



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3303

Introduced 2/17/2023, by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Business Improvement District Law. Provides for the establishment of business improvement districts by a county or municipality by ordinance after petition of a percentage of property owners or business owners, creation of a district plan, notice, and hearings. Provides that a business improvement district may impose district charges on property owners whose real properties are located within the business improvement district or on businesses within a business improvement district. Provides that the county or municipality shall contract with a district management association to administer or implement activities and improvements specified in the district plan. Contains provisions relating to district plans, formation of a district, district boundaries, issuance of bonds, terms and renewal of districts, amendment to district plans, governance of the district, reports of a district management association, dissolution, and legislative purpose. Limits the concurrent exercise of home rule powers. Defines terms. Effective 120 days after becoming law.

LRB103 30801 AWJ 57294 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Business Improvement District Law.

6 Section 5. Purpose. The General Assembly finds that it is  
7 in the interest of the State of Illinois to promote the  
8 economic revitalization and physical maintenance of business  
9 districts in order to create jobs, attract new businesses,  
10 retain existing businesses, reduce crime, and spur new  
11 investments. The General Assembly finds that this purpose may  
12 best be accomplished by allowing business improvement  
13 districts to fund business-related activities and improvements  
14 through the levy of district charges upon the owners of real  
15 property that receive benefits from those activities and  
16 improvements.

17 Section 10. Definitions. As used in this Act:

18 "Activities" means services provided for the purpose of  
19 conferring benefit upon owners of property located within a  
20 business improvement district, including, but not limited to:

21 (1) promotion of events taking place within the  
22 business improvement district;

- 1 (2) furnishing of music;
- 2 (3) promotion of tourism within the business  
3 improvement district;
- 4 (4) marketing and economic development, including  
5 retail retention and recruitment;
- 6 (5) providing security, sanitation, graffiti removal,  
7 street and sidewalk cleaning, and other services  
8 supplemental to base services; and
- 9 (6) other services provided for the purpose of  
10 conferring benefit upon owners of property located within  
11 the business improvement district.

12 "Activities" does not include lobbying, as that term is  
13 defined in Section 2 of the Lobbyist Registration Act and  
14 Chapter 2-156 of the Municipal Code of Chicago.

15 "Base services" means services provided by any public  
16 entity, or paid for wholly or in part out of public funds,  
17 generally throughout a governmental unit to real property  
18 within the governmental unit.

19 "Business improvement district" means a contiguous area  
20 within a governmental unit in which activities, improvements,  
21 or activities and improvements are provided in addition to  
22 base services. Territory shall be considered contiguous for  
23 purposes of this Act even though certain completely surrounded  
24 portions of the territory are excluded from the business  
25 improvement district. For purposes of this Act, parcels are  
26 within the same contiguous area if they touch or join one

1 another in a reasonably substantial physical sense or if they  
2 meet the criteria for annexation to a municipality under  
3 Section 7-1-1 of the Illinois Municipal Code.

4 "Clerk" means the county clerk or municipal clerk, as the  
5 case may be.

6 "District charge" means a charge levied on behalf of a  
7 business improvement district for the purpose of acquiring,  
8 constructing, installing, or maintaining improvements or  
9 providing activities that will confer special benefits upon  
10 assessed property owners within the business improvement  
11 district. District charges levied for the purpose of  
12 conferring special benefits upon assessed property owners  
13 within a business improvement district are not taxes for the  
14 general benefit of a governmental unit, even if real property  
15 or persons not charged receive incidental or collateral  
16 beneficial effects.

17 "District management association" means a private or  
18 not-for-profit entity that enters into a contract with a  
19 governmental unit to administer or implement activities and  
20 improvements specified in the district plan for a business  
21 improvement district. A district management association shall  
22 not be considered a public entity for any purpose.

23 "District plan" means a proposal for a business  
24 improvement district that contains the information described  
25 in Section 15.

26 "Downtown area" has the meaning given to that term in

1 Section 17-1-1500-A of the Chicago Zoning Ordinance.

2 "Governing body" means the corporate authorities of a  
3 municipality or a county board or board of county  
4 commissioners, as the case may be.

5 "Governmental unit" means a county or municipality, as the  
6 case may be.

