



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3697

Introduced 2/24/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

New Act

Creates the County Tax Increment Allocation Redevelopment Act. Authorizes a county with a population of 3,000,000 or more to designate certain areas as blighted areas or conservation areas and to propose and approve a redevelopment plan and project for those areas. Authorizes the county to use tax increment financing for the payment of qualifying redevelopment project costs, to enter into a redevelopment agreement, and to provide for public funding of appropriate redevelopment project costs. Provides that the county may issue tax increment financing bonds or other obligations. Provides that property taxes assessed against real property in the redevelopment area and attributable to any increase in the value of the area as a result of tax increment financing are payable into a special tax allocation fund of the county for the purpose of paying redevelopment project costs and obligations.

LRB094 07782 MKM 37960 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 County
5 Tax Increment Allocation Redevelopment Act.

6 Section 5. Legislative findings and declarations.

7 (a) It is hereby found and declared that there exist in
8 many counties within this State blighted conservation and
9 industrial park conservation areas, as defined herein; that the
10 conservation areas are rapidly deteriorating and declining and
11 may soon become blighted areas if their decline is not checked;
12 that the stable economic and physical development of the
13 blighted areas, conservation areas and industrial park
14 conservation areas is endangered by the presence of blighting
15 factors as manifested by progressive and advanced
16 deterioration of structures, by the overuse of housing and
17 other facilities, by a lack of physical maintenance of existing
18 structures, by obsolete and inadequate community facilities
19 and a lack of sound community planning, by obsolete platting,
20 diversity of ownership, excessive tax and special assessment
21 delinquencies, by the growth of a large surplus of workers who
22 lack the skills to meet existing or potential employment
23 opportunities or by a combination of these factors; that as a
24 result of the existence of blighted areas and areas requiring
25 conservation, there is an excessive and disproportionate
26 expenditure of public funds, inadequate public and private
27 investment, unmarketability of property, growth in
28 delinquencies and crime, and housing and zoning law violations
29 in such areas together with an abnormal exodus of families and
30 businesses so that the decline of these areas impairs the value
31 of private investments and threatens the sound growth and the
32 tax base of taxing districts in such areas, and threatens the

1 health, safety, morals, and welfare of the public and that the
2 industrial park conservation areas include under-utilized
3 areas which, if developed as industrial parks, will promote
4 industrial and transportation activities, thereby reducing the
5 evils attendant upon involuntary unemployment and enhancing
6 the public health and welfare of this State.

7 (b) It is hereby found and declared that in order to
8 promote and protect the health, safety, morals, and welfare of
9 the public, that blighted conditions need to be eradicated and
10 conservation measures instituted, and that redevelopment of
11 such areas be undertaken; that to remove and alleviate adverse
12 conditions it is necessary to encourage private investment and
13 restore and enhance the tax base of the taxing districts in
14 such areas by the development or redevelopment of project
15 areas. The eradication of blighted areas and treatment and
16 improvement of conservation areas and industrial park
17 conservation areas by redevelopment projects is hereby
18 declared to be essential to the public interest.

19 (c) It is found and declared that the use of incremental
20 tax revenues derived from the tax rates of various taxing
21 districts in redevelopment project areas for the payment of
22 redevelopment project costs is of benefit to said taxing
23 districts for the reasons that taxing districts located in
24 redevelopment project areas would not derive the benefits of an
25 increased assessment base without the benefits of tax increment
26 financing, all surplus tax revenues are turned over to the
27 taxing districts in redevelopment project areas and all said
28 districts benefit from the removal of blighted conditions, the
29 eradication of conditions requiring conservation measures, and
30 the development of industrial parks.

31 Section 10. Definitions. The following terms, wherever
32 used or referred to in this Act shall have the following
33 respective meanings, unless in any case a different meaning
34 clearly appears from the context.

35 (a) "blighted area" means any improved or vacant area

1 within the boundaries of a redevelopment project area located
2 within the corporate limits of the county, and not entirely
3 within the corporate limits of a municipality, where:

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

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

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

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

34 (D) Presence of structures below minimum code
35 standards. All structures that do not meet the
36 standards of zoning, subdivision, building, fire, and

1 other governmental codes applicable to property, but
2 not including housing and property maintenance codes.

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

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

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

26 (H) Inadequate utilities. Underground and overhead
27 utilities such as storm sewers and storm drainage,
28 sanitary sewers, water lines, and gas, telephone, and
29 electrical services that are shown to be inadequate.
30 Inadequate utilities are those that are: (i) of
31 insufficient capacity to serve the uses in the
32 redevelopment project area, (ii) deteriorated,
33 antiquated, obsolete, or in disrepair, or (iii)
34 lacking within the redevelopment project area.

