggregate increase in State electric and gas tax
8 charges imposed on owners and tenants, other than residential
9 customers, of properties located within the redevelopment
10 project area under Section 9-222 of the Public Utilities Act,
11 over and above the aggregate of such charges as certified by
12 the Department of Revenue and paid by owners and tenants,
13 other than residential customers, of properties within the
14 redevelopment project area during the base year, which shall
15 be the calendar year immediately prior to the year of the
16 adoption of the ordinance authorizing tax increment allocation
17 financing.

18 (k) "Net State Utility Tax Increment" means the sum of the
19 following: (a) 80% of the first \$100,000 of State Utility Tax
20 Increment annually generated by a redevelopment project area;
21 (b) 60% of the amount in excess of \$100,000 but not exceeding
22 \$500,000 of the State Utility Tax Increment annually generated
23 by a redevelopment project area; and (c) 40% of all amounts in
24 excess of \$500,000 of State Utility Tax Increment annually
25 generated by a redevelopment project area. For the State
26 Fiscal Year 1999, and every year thereafter until the year

1 2007, for any municipality that has not entered into a
2 contract or has not issued bonds prior to June 1, 1988 to
3 finance redevelopment project costs within a redevelopment
4 project area, the Net State Utility Tax Increment shall be
5 calculated as follows: By multiplying the Net State Utility
6 Tax Increment by 90% in the State Fiscal Year 1999; 80% in the
7 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
8 in the State Fiscal Year 2002; 50% in the State Fiscal Year
9 2003; 40% in the State Fiscal Year 2004; 30% in the State
10 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
11 the State Fiscal Year 2007. No payment shall be made for the
12 State Fiscal Year 2008 and thereafter.

13 Municipalities that issue bonds in connection with the
14 redevelopment project during the period from June 1, 1988
15 until 3 years after the effective date of this Amendatory Act
16 of 1988 shall receive the Net State Utility Tax Increment,
17 subject to appropriation, for 15 State Fiscal Years after the
18 issuance of such bonds. For the 16th through the 20th State
19 Fiscal Years after issuance of the bonds, the Net State
20 Utility Tax Increment shall be calculated as follows: By
21 multiplying the Net State Utility Tax Increment by 90% in year
22 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in
23 year 20. Refunding of any bonds issued prior to June 1, 1988,
24 shall not alter the revised Net State Utility Tax Increment
25 payments set forth above.

26 (1) "Obligations" mean bonds, loans, debentures, notes,

1 special certificates or other evidence of indebtedness issued
2 by the municipality to carry out a redevelopment project or to
3 refund outstanding obligations.

4 (m) "Payment in lieu of taxes" means those estimated tax
5 revenues from real property in a redevelopment project area
6 derived from real property that has been acquired by a
7 municipality which according to the redevelopment project or
8 plan is to be used for a private use which taxing districts
9 would have received had a municipality not acquired the real
10 property and adopted tax increment allocation financing and
11 which would result from levies made after the time of the
12 adoption of tax increment allocation financing to the time the
13 current equalized value of real property in the redevelopment
14 project area exceeds the total initial equalized value of real
15 property in said area.

16 (n) "Redevelopment plan" means the comprehensive program
17 of the municipality for development or redevelopment intended
18 by the payment of redevelopment project costs to reduce or
19 eliminate those conditions the existence of which qualified
20 the redevelopment project area as a "blighted area" or
21 "conservation area" or combination thereof or "industrial park
22 conservation area," and thereby to enhance the tax bases of
23 the taxing districts which extend into the redevelopment
24 project area, provided that, with respect to redevelopment
25 project areas described in subsections (p-1) and (p-2),
26 "redevelopment plan" means the comprehensive program of the

1 affected municipality for the development of qualifying
2 transit facilities. On and after November 1, 1999 (the
3 effective date of Public Act 91-478), no redevelopment plan
4 may be approved or amended that includes the development of
5 vacant land (i) with a golf course and related clubhouse and
6 other facilities or (ii) designated by federal, State, county,
7 or municipal government as public land for outdoor
8 recreational activities or for nature preserves and used for
9 that purpose within 5 years prior to the adoption of the
10 redevelopment plan. For the purpose of this subsection,
11 "recreational activities" is limited to mean camping and
12 hunting. Each redevelopment plan shall set forth in writing
13 the program to be undertaken to accomplish the objectives and
14 shall include but not be limited to:

15 (A) an itemized list of estimated redevelopment
16 project costs;

17 (B) evidence indicating that the redevelopment project
18 area on the whole has not been subject to growth and
19 development through investment by private enterprise,
20 provided that such evidence shall not be required for any
21 redevelopment project area located within a transit
22 facility improvement area established pursuant to Section
23 11-74.4-3.3;

24 (C) an assessment of any financial impact of the
25 redevelopment project area on or any increased demand for
26 services from any taxing district affected by the plan and

1 any program to address such financial impact or increased
2 demand;

3 (D) the sources of funds to pay costs;

4 (E) the nature and term of the obligations to be
5 issued;

6 (F) the most recent equalized assessed valuation of
7 the redevelopment project area;

8 (G) an estimate as to the equalized assessed valuation
9 after redevelopment and the general land uses to apply in
10 the redevelopment project area;

11 (H) a commitment to fair employment practices and an
12 affirmative action plan;

13 (I) if it concerns an industrial park conservation
14 area, the plan shall also include a general description of
15 any proposed developer, user and tenant of any property, a
16 description of the type, structure and general character
17 of the facilities to be developed, a description of the
18 type, class and number of new employees to be employed in
19 the operation of the facilities to be developed; and

20 (J) if property is to be annexed to the municipality,
21 the plan shall include the terms of the annexation
22 agreement.