7 "Improvements" means the acquisition, construction,  
8 installation, or maintenance of any tangible property provided  
9 for the purpose of conferring benefit upon assessed property  
10 owners located within a business improvement district.

11 "Property owner" or "owner" means the record owner of fee  
12 simple interest in a real property subject to assessment,  
13 which will be deemed to be the person or entity that pays  
14 property taxes on the real property according to county  
15 records, unless another person or entity establishes to the  
16 governmental unit by clear and convincing evidence that they  
17 are the record owner of the fee simple interest.

18 "Public entity" means (i) the State or any agency, board,  
19 or commission of the State, (ii) any school district, or (iii)  
20 any unit of local government.

21 Section 15. District plan.

22 (a) A business improvement district established under this  
23 Act is subject to and governed by a district plan, as may be  
24 amended as set forth in Section 65, and filed with the clerk.

25 (b) The district plan shall include, but need not be

1 limited to, the following:

2 (1) The name of the business improvement district.

3 (2) A map of the business improvement district in  
4 sufficient detail to allow a property owner to reasonably  
5 determine whether a parcel of real property is located  
6 within the boundaries of the business improvement  
7 district.

8 (3) A description of the boundaries of the business  
9 improvement district in a manner sufficient to identify  
10 the real property included in the business improvement  
11 district.

12 (4) The initial term of the business improvement  
13 district.

14 (5) A statement identifying the activities and  
15 improvements within the business improvement district that  
16 may be provided from time to time for which property  
17 owners will be charged and that the activities and  
18 improvements that are provided may vary from year to year  
19 and may differ by class.

20 (6) A statement identifying the maximum amount of the  
21 annual district charge to be levied and that the maximum  
22 amount of the annual district charge levied may vary from  
23 year to year.

24 (7) A statement identifying the maximum amount of  
25 total district charges to be levied for the term of the  
26 business improvement district.

1           (8) A statement identifying the proposed source or  
2 sources of financing, including the proposed method and  
3 basis of levying an assessment, in sufficient detail to  
4 allow each property owner to calculate (i) the estimated  
5 amount of the district charge to be levied upon the  
6 property owner annually, (ii) the maximum amount of the  
7 district charge that could be levied upon the property  
8 owner annually, and (iii) the total amount of the district  
9 charges that could be levied upon the property owner for  
10 the term of the business improvement district. The  
11 statement shall specify whether bonds may be issued to  
12 finance activities and improvements, and the anticipated  
13 term for the bonds.

14           (9) Any interest or penalties that may be imposed for  
15 delinquent payment of a district charge.

16           (10) A list of the real property subject to a district  
17 charge, and a statement of any proposed classifications.  
18 The list shall include the permanent tax index number of  
19 each parcel located within the business improvement  
20 district.

21           (11) A statement of the real property classes exempt  
22 from charge, and a list of the real property to be  
23 exempted.

24           (12) A statement identifying the proposed procedures  
25 for renewal, subject to the limitations under Section 60.

26           (13) A statement identifying the district management

1 association, the district management association's  
2 governance structure, and the district management  
3 association's anticipated liability insurance coverage  
4 limits.

5 (14) A statement identifying how unspent revenue  
6 collected from district charges may be allocated, carried  
7 over year to year, or returned to the property owners at  
8 the end of each year by applying the same method and basis  
9 that was used to calculate the district charges levied  
10 throughout the term of the business improvement district.

11 (15) The manner by which a property owner may contest  
12 the calculation of a specific district charge.

13 (16) Any proposed rules and regulations to be applied  
14 to the business improvement district.

15 Section 20. Assessments and district charges.

16 (a) Each district plan shall provide for an assessment  
17 levied upon property owners owning property within the  
18 business improvement district upon which district charges are  
19 based. District charges shall be levied at a rate or amount  
20 sufficient to produce revenues required to provide the  
21 activities and improvements specified in the district plan.  
22 The revenue from the levy of district charges within a  
23 business improvement district shall not be used to provide  
24 services outside the business improvement district or for any  
25 purpose other than the purposes set forth in the ordinance



1 adopting the district plan.