35 (I) Excessive land coverage and overcrowding of
36 structures and community facilities. The

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

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

23 (K) Environmental clean-up. The proposed
24 redevelopment project area has incurred Illinois
25 Environmental Protection Agency or United States
26 Environmental Protection Agency remediation costs for,
27 or a study conducted by an independent consultant
28 recognized as having expertise in environmental
29 remediation has determined a need for, the clean-up of
30 hazardous waste, hazardous substances, or underground
31 storage tanks required by State or federal law,
32 provided that the remediation costs constitute a
33 material impediment to the development or
34 redevelopment of the redevelopment project area.

35 (L) Lack of community planning. The proposed
36 redevelopment project area was developed prior to or

1 without the benefit or guidance of a community plan.
2 This means that the development occurred prior to the
3 adoption by the county, or by a municipality when the
4 area is located partially within one or more
5 municipalities, of a comprehensive or other community
6 plan or that the plan was not followed at the time of
7 the area's development. This factor must be documented
8 by evidence of adverse or incompatible land-use
9 relationships, inadequate street layout, improper
10 subdivision, parcels of inadequate shape and size to
11 meet contemporary development standards, or other
12 evidence demonstrating an absence of effective
13 community planning.

14 (M) The total equalized assessed value of the
15 proposed redevelopment project area has declined for 3
16 of the last 5 calendar years prior to the year in which
17 the redevelopment project area is designated or is
18 increasing at an annual rate that is less than the
19 balance of the county for 3 of the last 5 calendar
20 years for which information is available or is
21 increasing at an annual rate that is less than the
22 Consumer Price Index for All Urban Consumers published
23 by the United States Department of Labor or successor
24 agency for 3 of the last 5 calendar years prior to the
25 year in which the redevelopment project area is
26 designated.

27 (2) If vacant, the sound growth of the redevelopment
28 project area is impaired by a combination of 2 or more of
29 the following factors, each of which is (i) present, with
30 that presence documented, to a meaningful extent so that a
31 county may reasonably find that the factor is clearly
32 present within the intent of the Act and (ii) reasonably
33 distributed throughout the vacant part of the
34 redevelopment project area to which it pertains:

35 (A) Obsolete platting of vacant land that results
36 in parcels of limited or narrow size or configurations

1 of parcels of irregular size or shape that would be
2 difficult to develop on a planned basis and in a manner
3 compatible with contemporary standards and
4 requirements, or platting that failed to create
5 rights-of-ways for streets or alleys or that created
6 inadequate right- of-way widths for streets, alleys,
7 or other public rights-of-way or that omitted
8 easements for public utilities.

9 (B) Diversity of ownership of parcels of vacant
10 land sufficient in number to retard or impede the
11 ability to assemble the land for development.

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

15 (D) Deterioration of structures or site
16 improvements in neighboring areas adjacent to the
17 vacant land.

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

29 (F) The total equalized assessed value of the
30 proposed redevelopment project area has declined for 3
31 of the last 5 calendar years prior to the year in which
32 the redevelopment project area is designated or is
33 increasing at an annual rate that is less than the
34 balance of the county for 3 of the last 5 calendar
35 years for which information is available or is
36 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 (3) If vacant, the sound growth of the redevelopment
7 project area is impaired by one of the following factors
8 that (i) is present, with that presence documented, to a
9 meaningful extent so that a county may reasonably find that
10 the factor is clearly present within the intent of the Act
11 and (ii) is reasonably distributed throughout the vacant
12 part of the redevelopment project area to which it
13 pertains:

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

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

18 (C) The area, prior to its designation, is subject
19 to chronic flooding that adversely impacts on real
20 property in the area as certified by a registered
21 professional engineer or appropriate regulatory
22 agency.

23 (D) The area consists of an unused or illegal
24 disposal site containing earth, stone, building
25 debris, or similar materials that were removed from
26 construction, demolition, excavation, or dredge sites.

27 (E) The area qualified as a blighted improved area
28 immediately prior to becoming vacant, unless there has
29 been substantial private investment in the immediately
30 surrounding area.

31 (b) "Conservation area" means any improved area within the
32 boundaries of a redevelopment project area located within the
33 territorial limits of the county, and not entirely within the
34 corporate limits of a municipality, in which 50% or more of the
35 structures in the area have an age of 35 years or more. Such an
36 area is not yet a blighted area but because of a combination of

1 3 or more of the following factors is detrimental to the public
2 safety, health, morals or welfare and such an area may become a
3 blighted area:

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

11 (2) Obsolescence. The condition or process of falling
12 into disuse. Structures have become ill-suited for the
13 original use.