23 The provisions of items (B) and (C) of this subsection (n)
24 shall not apply to a municipality that before March 14, 1994
25 (the effective date of Public Act 88-537) had fixed, either by
26 its corporate authorities or by a commission designated under

1 subsection (k) of Section 11-74.4-4, a time and place for a
2 public hearing as required by subsection (a) of Section
3 11-74.4-5. No redevelopment plan shall be adopted unless a
4 municipality complies with all of the following requirements:

5 (1) The municipality finds that the redevelopment
6 project area on the whole has not been subject to growth
7 and development through investment by private enterprise
8 and would not reasonably be anticipated to be developed
9 without the adoption of the redevelopment plan, provided,
10 however, that such a finding shall not be required with
11 respect to any redevelopment project area located within a
12 transit facility improvement area established pursuant to
13 Section 11-74.4-3.3.

14 (2) The municipality finds that the redevelopment plan
15 and project conform to the comprehensive plan for the
16 development of the municipality as a whole, or, for
17 municipalities with a population of 100,000 or more,
18 regardless of when the redevelopment plan and project was
19 adopted, the redevelopment plan and project either: (i)
20 conforms to the strategic economic development or
21 redevelopment plan issued by the designated planning
22 authority of the municipality, or (ii) includes land uses
23 that have been approved by the planning commission of the
24 municipality.

25 (3) The redevelopment plan establishes the estimated
26 dates of completion of the redevelopment project and

1 retirement of obligations issued to finance redevelopment
2 project costs. Those dates may not be later than the dates
3 set forth under Section 11-74.4-3.5.

4 A municipality may by municipal ordinance amend an
5 existing redevelopment plan to conform to this paragraph
6 (3) as amended by Public Act 91-478, which municipal
7 ordinance may be adopted without further hearing or notice
8 and without complying with the procedures provided in this
9 Act pertaining to an amendment to or the initial approval
10 of a redevelopment plan and project and designation of a
11 redevelopment project area.

12 (3.5) The municipality finds, in the case of an
13 industrial park conservation area, also that the
14 municipality is a labor surplus municipality and that the
15 implementation of the redevelopment plan will reduce
16 unemployment, create new jobs and by the provision of new
17 facilities enhance the tax base of the taxing districts
18 that extend into the redevelopment project area.

19 (4) If any incremental revenues are being utilized
20 under Section 8(a)(1) or 8(a)(2) of this Act in
21 redevelopment project areas approved by ordinance after
22 January 1, 1986, the municipality finds: (a) that the
23 redevelopment project area would not reasonably be
24 developed without the use of such incremental revenues,
25 and (b) that such incremental revenues will be exclusively
26 utilized for the development of the redevelopment project

1 area.

2 (5) If: (a) the redevelopment plan will not result in
3 displacement of residents from 10 or more inhabited
4 residential units, and the municipality certifies in the
5 plan that such displacement will not result from the plan;
6 or (b) the redevelopment plan is for a redevelopment
7 project area or a qualifying transit facility located
8 within a transit facility improvement area established
9 pursuant to Section 11-74.4-3.3, and the applicable
10 project is subject to the process for evaluation of
11 environmental effects under the National Environmental
12 Policy Act of 1969, 42 U.S.C. 4321 et seq., then a housing
13 impact study need not be performed. If, however, the
14 redevelopment plan would result in the displacement of
15 residents from 10 or more inhabited residential units, or
16 if the redevelopment project area contains 75 or more
17 inhabited residential units and no certification is made,
18 then the municipality shall prepare, as part of the
19 separate feasibility report required by subsection (a) of
20 Section 11-74.4-5, a housing impact study.

21 Part I of the housing impact study shall include (i)
22 data as to whether the residential units are single family
23 or multi-family units, (ii) the number and type of rooms
24 within the units, if that information is available, (iii)
25 whether the units are inhabited or uninhabited, as
26 determined not less than 45 days before the date that the

1 ordinance or resolution required by subsection (a) of
2 Section 11-74.4-5 is passed, and (iv) data as to the
3 racial and ethnic composition of the residents in the
4 inhabited residential units. The data requirement as to
5 the racial and ethnic composition of the residents in the
6 inhabited residential units shall be deemed to be fully
7 satisfied by data from the most recent federal census.

8 Part II of the housing impact study shall identify the
9 inhabited residential units in the proposed redevelopment
10 project area that are to be or may be removed. If inhabited
11 residential units are to be removed, then the housing
12 impact study shall identify (i) the number and location of
13 those units that will or may be removed, (ii) the
14 municipality's plans for relocation assistance for those
15 residents in the proposed redevelopment project area whose
16 residences are to be removed, (iii) the availability of
17 replacement housing for those residents whose residences
18 are to be removed, and shall identify the type, location,
19 and cost of the housing, and (iv) the type and extent of
20 relocation assistance to be provided.

21 (6) On and after November 1, 1999, the housing impact
22 study required by paragraph (5) shall be incorporated in
23 the redevelopment plan for the redevelopment project area.