2 (b) District charges shall be levied on the basis of the  
3 estimated benefit to the real property located within the  
4 business improvement district. In determining the assessment,  
5 the district management association may reasonably classify  
6 real property for purposes of determining benefit if so  
7 provided in the district plan. The classification may be based  
8 on various factors, including, as applicable, square footage,  
9 geography, or any other factor reasonably relating to the  
10 benefit received. Certain classes may be specified in the  
11 district plan as exempted from being charged if they would not  
12 receive a special benefit from the activities and  
13 improvements. District charges need not be imposed on  
14 different classes on the same basis or the same rate.

15 (c) District charges levied upon property owners owning  
16 property within the business improvement district may be  
17 billed and collected as follows:

18 (1) a county that has established a business  
19 improvement district may include district charges in the  
20 regular property tax bills of the county. The county  
21 collector of the county in which a business improvement  
22 district is located may also bill and collect district  
23 charges with the regular property tax bills of the county  
24 if requested by a municipality within its jurisdiction  
25 that has established a business improvement district;  
26 however, no municipality is required to make this request

1 of its county collector. If the county collector agrees to  
2 bill and collect district charges with the regular  
3 property tax bills of the county, then the applicable  
4 district plan shall be filed with the county collector and  
5 the annual amount due as set forth by the district  
6 management association shall become due in installments at  
7 the times property taxes shall become due in accordance  
8 with each regular property tax bill payable during the  
9 year in which the assessment comes due; or

10 (2) if the county collector does not agree to bill and  
11 collect district charges with the regular property tax  
12 bills of the county or the governmental unit that has  
13 established the business improvement district declines to  
14 request the county collector to do so, then the  
15 governmental unit shall bill and collect the assessments,  
16 either directly or through a third party, and the annual  
17 amount due as set forth by the district management  
18 association in accordance with the district plan shall  
19 become due in installments on or about the times property  
20 taxes would otherwise become due in accordance with each  
21 regular property tax bill payable during the year in which  
22 the assessment comes due.

23 (d) District charges shall be payable at the times and in  
24 the manner set forth in the applicable bill. Delinquent  
25 payments for district charges levied pursuant to this Act may  
26 be charged interest and penalties as may be set forth in the

1 district plan.

2 (e) District charges shall promptly, and in no case later  
3 than 90 days after collection, be remitted by the governmental  
4 unit to the district management association.

5 Section 25. Boundaries of business improvement district.

6 (a) The boundaries of a proposed business improvement  
7 district shall not overlap with the boundaries of another  
8 business improvement district or with the boundaries of a  
9 special service area established pursuant to the Special  
10 Service Area Tax Law.

11 (b) The boundaries of any proposed business improvement  
12 district may overlap with the boundaries of a tax increment  
13 financing district.

14 (c) A county may establish a business improvement district  
15 within a municipality or municipalities only when the  
16 municipality or municipalities consent to the establishment of  
17 the business improvement district. A municipality may  
18 establish a business improvement district within the  
19 municipality and the unincorporated area of a county or within  
20 another municipality only when the county or other  
21 municipality consents to the establishment of the business  
22 improvement district.

23 Section 30. Proposals to establish a business improvement  
24 district.

1 (a) To propose a business improvement district, a written  
2 petition shall be filed with the clerk and shall include the  
3 name and legal status of the filing party, information  
4 specifying where the complete district plan can be obtained,  
5 and a summary of the district plan that includes: the  
6 boundaries of the proposed business improvement district; the  
7 proposed activities and improvements, and estimated amount of  
8 annual funding required; the method of assessment; and the  
9 total amount of the proposed district charges. The information  
10 contained in the summary shall be sufficient if it enables a  
11 property owner to generally identify the location and extent  
12 of the proposed business improvement district, the nature and  
13 extent of the activities and improvements, the estimated  
14 annual district charge that the property owner would pay, and  
15 the maximum annual district charge that the property owner  
16 would pay.

17 (b) Upon receiving a written petition to establish a  
18 business improvement district and concluding that the petition  
19 meets the requirements of Section 80, the clerk shall submit  
20 the petition to the governing body.

