



Sen. Debbie DeFrancesco Halvorson

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1 AMENDMENT TO HOUSE BILL 834

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 834, AS AMENDED, as  
3 follows:

4 in Section 5, in the introductory clause, by changing "Section  
5 7-1-1" to "Sections 7-1-1 and 11-74.4-4"; and

6 in Section 5, immediately below the end of Sec. 7-1-1, by  
7 inserting the following:

8 "(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)  
9 Sec. 11-74.4-4. Municipal powers and duties; redevelopment  
10 project areas. A municipality may:

11 (a) The changes made by this amendatory Act of the 91st  
12 General Assembly do not apply to a municipality that, (i)  
13 before the effective date of this amendatory Act of the 91st  
14 General Assembly, has adopted an ordinance or resolution fixing  
15 a time and place for a public hearing under Section 11-74.4-5  
16 or (ii) before July 1, 1999, has adopted an ordinance or  
17 resolution providing for a feasibility study under Section  
18 11-74.4-4.1, but has not yet adopted an ordinance approving  
19 redevelopment plans and redevelopment projects or designating  
20 redevelopment project areas under this Section, until after  
21 that municipality adopts an ordinance approving redevelopment  
22 plans and redevelopment projects or designating redevelopment  
23 project areas under this Section; thereafter the changes made

1 by this amendatory Act of the 91st General Assembly apply to  
2 the same extent that they apply to redevelopment plans and  
3 redevelopment projects that were approved and redevelopment  
4 projects that were designated before the effective date of this  
5 amendatory Act of the 91st General Assembly.

6 By ordinance introduced in the governing body of the  
7 municipality within 14 to 90 days from the completion of the  
8 hearing specified in Section 11-74.4-5 approve redevelopment  
9 plans and redevelopment projects, and designate redevelopment  
10 project areas pursuant to notice and hearing required by this  
11 Act. No redevelopment project area shall be designated unless a  
12 plan and project are approved prior to the designation of such  
13 area and such area shall include only those contiguous parcels  
14 of real property and improvements thereon substantially  
15 benefited by the proposed redevelopment project improvements.  
16 Upon adoption of the ordinances, the municipality shall  
17 forthwith transmit to the county clerk of the county or  
18 counties within which the redevelopment project area is located  
19 a certified copy of the ordinances, a legal description of the  
20 redevelopment project area, a map of the redevelopment project  
21 area, identification of the year that the county clerk shall  
22 use for determining the total initial equalized assessed value  
23 of the redevelopment project area consistent with subsection  
24 (a) of Section 11-74.4-9, and a list of the parcel or tax  
25 identification number of each parcel of property included in  
26 the redevelopment project area.

27 (b) Make and enter into all contracts with property owners,  
28 developers, tenants, overlapping taxing bodies, and others  
29 necessary or incidental to the implementation and furtherance  
30 of its redevelopment plan and project. Contract provisions  
31 concerning loan repayment obligations in contracts entered  
32 into on or after the effective date of this amendatory Act of  
33 the 93rd General Assembly shall terminate no later than the  
34 last to occur of the estimated dates of completion of the

1 redevelopment project and retirement of the obligations issued  
2 to finance redevelopment project costs as required by item (3)  
3 of subsection (n) of Section 11-74.4-3. Payments received under  
4 contracts entered into by the municipality prior to the  
5 effective date of this amendatory Act of the 93rd General  
6 Assembly that are received after the redevelopment project area  
7 has been terminated by municipal ordinance shall be deposited  
8 into a special fund of the municipality to be used for other  
9 community redevelopment needs within the redevelopment project  
10 area.

11 (c) Within a redevelopment project area, acquire by  
12 purchase, donation, lease or eminent domain; own, convey,  
13 lease, mortgage or dispose of land and other property, real or  
14 personal, or rights or interests therein, and grant or acquire  
15 licenses, easements and options with respect thereto, all in  
16 the manner and at such price the municipality determines is  
17 reasonably necessary to achieve the objectives of the  
18 redevelopment plan and project. No conveyance, lease,  
19 mortgage, disposition of land or other property owned by a  
20 municipality, or agreement relating to the development of such  
21 municipal property shall be made except upon the adoption of an  
22 ordinance by the corporate authorities of the municipality.  
23 Furthermore, no conveyance, lease, mortgage, or other  
24 disposition of land owned by a municipality or agreement  
25 relating to the development of such municipal property shall be  
26 made without making public disclosure of the terms of the  
27 disposition and all bids and proposals made in response to the  
28 municipality's request. The procedures for obtaining such bids  
29 and proposals shall provide reasonable opportunity for any  
30 person to submit alternative proposals or bids.