24 (7) On and after November 1, 1999, no redevelopment
25 plan shall be adopted, nor an existing plan amended, nor
26 shall residential housing that is occupied by households

1 of low-income and very low-income persons in currently
2 existing redevelopment project areas be removed after
3 November 1, 1999 unless the redevelopment plan provides,
4 with respect to inhabited housing units that are to be
5 removed for households of low-income and very low-income
6 persons, affordable housing and relocation assistance not
7 less than that which would be provided under the federal
8 Uniform Relocation Assistance and Real Property
9 Acquisition Policies Act of 1970 and the regulations under
10 that Act, including the eligibility criteria. Affordable
11 housing may be either existing or newly constructed
12 housing. For purposes of this paragraph (7), "low-income
13 households", "very low-income households", and "affordable
14 housing" have the meanings set forth in the Illinois
15 Affordable Housing Act. The municipality shall make a good
16 faith effort to ensure that this affordable housing is
17 located in or near the redevelopment project area within
18 the municipality.

19 (8) On and after November 1, 1999, if, after the
20 adoption of the redevelopment plan for the redevelopment
21 project area, any municipality desires to amend its
22 redevelopment plan to remove more inhabited residential
23 units than specified in its original redevelopment plan,
24 that change shall be made in accordance with the
25 procedures in subsection (c) of Section 11-74.4-5.

26 (9) For redevelopment project areas designated prior

1 to November 1, 1999, the redevelopment plan may be amended
2 without further joint review board meeting or hearing,
3 provided that the municipality shall give notice of any
4 such changes by mail to each affected taxing district and
5 registrant on the interested party registry, to authorize
6 the municipality to expend tax increment revenues for
7 redevelopment project costs defined by paragraphs (5) and
8 (7.5), subparagraphs (E) and (F) of paragraph (11), and
9 paragraph (11.5) of subsection (q) of Section 11-74.4-3,
10 so long as the changes do not increase the total estimated
11 redevelopment project costs set out in the redevelopment
12 plan by more than 5% after adjustment for inflation from
13 the date the plan was adopted.

14 (o) "Redevelopment project" means any public and private
15 development project in furtherance of the objectives of a
16 redevelopment plan. On and after November 1, 1999 (the
17 effective date of Public Act 91-478), no redevelopment plan
18 may be approved or amended that includes the development of
19 vacant land (i) with a golf course and related clubhouse and
20 other facilities or (ii) designated by federal, State, county,
21 or municipal government as public land for outdoor
22 recreational activities or for nature preserves and used for
23 that purpose within 5 years prior to the adoption of the
24 redevelopment plan. For the purpose of this subsection,
25 "recreational activities" is limited to mean camping and
26 hunting.

1 (p) "Redevelopment project area" means an area designated
2 by the municipality, which is not less in the aggregate than 1
3 1/2 acres and in respect to which the municipality has made a
4 finding that there exist conditions which cause the area to be
5 classified as an industrial park conservation area or a
6 blighted area or a conservation area, or a combination of both
7 blighted areas and conservation areas.

8 (p-1) Notwithstanding any provision of this Act to the
9 contrary, on and after August 25, 2009 (the effective date of
10 Public Act 96-680), a redevelopment project area may include
11 areas within a one-half mile radius of an existing or proposed
12 Regional Transportation Authority Suburban Transit Access
13 Route (STAR Line) station without a finding that the area is
14 classified as an industrial park conservation area, a blighted
15 area, a conservation area, or a combination thereof, but only
16 if the municipality receives unanimous consent from the joint
17 review board created to review the proposed redevelopment
18 project area.

19 (p-2) Notwithstanding any provision of this Act to the
20 contrary, on and after the effective date of this amendatory
21 Act of the 99th General Assembly, a redevelopment project area
22 may include areas within a transit facility improvement area
23 that has been established pursuant to Section 11-74.4-3.3
24 without a finding that the area is classified as an industrial
25 park conservation area, a blighted area, a conservation area,
26 or any combination thereof.

1 (q) "Redevelopment project costs", except for
2 redevelopment project areas created pursuant to subsection
3 (p-1) or (p-2), means and includes the sum total of all
4 reasonable or necessary costs incurred or estimated to be
5 incurred, and any such costs incidental to a redevelopment
6 plan and a redevelopment project. Such costs include, without
7 limitation, the following:

8 (1) Costs of studies, surveys, development of plans,
9 and specifications, implementation and administration of
10 the redevelopment plan including but not limited to staff
11 and professional service costs for architectural,
12 engineering, legal, financial, planning or other services,
13 provided however that no charges for professional services
14 may be based on a percentage of the tax increment
15 collected; except that on and after November 1, 1999 (the
16 effective date of Public Act 91-478), no contracts for
17 professional services, excluding architectural and
18 engineering services, may be entered into if the terms of
19 the contract extend beyond a period of 3 years. In
20 addition, "redevelopment project costs" shall not include
21 lobbying expenses. After consultation with the
22 municipality, each tax increment consultant or advisor to
23 a municipality that plans to designate or has designated a
24 redevelopment project area shall inform the municipality
25 in writing of any contracts that the consultant or advisor
26 has entered into with entities or individuals that have

1 received, or are receiving, payments financed by tax
2 increment revenues produced by the redevelopment project
3 area with respect to which the consultant or advisor has
4 performed, or will be performing, service for the
5 municipality. This requirement shall be satisfied by the
6 consultant or advisor before the commencement of services
7 for the municipality and thereafter whenever any other
8 contracts with those individuals or entities are executed
9 by the consultant or advisor;

10 (1.5) After July 1, 1999, annual administrative costs
11 shall not include general overhead or administrative costs
12 of the municipality that would still have been incurred by
13 the municipality if the municipality had not designated a
14 redevelopment project area or approved a redevelopment
15 plan;

16 (1.6) The cost of marketing sites within the
17 redevelopment project area to prospective businesses,
18 developers, and investors;