21 Section 35. Resolution of intent to consider establishment  
22 of a business improvement district. After receiving a verified  
23 petition from the clerk, the governing body shall adopt a  
24 resolution of intention to consider the establishment of a  
25 business improvement district. The resolution shall state the

1 time and place of a public hearing to be held by the governing  
2 body to consider establishment of a business improvement  
3 district and shall restate all the information contained in  
4 the petition regarding the boundaries of the proposed business  
5 improvement district, the proposed activities and  
6 improvements, and estimated amount of annual funding required,  
7 the method of assessment, and the total amount of the proposed  
8 district charges anticipated for the initial term of the  
9 business improvement district.

10 Section 40. Establishment.

11 (a) Within 30 days after the public hearing to consider  
12 establishment of a business improvement district, the party  
13 who filed the district plan with the clerk may modify the  
14 district plan, including to satisfy any applicable legal  
15 requirements or remedy any deficiencies, prior to the adoption  
16 of an ordinance establishing a business improvement district.  
17 Any modification to the district plan that changes the source  
18 or sources of financing, including the method and basis of  
19 levying the assessment or an increase or reduction in the  
20 maximum annual amount or maximum total amount of the  
21 assessment against one or more properties within the business  
22 improvement district, the procedures for renewal, the  
23 boundaries of a business improvement district, the district  
24 management association's governance structure, the activities  
25 and improvements to be provided within the business

1 improvement district, or a change to the filing party must be  
2 approved by a written petition that conforms to the petition  
3 signature requirements set forth in Section 80. If the  
4 district plan is so modified, the governing body shall call an  
5 additional public hearing to hear and consider objections to  
6 the modified district plan prior to the adoption of an  
7 ordinance establishing a business improvement district.

8 (b) If, following all required public hearings, the  
9 governing body decides to establish a business improvement  
10 district, the governing body shall adopt an ordinance  
11 establishing the business improvement district that shall  
12 include, but is not limited to, all the following information:

13 (1) A detailed description of: the boundaries of the  
14 proposed business improvement district, which may be made  
15 by reference to a plan or map; the proposed activities and  
16 improvements, and an estimated amount of annual funding  
17 required; the method of assessment; the maximum amount of  
18 annual district charges; and the total amount of the  
19 proposed district charges for the initial term of the  
20 business improvement district. The descriptions shall be  
21 sufficient if the descriptions enable a property owner to  
22 generally identify the location and extent of the proposed  
23 business improvement district, the nature and extent of  
24 the activities and improvements, and the maximum annual  
25 district charge that the property owner would pay.

26 (2) The time and place where any public hearing

1 concerning the establishment of the business improvement  
2 district was held.

3 (3) A statement that the activities and improvements  
4 to be conferred upon property owners will be funded by the  
5 levy of district charges.

6 (4) A statement on whether bonds will be issued.

7 (5) A finding that each item in the district plan  
8 satisfies all applicable legal requirements and that  
9 establishing the business improvement district is in the  
10 public interest.

11 (6) The adoption of the district plan, as may be  
12 modified pursuant to subsection (a), including each item  
13 set forth in Section 15.

14 (7) A statement identifying the entity that will be  
15 responsible for administering district charges, including  
16 the functions of billing, collecting, and enforcement,  
17 pursuant to Section 20.

18 (8) Authorization for the governmental unit to remit  
19 district charges to the district management association  
20 for the provision of activities and improvement.

21 (9) The deadline and manner for submitting the annual  
22 report required in Section 70.

23 Section 45. Activities and improvements.

24 (a) Upon establishment of a business improvement district,  
25 the governing body may levy and collect the district charge

1 pursuant to Section 20 as allowed by the district plan and the  
2 ordinance adopting the district plan.

3 (b) Activities and improvements provided pursuant to this  
4 Act shall be provided in addition to base services. The  
5 appropriate governmental unit shall continue to provide the  
6 same level of base services in any business improvement  
7 district as is provided to other real property within the  
8 governmental unit. The district management association shall  
9 not be expected or required to supplement any base services,  
10 but the district management association may supplement any  
11 base services within the business improvement district in  
12 accordance with the district plan.

13 Section 50. Governance.

14 (a) For each business improvement district, the  
15 governmental unit shall contract with the district management  
16 association designated in the district plan to administer the  
17 operation of and provide for and maintain activities and  
18 improvements in and for a business improvement district. The  
19 contract may provide for the provision and maintenance of  
20 activities and improvements by one or more subcontractors of a  
21 district management association.