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

24 (4) Presence of structures below minimum code
25 standards. All structures that do not meet the standards of
26 zoning, subdivision, building, fire, and other
27 governmental codes applicable to property, but not
28 including housing and property maintenance codes.

29 (5) Illegal use of individual structures. The use of
30 structures in violation of applicable federal, state, or
31 local laws, exclusive of those applicable to the presence
32 of structures below minimum code standards.

33 (6) Excessive vacancies. The presence of buildings
34 that are unoccupied or under-utilized and that represent an
35 adverse influence on the area because of the frequency,
36 extent, or duration of the vacancies.

1 (7) Lack of ventilation, light, or sanitary
2 facilities. The absence of adequate ventilation for light
3 or air circulation in spaces or rooms without windows, or
4 that require the removal of dust, odor, gas, smoke, or
5 other noxious airborne materials. Inadequate natural light
6 and ventilation means the absence or inadequacy of
7 skylights or windows for interior spaces or rooms and
8 improper window sizes and amounts by room area to window
9 area ratios. Inadequate sanitary facilities refers to the
10 absence or inadequacy of garbage storage and enclosure,
11 bathroom facilities, hot water and kitchens, and
12 structural inadequacies preventing ingress and egress to
13 and from all rooms and units within a building.

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

22 (9) Excessive land coverage and overcrowding of
23 structures and community facilities. The over-intensive
24 use of property and the crowding of buildings and accessory
25 facilities onto a site. Examples of problem conditions
26 warranting the designation of an area as one exhibiting
27 excessive land coverage are: the presence of buildings
28 either improperly situated on parcels or located on parcels
29 of inadequate size and shape in relation to present-day
30 standards of development for health and safety and the
31 presence of multiple buildings on a single parcel. For
32 there to be a finding of excessive land coverage, these
33 parcels must exhibit one or more of the following
34 conditions: insufficient provision for light and air
35 within or around buildings, increased threat of spread of
36 fire due to the close proximity of buildings, lack of

1 adequate or proper access to a public right-of-way, lack of
2 reasonably required off-street parking, or inadequate
3 provision for loading and service.

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

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

23 (12) The area has incurred Illinois Environmental
24 Protection Agency or United States Environmental
25 Protection Agency remediation costs for, or a study
26 conducted by an independent consultant recognized as
27 having expertise in environmental remediation has
28 determined a need for, the clean-up of hazardous waste,
29 hazardous substances, or underground storage tanks
30 required by State or federal law, provided that the
31 remediation costs constitute a material impediment to the
32 development or redevelopment of the redevelopment project
33 area.

34 (13) The total equalized assessed value of the proposed
35 redevelopment project area has declined for 3 of the last 5
36 calendar years for which information is available or is

1 increasing at an annual rate that is less than the balance
2 of the county for 3 of the last 5 calendar years for which
3 information is available or is increasing at an annual rate
4 that is less than the Consumer Price Index for All Urban
5 Consumers published by the United States Department of
6 Labor or successor agency for 3 of the last 5 calendar
7 years for which information is available.

8 (c) "Industrial park" means an area in a blighted or
9 conservation area suitable for use by any manufacturing,
10 industrial, research or transportation enterprise, of
11 facilities to include but not be limited to factories, mills,
12 processing plants, assembly plants, packing plants,
13 fabricating plants, industrial distribution centers,
14 warehouses, repair overhaul or service facilities, freight
15 terminals, research facilities, test facilities or railroad
16 facilities.

17 (d) "Industrial park conservation area" means an area
18 within the boundaries of a redevelopment project area located
19 within the territorial limits of a county that is a labor
20 surplus county or partially within the territorial limits of a
21 municipality that is a labor surplus municipality when the area
22 is located partially within one or more municipalities; which
23 area is zoned as industrial no later than at the time that the
24 county by ordinance designates the redevelopment project area,
25 and which area includes both vacant land suitable for use as an
26 industrial park and a blighted area or conservation area
27 contiguous to such vacant land.

28 (e) "Labor surplus county" means a county in which, at any
29 time during the months before the county by ordinance
30 designates an industrial park conservation area, the
31 unemployment rate was over 6% and was also 100% or more of the
32 national average unemployment rate for that same time as
33 published in the United States Department of Labor Bureau of
34 Labor Statistics publication entitled "The Employment
35 Situation" or its successor publication.