19 (2) Property assembly costs, including but not limited
20 to acquisition of land and other property, real or
21 personal, or rights or interests therein, demolition of
22 buildings, site preparation, site improvements that serve
23 as an engineered barrier addressing ground level or below
24 ground environmental contamination, including, but not
25 limited to parking lots and other concrete or asphalt
26 barriers, and the clearing and grading of land;

1 (3) Costs of rehabilitation, reconstruction or repair
2 or remodeling of existing public or private buildings,
3 fixtures, and leasehold improvements; and the cost of
4 replacing an existing public building if pursuant to the
5 implementation of a redevelopment project the existing
6 public building is to be demolished to use the site for
7 private investment or devoted to a different use requiring
8 private investment; including any direct or indirect costs
9 relating to Green Globes or LEED certified construction
10 elements or construction elements with an equivalent
11 certification;

12 (4) Costs of the construction of public works or
13 improvements, including any direct or indirect costs
14 relating to Green Globes or LEED certified construction
15 elements or construction elements with an equivalent
16 certification, except that on and after November 1, 1999,
17 redevelopment project costs shall not include the cost of
18 constructing a new municipal public building principally
19 used to provide offices, storage space, or conference
20 facilities or vehicle storage, maintenance, or repair for
21 administrative, public safety, or public works personnel
22 and that is not intended to replace an existing public
23 building as provided under paragraph (3) of subsection (q)
24 of Section 11-74.4-3 unless either (i) the construction of
25 the new municipal building implements a redevelopment
26 project that was included in a redevelopment plan that was

1 adopted by the municipality prior to November 1, 1999,
2 (ii) the municipality makes a reasonable determination in
3 the redevelopment plan, supported by information that
4 provides the basis for that determination, that the new
5 municipal building is required to meet an increase in the
6 need for public safety purposes anticipated to result from
7 the implementation of the redevelopment plan, or (iii) the
8 new municipal public building is for the storage,
9 maintenance, or repair of transit vehicles and is located
10 in a transit facility improvement area that has been
11 established pursuant to Section 11-74.4-3.3;

12 (5) Costs of job training and retraining projects,
13 including the cost of "welfare to work" programs
14 implemented by businesses located within the redevelopment
15 project area;

16 (6) Financing costs, including but not limited to all
17 necessary and incidental expenses related to the issuance
18 of obligations and which may include payment of interest
19 on any obligations issued hereunder including interest
20 accruing during the estimated period of construction of
21 any redevelopment project for which such obligations are
22 issued and for not exceeding 36 months thereafter and
23 including reasonable reserves related thereto;

24 (7) To the extent the municipality by written
25 agreement accepts and approves the same, all or a portion
26 of a taxing district's capital costs resulting from the

1 redevelopment project necessarily incurred or to be
2 incurred within a taxing district in furtherance of the
3 objectives of the redevelopment plan and project;

4 (7.5) For redevelopment project areas designated (or
5 redevelopment project areas amended to add or increase the
6 number of tax-increment-financing assisted housing units)
7 on or after November 1, 1999, an elementary, secondary, or
8 unit school district's increased costs attributable to
9 assisted housing units located within the redevelopment
10 project area for which the developer or redeveloper
11 receives financial assistance through an agreement with
12 the municipality or because the municipality incurs the
13 cost of necessary infrastructure improvements within the
14 boundaries of the assisted housing sites necessary for the
15 completion of that housing as authorized by this Act, and
16 which costs shall be paid by the municipality from the
17 Special Tax Allocation Fund when the tax increment revenue
18 is received as a result of the assisted housing units and
19 shall be calculated annually as follows:

20 (A) for foundation districts, excluding any school
21 district in a municipality with a population in excess
22 of 1,000,000, by multiplying the district's increase
23 in attendance resulting from the net increase in new
24 students enrolled in that school district who reside
25 in housing units within the redevelopment project area
26 that have received financial assistance through an

1 agreement with the municipality or because the
2 municipality incurs the cost of necessary
3 infrastructure improvements within the boundaries of
4 the housing sites necessary for the completion of that
5 housing as authorized by this Act since the
6 designation of the redevelopment project area by the
7 most recently available per capita tuition cost as
8 defined in Section 10-20.12a of the School Code less
9 any increase in general State aid as defined in
10 Section 18-8.05 of the School Code or evidence-based
11 funding as defined in Section 18-8.15 of the School
12 Code attributable to these added new students subject
13 to the following annual limitations:

14 (i) for unit school districts with a district
15 average 1995-96 Per Capita Tuition Charge of less
16 than \$5,900, no more than 25% of the total amount
17 of property tax increment revenue produced by
18 those housing units that have received tax
19 increment finance assistance under this Act;

20 (ii) for elementary school districts with a
21 district average 1995-96 Per Capita Tuition Charge
22 of less than \$5,900, no more than 17% of the total
23 amount of property tax increment revenue produced
24 by those housing units that have received tax
25 increment finance assistance under this Act; and

26 (iii) for secondary school districts with a

1 district average 1995-96 Per Capita Tuition Charge
2 of less than \$5,900, no more than 8% of the total
3 amount of property tax increment revenue produced
4 by those housing units that have received tax
5 increment finance assistance under this Act.