22 (b) The certificate of incorporation or bylaws of a  
23 district management association shall provide for voting  
24 representation of owners whose real property is located within  
25 the business improvement district, and may provide that the



1 votes be weighted in proportion to the district charge levied  
2 or to be levied upon property owners within the business  
3 improvement district, except in no case shall the total number  
4 of votes assigned to one owner exceed 20% of the total number  
5 of votes which may be cast. Not less than 80% of a district  
6 management association's board of directors shall be composed  
7 of property owners or representatives of property owners  
8 within the business improvement district, and the composition  
9 shall generally be described in the statement identifying the  
10 district management association's governance structure in the  
11 district plan.

12 (c) In addition to other powers as are conferred on it by  
13 law, the district management association may make  
14 recommendations to the governing body with respect to any  
15 matter involving or relating to the business improvement  
16 district.

17 (d) For consideration as it may deem appropriate, the  
18 governing body may license or grant to the district management  
19 association the right to undertake or permit commercial  
20 activities or other private uses of the streets or other parts  
21 of the business improvement district in which the governmental  
22 unit has any real property interest.

23 Section 55. Issuance of bonds. A governmental unit may  
24 issue bonds in the amounts and for the periods necessary to  
25 finance activities and improvements if authorized by the

1 ordinance establishing the business improvement district.  
2 District charges levied in a business district shall be  
3 pledged to secure the bonds and district charges levied in 2 or  
4 more business improvement districts may be pledged to secure a  
5 single bond issue benefiting the business improvement  
6 districts. The district charge shall be levied on a basis that  
7 provides a rational relationship between the amount of the  
8 district charge against each property owner in each business  
9 improvement district and the benefit received. Bonds issued  
10 pursuant to this Act shall not be regarded as indebtedness of  
11 the governmental unit for the purpose of any limitation  
12 imposed by any law. The term of any bonds issued pursuant to  
13 this Act shall be limited to the term of the business  
14 improvement district, including any renewal period. A  
15 governmental unit may set forth additional requirements by  
16 ordinance prior to bond issuance.

17 Section 60. Term; renewal.

18 (a) The initial term for a business improvement district  
19 shall be a maximum of 5 years or, if bonds are authorized to be  
20 issued for the business improvement district, until the  
21 maximum maturity of those bonds. Any business improvement  
22 district may be renewed one or more times by following the  
23 procedures for renewal as provided in the district plan if  
24 each property owner that is subject to assessment is notified  
25 of a pending renewal. A renewal shall not go into effect when,

1 prior to the effective date of the renewal, a written petition  
2 seeking termination of the renewal that conforms to the  
3 petition signature requirements set forth in Section 80 is  
4 delivered to the clerk.

5 (b) Upon each renewal, a business improvement district  
6 shall have an additional term not to exceed 15 years, or, if  
7 bonds are authorized to be issued for the business improvement  
8 district, until the maximum maturity of those bonds. Prior to  
9 renewal, the ordinance adopting the district plan may be  
10 amended pursuant to Section 65, with the amendments to take  
11 effect upon renewal.

12 (c) Upon renewal, any remaining revenues derived from the  
13 levy of district charges, or any revenues derived from the  
14 sale of assets acquired with the revenues, shall be  
15 transferred to the district management association of the  
16 renewed business improvement district. If the renewed business  
17 improvement district includes additional real property not  
18 included within the prior business improvement district, the  
19 remaining revenues shall be spent to benefit only the real  
20 property within the boundaries of the prior business  
21 improvement district. If the renewed business improvement  
22 district does not include real property included in the prior  
23 business improvement district, the remaining revenues  
24 attributable to that real property shall be refunded to the  
25 property owners of that real property.

1 Section 65. Amendments.

2 (a) Upon the written request of the district management  
3 association, the governing body may amend the ordinance  
4 adopting the district plan upon which the establishment or  
5 renewal of the business improvement district was based as set  
6 forth in this Section.

7 (b) Amendments that provide for any change to the source  
8 or sources of financing, including the method and basis of  
9 levying the assessment or an increase in the maximum annual  
10 district charge or the maximum total district charges for the  
11 term of the business improvement district, or that provide for  
12 any change to the procedures for renewal may be adopted by the  
13 governing body by ordinance if, after a public hearing, the  
14 governing body determines that it is in the public interest to  
15 authorize the change to the source or sources of financing or  
16 to authorize the change to the procedures for renewal.