31 (d) Within a redevelopment project area, clear any area by  
32 demolition or removal of any existing buildings and structures.

33 (e) Within a redevelopment project area, renovate or  
34 rehabilitate or construct any structure or building, as

1 permitted under this Act.

2 (f) Install, repair, construct, reconstruct or relocate  
3 streets, utilities and site improvements essential to the  
4 preparation of the redevelopment area for use in accordance  
5 with a redevelopment plan.

6 (g) Within a redevelopment project area, fix, charge and  
7 collect fees, rents and charges for the use of any building or  
8 property owned or leased by it or any part thereof, or facility  
9 therein.

10 (h) Accept grants, guarantees and donations of property,  
11 labor, or other things of value from a public or private source  
12 for use within a project redevelopment area.

13 (i) Acquire and construct public facilities within a  
14 redevelopment project area, as permitted under this Act.

15 (j) Incur project redevelopment costs and reimburse  
16 developers who incur redevelopment project costs authorized by  
17 a redevelopment agreement; provided, however, that on and after  
18 the effective date of this amendatory Act of the 91st General  
19 Assembly, no municipality shall incur redevelopment project  
20 costs (except for planning costs and any other eligible costs  
21 authorized by municipal ordinance or resolution that are  
22 subsequently included in the redevelopment plan for the area  
23 and are incurred by the municipality after the ordinance or  
24 resolution is adopted) that are not consistent with the program  
25 for accomplishing the objectives of the redevelopment plan as  
26 included in that plan and approved by the municipality until  
27 the municipality has amended the redevelopment plan as provided  
28 elsewhere in this Act.

29 (k) Create a commission of not less than 5 or more than 15  
30 persons to be appointed by the mayor or president of the  
31 municipality with the consent of the majority of the governing  
32 board of the municipality. Members of a commission appointed  
33 after the effective date of this amendatory Act of 1987 shall  
34 be appointed for initial terms of 1, 2, 3, 4 and 5 years,

1 respectively, in such numbers as to provide that the terms of  
2 not more than 1/3 of all such members shall expire in any one  
3 year. Their successors shall be appointed for a term of 5  
4 years. The commission, subject to approval of the corporate  
5 authorities may exercise the powers enumerated in this Section.  
6 The commission shall also have the power to hold the public  
7 hearings required by this division and make recommendations to  
8 the corporate authorities concerning the adoption of  
9 redevelopment plans, redevelopment projects and designation of  
10 redevelopment project areas.

11 (l) Make payment in lieu of taxes or a portion thereof to  
12 taxing districts. If payments in lieu of taxes or a portion  
13 thereof are made to taxing districts, those payments shall be  
14 made to all districts within a project redevelopment area on a  
15 basis which is proportional to the current collections of  
16 revenue which each taxing district receives from real property  
17 in the redevelopment project area.

18 (m) Exercise any and all other powers necessary to  
19 effectuate the purposes of this Act.

20 (n) If any member of the corporate authority, a member of a  
21 commission established pursuant to Section 11-74.4-4(k) of  
22 this Act, or an employee or consultant of the municipality  
23 involved in the planning and preparation of a redevelopment  
24 plan, or project for a redevelopment project area or proposed  
25 redevelopment project area, as defined in Sections  
26 11-74.4-3(i) through (k) of this Act, owns or controls an  
27 interest, direct or indirect, in any property included in any  
28 redevelopment area, or proposed redevelopment area, he or she  
29 shall disclose the same in writing to the clerk of the  
30 municipality, and shall also so disclose the dates and terms  
31 and conditions of any disposition of any such interest, which  
32 disclosures shall be acknowledged by the corporate authorities  
33 and entered upon the minute books of the corporate authorities.  
34 If an individual holds such an interest then that individual

1 shall refrain from any further official involvement in regard  
2 to such redevelopment plan, project or area, from voting on any  
3 matter pertaining to such redevelopment plan, project or area,  
4 or communicating with other members concerning corporate  
5 authorities, commission or employees concerning any matter  
6 pertaining to said redevelopment plan, project or area.  
7 Furthermore, no such member or employee shall acquire of any  
8 interest direct, or indirect, in any property in a  
9 redevelopment area or proposed redevelopment area after either  
10 (a) such individual obtains knowledge of such plan, project or  
11 area or (b) first public notice of such plan, project or area  
12 pursuant to Section 11-74.4-6 of this Division, whichever  
13 occurs first. For the purposes of this subsection, a property  
14 interest acquired in a single parcel of property by a member of  
15 the corporate authority, which property is used exclusively as  
16 the member's primary residence, shall not be deemed to  
17 constitute an interest in any property included in a  
18 redevelopment area or proposed redevelopment area that was  
19 established before December 31, 1989, but the member must  
20 disclose the acquisition to the municipal clerk under the  
21 provisions of this subsection. For the purposes of this  
22 subsection, a month-to-month leasehold interest in a single  
23 parcel of property by a member of the corporate authority shall  
24 not be deemed to constitute an interest in any property  
25 included in any redevelopment area or proposed redevelopment  
26 area, but the member must disclose the interest to the  
27 municipal clerk under the provisions of this subsection.