6 (B) For alternate method districts, flat grant
7 districts, and foundation districts with a district
8 average 1995-96 Per Capita Tuition Charge equal to or
9 more than \$5,900, excluding any school district with a
10 population in excess of 1,000,000, by multiplying the
11 district's increase in attendance resulting from the
12 net increase in new students enrolled in that school
13 district who reside in housing units within the
14 redevelopment project area that have received
15 financial assistance through an agreement with the
16 municipality or because the municipality incurs the
17 cost of necessary infrastructure improvements within
18 the boundaries of the housing sites necessary for the
19 completion of that housing as authorized by this Act
20 since the designation of the redevelopment project
21 area by the most recently available per capita tuition
22 cost as defined in Section 10-20.12a of the School
23 Code less any increase in general state aid as defined
24 in Section 18-8.05 of the School Code or
25 evidence-based funding as defined in Section 18-8.15
26 of the School Code attributable to these added new

1 students subject to the following annual limitations:

2 (i) for unit school districts, no more than
3 40% of the total amount of property tax increment
4 revenue produced by those housing units that have
5 received tax increment finance assistance under
6 this Act;

7 (ii) for elementary school districts, no more
8 than 27% of the total amount of property tax
9 increment revenue produced by those housing units
10 that have received tax increment finance
11 assistance under this Act; and

12 (iii) for secondary school districts, no more
13 than 13% of the total amount of property tax
14 increment revenue produced by those housing units
15 that have received tax increment finance
16 assistance under this Act.

17 (C) For any school district in a municipality with
18 a population in excess of 1,000,000, the following
19 restrictions shall apply to the reimbursement of
20 increased costs under this paragraph (7.5):

21 (i) no increased costs shall be reimbursed
22 unless the school district certifies that each of
23 the schools affected by the assisted housing
24 project is at or over its student capacity;

25 (ii) the amount reimbursable shall be reduced
26 by the value of any land donated to the school

1 district by the municipality or developer, and by
2 the value of any physical improvements made to the
3 schools by the municipality or developer; and

4 (iii) the amount reimbursed may not affect
5 amounts otherwise obligated by the terms of any
6 bonds, notes, or other funding instruments, or the
7 terms of any redevelopment agreement.

8 Any school district seeking payment under this
9 paragraph (7.5) shall, after July 1 and before
10 September 30 of each year, provide the municipality
11 with reasonable evidence to support its claim for
12 reimbursement before the municipality shall be
13 required to approve or make the payment to the school
14 district. If the school district fails to provide the
15 information during this period in any year, it shall
16 forfeit any claim to reimbursement for that year.
17 School districts may adopt a resolution waiving the
18 right to all or a portion of the reimbursement
19 otherwise required by this paragraph (7.5). By
20 acceptance of this reimbursement the school district
21 waives the right to directly or indirectly set aside,
22 modify, or contest in any manner the establishment of
23 the redevelopment project area or projects;

24 (7.7) For redevelopment project areas designated (or
25 redevelopment project areas amended to add or increase the
26 number of tax-increment-financing assisted housing units)

1 on or after January 1, 2005 (the effective date of Public
2 Act 93-961), a public library district's increased costs
3 attributable to assisted housing units located within the
4 redevelopment project area for which the developer or
5 redeveloper receives financial assistance through an
6 agreement with the municipality or because the
7 municipality incurs the cost of necessary infrastructure
8 improvements within the boundaries of the assisted housing
9 sites necessary for the completion of that housing as
10 authorized by this Act shall be paid to the library
11 district by the municipality from the Special Tax
12 Allocation Fund when the tax increment revenue is received
13 as a result of the assisted housing units. This paragraph
14 (7.7) applies only if (i) the library district is located
15 in a county that is subject to the Property Tax Extension
16 Limitation Law or (ii) the library district is not located
17 in a county that is subject to the Property Tax Extension
18 Limitation Law but the district is prohibited by any other
19 law from increasing its tax levy rate without a prior
20 voter referendum.

21 The amount paid to a library district under this
22 paragraph (7.7) shall be calculated by multiplying (i) the
23 net increase in the number of persons eligible to obtain a
24 library card in that district who reside in housing units
25 within the redevelopment project area that have received
26 financial assistance through an agreement with the

1 municipality or because the municipality incurs the cost
2 of necessary infrastructure improvements within the
3 boundaries of the housing sites necessary for the
4 completion of that housing as authorized by this Act since
5 the designation of the redevelopment project area by (ii)
6 the per-patron cost of providing library services so long
7 as it does not exceed \$120. The per-patron cost shall be
8 the Total Operating Expenditures Per Capita for the
9 library in the previous fiscal year. The municipality may
10 deduct from the amount that it must pay to a library
11 district under this paragraph any amount that it has
12 voluntarily paid to the library district from the tax
13 increment revenue. The amount paid to a library district
14 under this paragraph (7.7) shall be no more than 2% of the
15 amount produced by the assisted housing units and
16 deposited into the Special Tax Allocation Fund.

17 A library district is not eligible for any payment
18 under this paragraph (7.7) unless the library district has
19 experienced an increase in the number of patrons from the
20 municipality that created the tax-increment-financing
21 district since the designation of the redevelopment
22 project area.

23 Any library district seeking payment under this
24 paragraph (7.7) shall, after July 1 and before September
25 30 of each year, provide the municipality with convincing
26 evidence to support its claim for reimbursement before the

1 municipality shall be required to approve or make the
2 payment to the library district. If the library district
3 fails to provide the information during this period in any
4 year, it shall forfeit any claim to reimbursement for that
5 year. Library districts may adopt a resolution waiving the
6 right to all or a portion of the reimbursement otherwise
7 required by this paragraph (7.7). By acceptance of such
8 reimbursement, the library district shall forfeit any
9 right to directly or indirectly set aside, modify, or
10 contest in any manner whatsoever the establishment of the
11 redevelopment project area or projects;

12 (8) Relocation costs to the extent that a municipality
13 determines that relocation costs shall be paid or is
14 required to make payment of relocation costs by federal or
15 State law or in order to satisfy subparagraph (7) of
16 subsection (n);