17 (c) Amendments that provide for a change to the boundaries  
18 of a business improvement district may be adopted by the  
19 governing body by ordinance if, after a public hearing, the  
20 governing body determines that it is in the public interest to  
21 authorize the change to the boundaries of the business  
22 improvement district and, if applicable, that all newly  
23 included property will benefit from the activities and  
24 improvements provided. The governing body may change the  
25 boundaries of a business improvement district by either  
26 expanding or reducing the existing boundaries. If the change

1 to the boundaries is an expansion to existing boundaries, the  
2 expansion area must be contiguous with an existing boundary  
3 and the assessments upon property owners in the expansion area  
4 shall be established pursuant to Section 20. The governing  
5 body may consider an expansion to the boundaries of a business  
6 improvement district only upon receipt of a written petition  
7 of property owners within the proposed expansion area that  
8 conforms to the petition signature requirements set forth in  
9 Section 80. Any revenues that are unspent at the time of an  
10 amendment expanding the boundaries of a business improvement  
11 district shall be spent to benefit only the real property  
12 within the prior boundaries of the business improvement  
13 district. If the change to the boundaries is a reduction to  
14 existing boundaries, any revenues that are unspent at the time  
15 of the amendment and are associated with real property that is  
16 being removed from the business improvement district, then  
17 those remaining revenues shall be refunded to the property  
18 owners of the real property. Any amendment that changes the  
19 boundaries of a business improvement district shall provide an  
20 updated map of the business improvement district that reflects  
21 the expansion or reduction of its boundaries.

22 (d) Notice shall be given and public hearings shall be  
23 held in accordance with Sections 85 and 90.

24 (e) Amendments not provided for in subsection (b) or (c)  
25 may be adopted by the governing body by ordinance without  
26 notice and a public hearing if the governing body determines

1 that the amendments are consistent with the objectives of the  
2 district plan and are in the public interest to approve the  
3 amendment.

4 Section 70. Reports.

5 (a) The district management association shall prepare or  
6 have prepared a report for each fiscal year, except the first  
7 fiscal year, for which district charges are to be levied and  
8 collected to pay the costs of activities and improvements. The  
9 district management association's first report shall be  
10 submitted after the first year of operation of the business  
11 improvement district.

12 (b) The report shall be submitted to the governing body,  
13 and to each property owner subject to a district charge upon  
14 request, and shall be made available for public inspection.  
15 The report shall refer to the business improvement district by  
16 name, specify the fiscal year to which the report applies,  
17 and, with respect to that fiscal year, shall contain, but is  
18 not limited to, all the following information:

19 (1) The anticipated activities and improvements to be  
20 provided in that fiscal year.

21 (2) An estimate of the cost of providing the  
22 anticipated activities and improvements in that fiscal  
23 year.

24 (3) The estimated amount of any surplus or deficit  
25 revenues to be carried over from a previous fiscal year.

1           (c) In addition to the annual reporting requirement, the  
2 district management association shall notify the governing  
3 body of any proposed infrastructure or capital project in  
4 excess of \$50,000 within a reasonable time.

5           Section 75. Dissolution.

6           (a) After a public hearing on the subject of dissolution,  
7 the governing body may dissolve by ordinance any business  
8 improvement district in either of the following circumstances:

9           (1) If the governing body finds there has been  
10 misappropriation of funds, malfeasance, or a violation of  
11 law in connection with the management of the business  
12 improvement district; or

13           (2) Each year during the term of the business  
14 improvement district, there shall be a 60-day period in  
15 which property owners who paid more than 50% of the total  
16 of district charges levied in the prior year may request  
17 dissolution of a business improvement district by a  
18 written petition that conforms to the petition signature  
19 requirements set forth in Section 80. The first period  
20 shall begin 60 days prior to one year after the date of  
21 establishment of the district and shall continue for 60  
22 days. The next 60-day period shall begin 60 days prior to 2  
23 years after the date of the establishment of the district.  
24 Each successive year during the term of the district shall  
25 have a 60-day period beginning 60 days after the

1 anniversary of the date of the establishment of the  
2 district.