36 (f) "Labor surplus municipality" means a municipality in

1 which, at any time during the months before the municipality by
2 ordinance consented to the county designating an industrial
3 park conservation area, the unemployment rate was over 6% and
4 was also 100% or more of the national average unemployment rate
5 for that same time as published in the United States Department
6 of Labor Bureau of Labor Statistics publication entitled "The
7 Employment Situation" or its successor publication. For the
8 purpose of this subsection, if unemployment rate statistics for
9 the municipality are not available, the unemployment rate in
10 the municipality shall be deemed to be the same as the
11 unemployment rate in the principal county in which the
12 municipality is located.

13 (g) "County" shall mean a county having a population of
14 more than 3,000,000 inhabitants.

15 (h) "Municipality" shall mean a city, village or
16 incorporated town located partially or entirely within a county
17 having a population of more than 3,000,000 inhabitants.

18 (i) "Obligations" mean bonds, loans, debentures, notes,
19 special certificates or other evidence of indebtedness issued
20 by the county to carry out a redevelopment project or to refund
21 outstanding obligations.

22 (j) "Payment in lieu of taxes" means those estimated tax
23 revenues from real property in a redevelopment project area
24 derived from real property that has been acquired by a county
25 which according to the redevelopment project or plan is to be
26 used for a private use which taxing districts would have
27 received had a county not acquired the real property and
28 adopted tax increment allocation financing and which would
29 result from levies made after the time of the adoption of tax
30 increment allocation financing to the time the current
31 equalized value of real property in the redevelopment project
32 area exceeds the total initial equalized value of real property
33 in said area.

34 (k) "Redevelopment plan" means the comprehensive program
35 of the county for development or redevelopment intended by the
36 payment of redevelopment project costs to reduce or eliminate

1 those conditions the existence of which qualified the
2 redevelopment project area as a "blighted area" or
3 "conservation area" or combination thereof or "industrial park
4 conservation area," and thereby to enhance the tax bases of the
5 taxing districts which extend into the redevelopment project
6 area. No redevelopment plan may be approved or amended that
7 includes the development of vacant land (i) with a golf course
8 and related clubhouse and other facilities or (ii) designated
9 by federal, state, county, or municipal government as public
10 land for outdoor recreational activities, park purposes or for
11 nature preserves and used for that purpose within 5 years prior
12 to the adoption of the redevelopment plan. For the purpose of
13 this subsection, "recreational activities" is limited to mean
14 camping and hunting. Each redevelopment plan shall set forth in
15 writing the program to be undertaken to accomplish the
16 objectives and shall include but not be limited to:

17 (A) an itemized list of estimated redevelopment
18 project costs;

19 (B) evidence indicating that the redevelopment project
20 area on the whole has not been subject to growth and
21 development through investment by private enterprise;

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

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

28 (E) the nature and term of the obligations to be
29 issued;

30 (F) the most recent equalized assessed valuation of the
31 redevelopment project area;

32 (G) an estimate as to the equalized assessed valuation
33 after redevelopment and the general land uses to apply in
34 the redevelopment project area;

35 (H) a commitment to fair employment practices and an
36 affirmative action plan;

1 (I) if it concerns an industrial park conservation
2 area, the plan shall also include a general description of
3 any proposed developer, user and tenant of any property, a
4 description of the type, structure and general character of
5 the facilities to be developed, a description of the type,
6 class and number of new employees to be employed in the
7 operation of the facilities to be developed; and

8 (J) if property is to be annexed to a municipality, the
9 plan shall include the terms of the annexation agreement.
10 No redevelopment plan shall be adopted unless a county
11 complies with all of the following requirements:

12 (1) The county finds that the redevelopment
13 project area on the whole has not been subject to
14 growth and development through investment by private
15 enterprise and would not reasonably be anticipated to
16 be developed without the adoption of the redevelopment
17 plan.

18 (2) The county finds that the redevelopment plan
19 and project conform to the comprehensive plan for the
20 development of the county as a whole, and to the
21 comprehensive plan of a municipality when the area is
22 located partially within one or more municipalities.

23 (3) The redevelopment plan establishes the
24 estimated dates of completion of the redevelopment
25 project and retirement of obligations issued to
26 finance redevelopment project costs. Those dates shall
27 not be later than December 31 of the year in which the
28 payment to the county treasurer as provided in
29 subsection (b) of Section 45 of this Act is to be made
30 with respect to ad valorem taxes levied in the
31 twenty-third calendar year after the year in which the
32 ordinance approving the redevelopment project area is
33 adopted.