17 (9) Payment in lieu of taxes;

18 (10) Costs of job training, retraining, advanced
19 vocational education or career education, including but
20 not limited to courses in occupational, semi-technical or
21 technical fields leading directly to employment, incurred
22 by one or more taxing districts, provided that such costs
23 (i) are related to the establishment and maintenance of
24 additional job training, advanced vocational education or
25 career education programs for persons employed or to be
26 employed by employers located in a redevelopment project

1 area; and (ii) when incurred by a taxing district or
2 taxing districts other than the municipality, are set
3 forth in a written agreement by or among the municipality
4 and the taxing district or taxing districts, which
5 agreement describes the program to be undertaken,
6 including but not limited to the number of employees to be
7 trained, a description of the training and services to be
8 provided, the number and type of positions available or to
9 be available, itemized costs of the program and sources of
10 funds to pay for the same, and the term of the agreement.
11 Such costs include, specifically, the payment by community
12 college districts of costs pursuant to Sections 3-37,
13 3-38, 3-40 and 3-40.1 of the Public Community College Act
14 and by school districts of costs pursuant to Sections
15 10-22.20a and 10-23.3a of the School Code;

16 (11) Interest cost incurred by a redeveloper related
17 to the construction, renovation or rehabilitation of a
18 redevelopment project provided that:

19 (A) such costs are to be paid directly from the
20 special tax allocation fund established pursuant to
21 this Act;

22 (B) such payments in any one year may not exceed
23 30% of the annual interest costs incurred by the
24 redeveloper with regard to the redevelopment project
25 during that year;

26 (C) if there are not sufficient funds available in

1 the special tax allocation fund to make the payment
2 pursuant to this paragraph (11) then the amounts so
3 due shall accrue and be payable when sufficient funds
4 are available in the special tax allocation fund;

5 (D) the total of such interest payments paid
6 pursuant to this Act may not exceed 30% of the total
7 (i) cost paid or incurred by the redeveloper for the
8 redevelopment project plus (ii) redevelopment project
9 costs excluding any property assembly costs and any
10 relocation costs incurred by a municipality pursuant
11 to this Act;

12 (E) the cost limits set forth in subparagraphs (B)
13 and (D) of paragraph (11) shall be modified for the
14 financing of rehabilitated or new housing units for
15 low-income households and very low-income households,
16 as defined in Section 3 of the Illinois Affordable
17 Housing Act. The percentage of 75% shall be
18 substituted for 30% in subparagraphs (B) and (D) of
19 paragraph (11); and

20 (F) instead of the eligible costs provided by
21 subparagraphs (B) and (D) of paragraph (11), as
22 modified by this subparagraph, and notwithstanding any
23 other provisions of this Act to the contrary, the
24 municipality may pay from tax increment revenues up to
25 50% of the cost of construction of new housing units to
26 be occupied by low-income households and very

1 low-income households as defined in Section 3 of the
2 Illinois Affordable Housing Act. The cost of
3 construction of those units may be derived from the
4 proceeds of bonds issued by the municipality under
5 this Act or other constitutional or statutory
6 authority or from other sources of municipal revenue
7 that may be reimbursed from tax increment revenues or
8 the proceeds of bonds issued to finance the
9 construction of that housing.

10 The eligible costs provided under this
11 subparagraph (F) of paragraph (11) shall be an
12 eligible cost for the construction, renovation, and
13 rehabilitation of all low and very low-income housing
14 units, as defined in Section 3 of the Illinois
15 Affordable Housing Act, within the redevelopment
16 project area. If the low and very low-income units are
17 part of a residential redevelopment project that
18 includes units not affordable to low and very
19 low-income households, only the low and very
20 low-income units shall be eligible for benefits under
21 this subparagraph (F) of paragraph (11). The standards
22 for maintaining the occupancy by low-income households
23 and very low-income households, as defined in Section
24 3 of the Illinois Affordable Housing Act, of those
25 units constructed with eligible costs made available
26 under the provisions of this subparagraph (F) of

1 paragraph (11) shall be established by guidelines
2 adopted by the municipality. The responsibility for
3 annually documenting the initial occupancy of the
4 units by low-income households and very low-income
5 households, as defined in Section 3 of the Illinois
6 Affordable Housing Act, shall be that of the then
7 current owner of the property. For ownership units,
8 the guidelines will provide, at a minimum, for a
9 reasonable recapture of funds, or other appropriate
10 methods designed to preserve the original
11 affordability of the ownership units. For rental
12 units, the guidelines will provide, at a minimum, for
13 the affordability of rent to low and very low-income
14 households. As units become available, they shall be
15 rented to income-eligible tenants. The municipality
16 may modify these guidelines from time to time; the
17 guidelines, however, shall be in effect for as long as
18 tax increment revenue is being used to pay for costs
19 associated with the units or for the retirement of
20 bonds issued to finance the units or for the life of
21 the redevelopment project area, whichever is later;

22 (11.5) If the redevelopment project area is located
23 within a municipality with a population of more than
24 100,000, the cost of day care services for children of
25 employees from low-income families working for businesses
26 located within the redevelopment project area and all or a

1 portion of the cost of operation of day care centers
2 established by redevelopment project area businesses to
3 serve employees from low-income families working in
4 businesses located in the redevelopment project area. For
5 the purposes of this paragraph, "low-income families"
6 means families whose annual income does not exceed 80% of
7 the municipal, county, or regional median income, adjusted
8 for family size, as the annual income and municipal,
9 county, or regional median income are determined from time
10 to time by the United States Department of Housing and
11 Urban Development.