28 (o) Create a Tax Increment Economic Development Advisory  
29 Committee to be appointed by the Mayor or President of the  
30 municipality with the consent of the majority of the governing  
31 board of the municipality, the members of which Committee shall  
32 be appointed for initial terms of 1, 2, 3, 4 and 5 years  
33 respectively, in such numbers as to provide that the terms of  
34 not more than 1/3 of all such members shall expire in any one

1 year. Their successors shall be appointed for a term of 5  
2 years. The Committee shall have none of the powers enumerated  
3 in this Section. The Committee shall serve in an advisory  
4 capacity only. The Committee may advise the governing Board of  
5 the municipality and other municipal officials regarding  
6 development issues and opportunities within the redevelopment  
7 project area or the area within the State Sales Tax Boundary.  
8 The Committee may also promote and publicize development  
9 opportunities in the redevelopment project area or the area  
10 within the State Sales Tax Boundary.

11 (p) Municipalities may jointly undertake and perform  
12 redevelopment plans and projects and utilize the provisions of  
13 the Act wherever they have contiguous redevelopment project  
14 areas or they determine to adopt tax increment financing with  
15 respect to a redevelopment project area which includes  
16 contiguous real property within the boundaries of the  
17 municipalities, and in doing so, they may, by agreement between  
18 municipalities, issue obligations, separately or jointly, and  
19 expend revenues received under the Act for eligible expenses  
20 anywhere within contiguous redevelopment project areas or as  
21 otherwise permitted in the Act.

22 (q) Utilize revenues, other than State sales tax increment  
23 revenues, received under this Act from one redevelopment  
24 project area for eligible costs in another redevelopment  
25 project area that is:

26 (i) either contiguous to the redevelopment project  
27 area from which the revenues are received;

28 (ii) ~~, or is~~ separated only by a public right of way  
29 from the redevelopment project area from which the revenues  
30 are received; or

31 (iii) separated only by forest preserve property from  
32 the redevelopment project area from which the revenues are  
33 received if the closest boundaries of the redevelopment  
34 project areas that are separated by the forest preserve

1           property are less than one mile apart.

2           Utilize tax increment revenues for eligible costs that are  
3 received from a redevelopment project area created under the  
4 Industrial Jobs Recovery Law that is either contiguous to, or  
5 is separated only by a public right of way from, the  
6 redevelopment project area created under this Act which  
7 initially receives these revenues. Utilize revenues, other  
8 than State sales tax increment revenues, by transferring or  
9 loaning such revenues to a redevelopment project area created  
10 under the Industrial Jobs Recovery Law that is either  
11 contiguous to, or separated only by a public right of way from  
12 the redevelopment project area that initially produced and  
13 received those revenues; and, if the redevelopment project area  
14 (i) was established before the effective date of this  
15 amendatory Act of the 91st General Assembly and (ii) is located  
16 within a municipality with a population of more than 100,000,  
17 utilize revenues or proceeds of obligations authorized by  
18 Section 11-74.4-7 of this Act, other than use or occupation tax  
19 revenues, to pay for any redevelopment project costs as defined  
20 by subsection (q) of Section 11-74.4-3 to the extent that the  
21 redevelopment project costs involve public property that is  
22 either contiguous to, or separated only by a public right of  
23 way from, a redevelopment project area whether or not  
24 redevelopment project costs or the source of payment for the  
25 costs are specifically set forth in the redevelopment plan for  
26 the redevelopment project area.

27           (r) If no redevelopment project has been initiated in a  
28 redevelopment project area within 7 years after the area was  
29 designated by ordinance under subsection (a), the municipality  
30 shall adopt an ordinance repealing the area's designation as a  
31 redevelopment project area; provided, however, that if an area  
32 received its designation more than 3 years before the effective  
33 date of this amendatory Act of 1994 and no redevelopment  
34 project has been initiated within 4 years after the effective



1 date of this amendatory Act of 1994, the municipality shall  
2 adopt an ordinance repealing its designation as a redevelopment  
3 project area. Initiation of a redevelopment project shall be  
4 evidenced by either a signed redevelopment agreement or  
5 expenditures on eligible redevelopment project costs  
6 associated with a redevelopment project.

7 (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03;  
8 93-961, eff. 1-1-05.)".