34 (4) The county also finds, in the case of an
35 industrial park conservation area, that the
36 implementation of the redevelopment plan will reduce

1 unemployment, create new jobs and by the provision of
2 new facilities enhance the tax base of the taxing
3 districts that extend into the redevelopment project
4 area.

5 (5) If the redevelopment plan will not result in
6 displacement of residents from inhabited units, and
7 the county certifies in the plan that displacement will
8 not result from the plan, a housing impact study need
9 not be performed. If, however, the redevelopment plan
10 would result in the displacement of residents from 10
11 or more inhabited residential units, or if the
12 redevelopment project area contains 75 or more
13 inhabited residential units and no certification is
14 made, then the county shall prepare, as part of the
15 separate feasibility report required by subsection (a)
16 of Section 30, a housing impact study.

17 Part I of the housing impact study shall include
18 (i) data as to whether the residential units are single
19 family or multi-family units, (ii) the number and type
20 of rooms within the units, if that information is
21 available, (iii) whether the units are inhabited or
22 uninhabited, as determined not less than 45 days before
23 the date that the ordinance or resolution required by
24 subsection (a) of Section 30 is passed, and (iv) data
25 as to the racial and ethnic composition of the
26 residents in the inhabited residential units. The data
27 requirement as to the racial and ethnic composition of
28 the residents in the inhabited residential units shall
29 be deemed to be fully satisfied by data from the most
30 recent federal census.

31 Part II of the housing impact study shall identify
32 the inhabited residential units in the proposed
33 redevelopment project area that are to be or may be
34 removed. If inhabited residential units are to be
35 removed, then the housing impact study shall identify
36 (i) the number and location of those units that will or

1 may be removed, (ii) the county's plans for relocation
2 assistance for those residents in the proposed
3 redevelopment project area whose residences are to be
4 removed, (iii) the availability of replacement housing
5 for those residents whose residences are to be removed,
6 and shall identify the type, location, and cost of the
7 housing, and (iv) the type and extent of relocation
8 assistance to be provided.

9 (6) The housing impact study required by paragraph
10 (5) shall be incorporated in the redevelopment plan for
11 the redevelopment project area.

12 (7) No redevelopment plan shall be adopted, nor an
13 existing plan amended, nor shall residential housing
14 that is occupied by households of low-income and very
15 low-income persons in currently existing redevelopment
16 project areas be removed unless the redevelopment plan
17 provides, with respect to inhabited housing units that
18 are to be removed for households of low-income and very
19 low-income persons, affordable housing and relocation
20 assistance not less than that which would be provided
21 under the federal Uniform Relocation Assistance and
22 Real Property Acquisition Policies Act of 1970 and the
23 regulations under that Act, including the eligibility
24 criteria. Affordable housing may be either existing or
25 newly constructed housing. For purposes of this
26 paragraph (7), "low-income households", "very
27 low-income households", and "affordable housing" have
28 the meanings set forth in the Illinois Affordable
29 Housing Act. The county shall make a good faith effort
30 to ensure that this affordable housing is located in or
31 near the redevelopment project area within the county.

32 (8) If, after the adoption of the redevelopment
33 plan for the redevelopment project area, any county
34 desires to amend its redevelopment plan to remove more
35 inhabited residential units than specified in its
36 original redevelopment plan, that increase in the

1 number of units to be removed shall be deemed to be a
2 change in the nature of the redevelopment plan as to
3 require compliance with the procedures in this Act
4 pertaining to the initial approval of a redevelopment
5 plan.

6 (l) "Redevelopment project" means any public and private
7 development project in furtherance of the objectives of a
8 redevelopment plan. No redevelopment plan may be approved or
9 amended that includes the development of vacant land (i) with a
10 golf course and related clubhouse and other facilities or (ii)
11 designated by federal, State, county, or municipal government
12 as public land for outdoor recreational activities, park
13 purposes or for nature preserves and used for that purpose
14 within 5 years prior to the adoption of the redevelopment plan.
15 For the purpose of this subsection, "recreational activities"
16 is limited to mean camping and hunting.

17 (m) "Redevelopment project area" means an area designated
18 by the county, which is not less in the aggregate than 1 ½
19 acres and in respect to which the county has made a finding
20 that there exist conditions which cause the area to be
21 classified as an industrial park conservation area or a
22 blighted area or a conservation area, or a combination of both
23 blighted areas and conservation areas, provided that no lot,
24 block, tract or parcel of land that is within the corporate
25 limits of a municipality or municipalities at the time of the
26 public hearing under Section 30 may be included in the area
27 without the consent of the municipality or municipalities
28 expressed by a resolution or ordinance adopted by their
29 corporate authorities.