3 (b) The governing body shall adopt a resolution of  
4 intention to dissolve the business improvement district prior  
5 to a public hearing required by this section. The resolution  
6 shall state the reason for the dissolution, shall state the  
7 time and place of the public hearing, and shall contain a  
8 proposal to dispose of any assets acquired with the revenues  
9 of district charges levied on behalf of the business  
10 improvement district in accordance with subsection (d).

11 (c) Notice shall be given and public hearings shall be  
12 held in accordance with Sections 85 and 90.

13 (d) Upon the dissolution or expiration without renewal of  
14 a district, and after all outstanding debts are paid, any  
15 remaining revenues derived from the levy of district charges,  
16 including any remaining revenues from district charges  
17 collected after dissolution, or derived from the sale of  
18 assets acquired with these revenues or from bond reserve or  
19 construction funds, shall be either: (i) refunded to the  
20 property owners then located or operating within the business  
21 improvement district in which district charges were levied by  
22 applying the same method and basis that was used to calculate  
23 the district charges levied in the fiscal year in which the  
24 district dissolves or expires; or (ii) spent on activities or  
25 improvements specified in the district plan under a valid and  
26 enforceable contract executed by the district management



1 association prior to the dissolution. If the dissolution  
2 occurs before district charges are levied for the fiscal year,  
3 the method and basis that was used to calculate district  
4 charges levied in the immediate prior fiscal year shall be  
5 used to calculate the amount of any refund.

6 Section 80. Petition signature requirements. Any petition  
7 required by this Act must be signed by property owners in the  
8 proposed business improvement district or proposed expanded  
9 area of a business improvement district, as the case may be,  
10 who cumulatively are expected to pay more than 20% of the total  
11 of the district charges proposed to be levied. However, where  
12 the proposed business improvement district or proposed  
13 expanded area of a business improvement district is located  
14 wholly or in part in the downtown area, then the petition must  
15 be signed by property owners in the proposed business  
16 improvement district or expanded area of a business  
17 improvement district, as the case may be, who are expected to  
18 cumulatively pay more than 50% of the total of the district  
19 charges proposed to be levied. All signatures for a petition  
20 to establish or expand a business improvement district must be  
21 collected within a period ending no more than 120 days from the  
22 initiation of the petition, which date shall be specified on  
23 the petition.

24 Section 85. Manner of notice. The notice of any public

1 hearing required under this Act shall be given by publication  
2 and mailing. Notice by publication shall be given by  
3 publication at least once not less than 15 days prior to the  
4 public hearing in a newspaper of general circulation within  
5 the governmental unit. Notice by mailing shall be given by  
6 depositing the notice in the United States mail addressed to  
7 each owner subject to a district charge. Notice shall be  
8 mailed not less than 10 days prior to the time set for the  
9 public hearing. The mailed notice shall enclose, or include  
10 information allowing a property owner to obtain, a copy of the  
11 proposed district plan.

12 Section 90. Public hearings. At a public hearing held  
13 pursuant to this Act, any interested person, including all  
14 property owners owning real property located within a proposed  
15 or existing business improvement district, may file with the  
16 clerk written objections to or statements in support of, and  
17 may be heard orally, with respect to any matter embodied in the  
18 district plan or concerning the management of the business  
19 improvement district. The governing body shall hear and  
20 consider all statements and objections at the public hearing.  
21 The governing body may adjourn a public hearing to another  
22 date without further notice other than a motion fixing the  
23 time and place the public hearing will reconvene.

24 Section 95. Existing law. This Act provides an alternative

1 method of financing certain activities and improvements. The  
2 provisions of this Act do not affect or limit any other  
3 provisions of law authorizing or providing for the furnishing  
4 of activities or improvements or the raising of revenue for  
5 these purposes. Every special service area established  
6 pursuant to the Special Service Area Tax Law is unaffected by  
7 this Act.

8 Section 97. Local authority. A governmental unit may not  
9 establish or regulate business improvement districts in a  
10 manner inconsistent with this Act. This section is a denial  
11 and limitation of home rule powers and functions under  
12 subsection (h) of Section 6 of Article VII of the Illinois  
13 Constitution.

14 Section 99. Effective date. This Act takes effect 120 days  
15 after becoming law.