12 (12) Costs relating to the development of urban
13 agricultural areas under Division 15.2 of the Illinois
14 Municipal Code.

15 (13) Costs of business interruption or closures. Such
16 costs are payable to businesses located within the
17 redevelopment area that have experienced business
18 interruption or other adverse conditions directly or
19 indirectly attributable to the COVID-19 public health
20 emergency and experienced during a statewide disaster
21 declaration regarding COVID-19. These costs may be
22 reimbursed in the form of grants, subsidies, or loans
23 distributed prior to December 31, 2022.

24 The municipality may establish, by ordinance or
25 resolution, procedures for the payment of such costs,
26 including application procedures, grant or loan

1 agreements, certifications, payment methodologies, and
2 other accountability measures that may be imposed upon
3 participating businesses.

4 As used in this subsection, "costs of business
5 interruption" means either of the following: decreases in
6 revenue caused by closing or limiting access to the
7 business establishment to comply with COVID-19 public
8 health emergency prevention directives or to otherwise
9 prevent the spread of COVID-19 within the business
10 establishment; or decreases in revenue caused by decreased
11 customer demand as a result of the COVID-19 public health
12 emergency.

13 Unless explicitly stated herein the cost of construction
14 of new privately-owned buildings shall not be an eligible
15 redevelopment project cost.

16 After November 1, 1999 (the effective date of Public Act
17 91-478), none of the redevelopment project costs enumerated in
18 this subsection shall be eligible redevelopment project costs
19 if those costs would provide direct financial support to a
20 retail entity initiating operations in the redevelopment
21 project area while terminating operations at another Illinois
22 location within 10 miles of the redevelopment project area but
23 outside the boundaries of the redevelopment project area
24 municipality. For purposes of this paragraph, termination
25 means a closing of a retail operation that is directly related
26 to the opening of the same operation or like retail entity

1 owned or operated by more than 50% of the original ownership in
2 a redevelopment project area, but it does not mean closing an
3 operation for reasons beyond the control of the retail entity,
4 as documented by the retail entity, subject to a reasonable
5 finding by the municipality that the current location
6 contained inadequate space, had become economically obsolete,
7 or was no longer a viable location for the retailer or
8 serviceman.

9 No cost shall be a redevelopment project cost in a
10 redevelopment project area if used to demolish, remove, or
11 substantially modify a historic resource, after August 26,
12 2008 (the effective date of Public Act 95-934), unless no
13 prudent and feasible alternative exists. "Historic resource"
14 for the purpose of this paragraph means (i) a place or
15 structure that is included or eligible for inclusion on the
16 National Register of Historic Places or (ii) a contributing
17 structure in a district on the National Register of Historic
18 Places. This paragraph does not apply to a place or structure
19 for which demolition, removal, or modification is subject to
20 review by the preservation agency of a Certified Local
21 Government designated as such by the National Park Service of
22 the United States Department of the Interior.

23 If a special service area has been established pursuant to
24 the Special Service Area Tax Act or Special Service Area Tax
25 Law, then any tax increment revenues derived from the tax
26 imposed pursuant to the Special Service Area Tax Act or

1 Special Service Area Tax Law may be used within the
2 redevelopment project area for the purposes permitted by that
3 Act or Law as well as the purposes permitted by this Act.

4 (q-1) For redevelopment project areas created pursuant to
5 subsection (p-1), redevelopment project costs are limited to
6 those costs in paragraph (q) that are related to the existing
7 or proposed Regional Transportation Authority Suburban Transit
8 Access Route (STAR Line) station.

9 (q-2) For a transit facility improvement area established
10 prior to, on, or after the effective date of this amendatory
11 Act of the 102nd General Assembly: (i) "redevelopment project
12 costs" means those costs described in subsection (q) that are
13 related to the construction, reconstruction, rehabilitation,
14 remodeling, or repair of any existing or proposed transit
15 facility, whether that facility is located within or outside
16 the boundaries of a redevelopment project area established
17 within that transit facility improvement area (and, to the
18 extent a redevelopment project cost is described in subsection
19 (q) as incurred or estimated to be incurred with respect to a
20 redevelopment project area, then it shall apply with respect
21 to such transit facility improvement area); and (ii) the
22 provisions of Section 11-74.4-8 regarding tax increment
23 allocation financing for a redevelopment project area located
24 in a transit facility improvement area shall apply only to the
25 lots, blocks, tracts and parcels of real property that are
26 located within the boundaries of that redevelopment project

1 area and not to the lots, blocks, tracts, and parcels of real
2 property that are located outside the boundaries of that
3 redevelopment project area.

4 (r) "State Sales Tax Boundary" means the redevelopment
5 project area or the amended redevelopment project area
6 boundaries which are determined pursuant to subsection (9) of
7 Section 11-74.4-8a of this Act. The Department of Revenue
8 shall certify pursuant to subsection (9) of Section 11-74.4-8a
9 the appropriate boundaries eligible for the determination of
10 State Sales Tax Increment.