30 (n) "Redevelopment project costs" mean and include the sum
31 total of all reasonable or necessary costs incurred or
32 estimated to be incurred, and any such costs incidental to a
33 redevelopment plan and a redevelopment project. Such costs
34 include, without limitation, the following:

35 (1) Costs of studies, surveys, development of plans,
36 and specifications, implementation and administration of

1 the redevelopment plan including but not limited to staff
2 and professional service costs for architectural,
3 engineering, legal, financial, planning or other services,
4 provided however that no charges for professional services
5 may be based on a percentage of the tax increment
6 collected, and that no contracts for professional
7 services, excluding architectural and engineering
8 services, may be entered into if the terms of the contract
9 extend beyond a period of 3 years. In addition,
10 "redevelopment project costs" shall not include lobbying
11 expenses. After consultation with the county, each tax
12 increment consultant or advisor to a county that plans to
13 designate or has designated a redevelopment project area
14 shall inform the county in writing of any contracts that
15 the consultant or advisor has entered into with entities or
16 individuals that have received, or are receiving, payments
17 financed by tax increment revenues produced by the
18 redevelopment project area with respect to which the
19 consultant or advisor has performed, or will be performing,
20 service for the county. This requirement shall be satisfied
21 by the consultant or advisor before the commencement of
22 services for the county and thereafter whenever any other
23 contracts with those individuals or entities are executed
24 by the consultant or advisor;

25 (2) Annual administrative costs shall not include
26 general overhead or administrative costs of the county that
27 would still have been incurred by the county if the county
28 had not designated a redevelopment project area or approved
29 a redevelopment plan;

30 (3) The cost of marketing sites within the
31 redevelopment project area to prospective businesses,
32 developers, and investors;

33 (4) Property assembly costs, including but not limited
34 to acquisition of land and other property, real or
35 personal, or rights or interests therein, demolition of
36 buildings, site preparation, site improvements that serve

1 as an engineered barrier addressing ground level or below
2 ground environmental contamination, including, but not
3 limited to parking lots and other concrete or asphalt
4 barriers, and the clearing and grading of land;

5 (5) Costs of rehabilitation, reconstruction or repair
6 or remodeling of existing public or private buildings,
7 fixtures, and leasehold improvements; and the cost of
8 replacing an existing public building if pursuant to the
9 implementation of a redevelopment project the existing
10 public building is to be demolished to use the site for
11 private investment or devoted to a different use requiring
12 private investment;

13 (6) Costs of the construction of public works or
14 improvements, except that redevelopment project costs
15 shall not include the cost of constructing a new county
16 public building;

17 (7) Costs of job training and retraining projects,
18 including the cost of "welfare to work" programs
19 implemented by businesses located within the redevelopment
20 project area;

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

29 (9) To the extent the county by written agreement
30 accepts and approves the same, all or a portion of a taxing
31 district's capital costs resulting from the redevelopment
32 project necessarily incurred or to be incurred within a
33 taxing district in furtherance of the objectives of the
34 redevelopment plan and project;

35 (10) An elementary, secondary, or unit school
36 district's increased costs attributable to assisted

1 housing units located within the redevelopment project
2 area for which the developer or redeveloper receives
3 financial assistance through an agreement with the county
4 or because the county incurs the cost of necessary
5 infrastructure improvements within the boundaries of the
6 assisted housing sites necessary for the completion of that
7 housing as authorized by this Act, and which costs shall be
8 paid by the county from the Special Tax Allocation Fund
9 when the tax increment revenue is received as a result of
10 the assisted housing units and shall be calculated annually
11 as follows:

12 (A) for foundation districts, excluding any school
13 district in a municipality with a population in excess
14 of 1,000,000, by multiplying the district's increase
15 in attendance resulting from the net increase in new
16 students enrolled in that school district who reside in
17 housing units within the redevelopment project area
18 that have received financial assistance through an
19 agreement with the county or because the county incurs
20 the cost of necessary infrastructure improvements
21 within the boundaries of the housing sites necessary
22 for the completion of that housing as authorized by
23 this Act since the designation of the redevelopment
24 project area by the most recently available per capita
25 tuition cost as defined in Section 10-20.12a of the
26 School Code less any increase in general State aid as
27 defined in Section 18-8.05 of the School Code
28 attributable to these added new students subject to the
29 following annual limitations:

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

36 (ii) for elementary school districts with a

1 district average 1995-96 Per Capita Tuition Charge
2 of less than \$5,900, no more than 17% 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; and

6 (iii) for secondary school districts with a
7 district average 1995-96 Per Capita Tuition Charge
8 of less than \$5,900, no more than 8% of the total
9 amount of property tax increment revenue produced
10 by those housing units that have received tax
11 increment finance assistance under this Act;

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

33 (i) for unit school districts, no more than 40%
34 of the total amount of property tax increment
35 revenue produced by those housing units that have
36 received tax increment finance assistance under

1 this Act;

2 (ii) for elementary school districts, no more
3 than 27% of the total amount of property tax
4 increment revenue produced by those housing units
5 that have received tax increment finance
6 assistance under this Act; and

7 (iii) for secondary school districts, no more
8 than 13% 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;

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

28 (11) Relocation costs to the extent that a county
29 determines that relocation costs shall be paid or is
30 required to make payment of relocation costs by federal or
31 State law or in order to satisfy subparagraph (7) of
32 subsection (k);

33 (12) Payment in lieu of taxes;

34 (13) Costs of job training, retraining, advanced
35 vocational education or career education, including but
36 not limited to courses in occupational, semi-technical or

1 technical fields leading directly to employment, incurred
2 by one or more taxing districts, provided that such costs
3 (i) are related to the establishment and maintenance of
4 additional job training, advanced vocational education or
5 career education programs for persons employed or to be
6 employed by employers located in a redevelopment project
7 area; and (ii) when incurred by a taxing district or taxing
8 districts other than the county, are set forth in a written
9 agreement by or among the county and the taxing district or
10 taxing districts, which agreement describes the program to
11 be undertaken, including but not limited to the number of
12 employees to be trained, a description of the training and
13 services to be provided, the number and type of positions
14 available or to be available, itemized costs of the program
15 and sources of funds to pay for the same, and the term of
16 the agreement. Such costs include, specifically, the
17 payment by community college districts of costs pursuant to
18 Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public
19 Community College Act and by school districts of costs
20 pursuant to Sections 10-22.20a and 10-23.3a of the School
21 Code;

22 (14) Interest cost incurred by a redeveloper related to
23 the construction, renovation or rehabilitation of a
24 redevelopment project provided that:

25 (A) such costs are to be paid directly from the
26 special tax allocation fund established pursuant to
27 this Act;

28 (B) such payments in any one year may not exceed
29 30% of the annual interest costs incurred by the
30 redeveloper with regard to the redevelopment project
31 during that year;

32 (C) if there are not sufficient funds available in
33 the special tax allocation fund to make the payment
34 pursuant to this paragraph (11) then the amounts so due
35 shall accrue and be payable when sufficient funds are
36 available in the special tax allocation fund;

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

8 (E) the cost limits set forth in subparagraphs (B)
9 and (D) of paragraph (11) shall be modified for the
10 financing of rehabilitated or new housing units for
11 low-income households and very low-income households,
12 as defined in Section 3 of the Illinois Affordable
13 Housing Act. The percentage of 60% shall be substituted
14 for 30% in subparagraphs (B) and (D) of paragraph (14);

15 (F) Instead of the eligible costs provided by
16 subparagraphs (B) and (D) of paragraph (14), as
17 modified by this subparagraph, and notwithstanding any
18 other provisions of this Act to the contrary, the
19 county may pay from tax increment revenues up to 50% of
20 the cost of construction of new housing units to be
21 occupied by households of low-income and very
22 low-income persons as defined in Section 3 of the
23 Illinois Affordable Housing Act displaced from
24 residential units in the redevelopment project area.
25 The cost of construction of those units may be derived
26 from the proceeds of bonds issued by the county under
27 this Act or other constitutional or statutory
28 authority or from other sources of county revenue that
29 may be reimbursed from tax increment revenues or the
30 proceeds of bonds issued to finance the construction of
31 that housing;

32 The eligible costs provided under this
33 subparagraph (F) of paragraph (14) shall be an eligible
34 cost for the construction, renovation, and
35 rehabilitation of all low and very low-income housing
36 units, as defined in Section 3 of the Illinois