11 (s) "State Sales Tax Increment" means an amount equal to
12 the increase in the aggregate amount of taxes paid by
13 retailers and servicemen, other than retailers and servicemen
14 subject to the Public Utilities Act, on transactions at places
15 of business located within a State Sales Tax Boundary pursuant
16 to the Retailers' Occupation Tax Act, the Use Tax Act, the
17 Service Use Tax Act, and the Service Occupation Tax Act,
18 except such portion of such increase that is paid into the
19 State and Local Sales Tax Reform Fund, the Local Government
20 Distributive Fund, the Local Government Tax Fund and the
21 County and Mass Transit District Fund, for as long as State
22 participation exists, over and above the Initial Sales Tax
23 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
24 Initial Sales Tax Amounts for such taxes as certified by the
25 Department of Revenue and paid under those Acts by retailers
26 and servicemen on transactions at places of business located

1 within the State Sales Tax Boundary during the base year which
2 shall be the calendar year immediately prior to the year in
3 which the municipality adopted tax increment allocation
4 financing, less 3.0% of such amounts generated under the
5 Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax
6 Act and the Service Occupation Tax Act, which sum shall be
7 appropriated to the Department of Revenue to cover its costs
8 of administering and enforcing this Section. For purposes of
9 computing the aggregate amount of such taxes for base years
10 occurring prior to 1985, the Department of Revenue shall
11 compute the Initial Sales Tax Amount for such taxes and deduct
12 therefrom an amount equal to 4% of the aggregate amount of
13 taxes per year for each year the base year is prior to 1985,
14 but not to exceed a total deduction of 12%. The amount so
15 determined shall be known as the "Adjusted Initial Sales Tax
16 Amount". For purposes of determining the State Sales Tax
17 Increment the Department of Revenue shall for each period
18 subtract from the tax amounts received from retailers and
19 servicemen on transactions located in the State Sales Tax
20 Boundary, the certified Initial Sales Tax Amounts, Adjusted
21 Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts
22 for the Retailers' Occupation Tax Act, the Use Tax Act, the
23 Service Use Tax Act and the Service Occupation Tax Act. For the
24 State Fiscal Year 1989 this calculation shall be made by
25 utilizing the calendar year 1987 to determine the tax amounts
26 received. For the State Fiscal Year 1990, this calculation

1 shall be made by utilizing the period from January 1, 1988,
2 until September 30, 1988, to determine the tax amounts
3 received from retailers and servicemen, which shall have
4 deducted therefrom nine-twelfths of the certified Initial
5 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the
6 Revised Initial Sales Tax Amounts as appropriate. For the
7 State Fiscal Year 1991, this calculation shall be made by
8 utilizing the period from October 1, 1988, until June 30,
9 1989, to determine the tax amounts received from retailers and
10 servicemen, which shall have deducted therefrom nine-twelfths
11 of the certified Initial State Sales Tax Amounts, Adjusted
12 Initial Sales Tax Amounts or the Revised Initial Sales Tax
13 Amounts as appropriate. For every State Fiscal Year
14 thereafter, the applicable period shall be the 12 months
15 beginning July 1 and ending on June 30, to determine the tax
16 amounts received which shall have deducted therefrom the
17 certified Initial Sales Tax Amounts, Adjusted Initial Sales
18 Tax Amounts or the Revised Initial Sales Tax Amounts.
19 Municipalities intending to receive a distribution of State
20 Sales Tax Increment must report a list of retailers to the
21 Department of Revenue by October 31, 1988 and by July 31, of
22 each year thereafter.

23 (t) "Taxing districts" means counties, townships, cities
24 and incorporated towns and villages, school, road, park,
25 sanitary, mosquito abatement, forest preserve, public health,
26 fire protection, river conservancy, tuberculosis sanitarium

1 and any other municipal corporations or districts with the
2 power to levy taxes.

3 (u) "Taxing districts' capital costs" means those costs of
4 taxing districts for capital improvements that are found by
5 the municipal corporate authorities to be necessary and
6 directly result from the redevelopment project.

7 (v) As used in subsection (a) of Section 11-74.4-3 of this
8 Act, "vacant land" means any parcel or combination of parcels
9 of real property without industrial, commercial, and
10 residential buildings which has not been used for commercial
11 agricultural purposes within 5 years prior to the designation
12 of the redevelopment project area, unless the parcel is
13 included in an industrial park conservation area or the parcel
14 has been subdivided; provided that if the parcel was part of a
15 larger tract that has been divided into 3 or more smaller
16 tracts that were accepted for recording during the period from
17 1950 to 1990, then the parcel shall be deemed to have been
18 subdivided, and all proceedings and actions of the
19 municipality taken in that connection with respect to any
20 previously approved or designated redevelopment project area
21 or amended redevelopment project area are hereby validated and
22 hereby declared to be legally sufficient for all purposes of
23 this Act. For purposes of this Section and only for land
24 subject to the subdivision requirements of the Plat Act, land
25 is subdivided when the original plat of the proposed
26 Redevelopment Project Area or relevant portion thereof has

1 been properly certified, acknowledged, approved, and recorded
2 or filed in accordance with the Plat Act and a preliminary
3 plat, if any, for any subsequent phases of the proposed
4 Redevelopment Project Area or relevant portion thereof has
5 been properly approved and filed in accordance with the
6 applicable ordinance of the municipality.

7 (w) "Annual Total Increment" means the sum of each
8 municipality's annual Net Sales Tax Increment and each
9 municipality's annual Net Utility Tax Increment. The ratio of
10 the Annual Total Increment of each municipality to the Annual
11 Total Increment for all municipalities, as most recently
12 calculated by the Department, shall determine the proportional
13 shares of the Illinois Tax Increment Fund to be distributed to
14 each municipality.

15 (x) "LEED certified" means any certification level of
16 construction elements by a qualified Leadership in Energy and
17 Environmental Design Accredited Professional as determined by
18 the U.S. Green Building Council.

19 (y) "Green Globes certified" means any certification level
20 of construction elements by a qualified Green Globes
21 Professional as determined by the Green Building Initiative.

22 (Source: P.A. 102-627, eff. 8-27-21.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".