1 Affordable Housing Act, within the redevelopment
2 project area. If the low and very low-income units are
3 part of a residential redevelopment project that
4 includes units not affordable to low and very low-
5 income households, only the low and very low-income
6 units shall be eligible for benefits under
7 subparagraph (F) of paragraph (14). The standards for
8 maintaining the occupancy by low-income households and
9 very low-income households, as defined in Section 3 of
10 the Illinois Affordable Housing Act, of those units
11 constructed with eligible costs made available under
12 the provisions of this subparagraph (F) of paragraph
13 (14) shall be established by guidelines adopted by the
14 county. The responsibility for annually documenting
15 the initial occupancy of the units by low-income
16 households and very low-income households, as defined
17 in Section 3 of the Illinois Affordable Housing Act,
18 shall be that of the then current owner of the
19 property. For ownership units, the guidelines will
20 provide, at a minimum, for a reasonable recapture of
21 funds, or other appropriate methods designed to
22 preserve the original affordability of the ownership
23 units. For rental units, the guidelines will provide,
24 at a minimum, for the affordability of rent to low and
25 very low-income households. As units become available,
26 they shall be rented to income-eligible tenants. The
27 county may modify these guidelines from time to time;
28 the guidelines, however, shall be in effect for as long
29 as tax increment revenue is being used to pay for costs
30 associated with the units or for the retirement of
31 bonds issued to finance the units or for the life of
32 the redevelopment project area, whichever is later;

33 (15) The cost of day care services for children of
34 employees from low-income families working for businesses
35 located within the redevelopment project area and all or a
36 portion of the cost of operation of day care centers

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

11 (16) Unless explicitly stated herein the cost of
12 construction of new privately-owned buildings shall not be
13 an eligible redevelopment project cost;

14 (17) None of the redevelopment project costs
15 enumerated in this subsection shall be eligible
16 redevelopment project costs if those costs would provide
17 direct financial support to a retail entity initiating
18 operations in the redevelopment project area while
19 terminating operations at another Illinois location within
20 10 miles of the redevelopment project area. For purposes of
21 this paragraph, termination means a closing of a retail
22 operation that is directly related to the opening of the
23 same operation or like retail entity owned or operated by
24 more than 50% of the original ownership in a redevelopment
25 project area, but it does not mean closing an operation for
26 reasons beyond the control of the retail entity, as
27 documented by the retail entity, subject to a reasonable
28 finding by the municipality that the current location
29 contained inadequate space, had become economically
30 obsolete, or was no longer a viable location for the
31 retailer or serviceman;

32 If a special service area has been established pursuant
33 to the Special Service Area Tax Law, then any tax increment
34 revenues derived from the tax imposed pursuant to the
35 Special Service Area Tax Law may be used within the
36 redevelopment project area for the purposes permitted by

1 that Law as well as the purposes permitted by this Act.

2 (o) "Taxing districts" means counties, townships, cities
3 and incorporated towns and villages, school, road, park,
4 sanitary, mosquito abatement, forest preserve, public health,
5 fire protection, river conservancy, tuberculosis sanitarium
6 and any other municipal corporations or districts with the
7 power to levy taxes.

8 (p) "Taxing districts' capital costs" means those costs of
9 taxing districts for capital improvements that are found by the
10 county corporate authorities to be necessary and directly
11 result from the redevelopment project.

12 (q) As used in subsection (a) of Section 10 of this Act,
13 "vacant land" means any parcel or combination of parcels of
14 real property without industrial, commercial, and residential
15 buildings which has not been used for commercial agricultural
16 purposes within 5 years prior to the designation of the
17 redevelopment project area, unless the parcel is included in an
18 industrial park conservation area or the parcel has been
19 subdivided; provided that if the parcel was part of a larger
20 tract that has been divided into 3 or more smaller tracts that
21 were accepted for recording during the period from 1950 to
22 1990, then the parcel shall be deemed to have been subdivided,
23 and all proceedings and actions of the county taken in that
24 connection with respect to any previously approved or
25 designated redevelopment project area or amended redevelopment
26 project area are hereby validated and hereby declared to be
27 legally sufficient for all purposes of this Act. For purposes
28 of this Section and only for land subject to the subdivision
29 requirements of the Plat Act, land is subdivided when the
30 original plat of the proposed redevelopment project area or
31 relevant portion thereof has been properly certified,
32 acknowledged, approved, and recorded or filed in accordance
33 with the Plat Act and a preliminary plat, if any, for any
34 subsequent phases of the proposed redevelopment project area or
35 relevant portion thereof has been properly approved and filed
36 in accordance with the applicable ordinance of the county.

1 Section 15. County powers and duties; redevelopment
2 project areas. A county may:

3 (a) By ordinance introduced in the governing body of the
4 county within 14 to 90 days from the completion of the hearing
5 specified in Section 30 approve redevelopment plans and
6 redevelopment projects, and designate redevelopment project
7 areas pursuant to notice and hearing required by this Act. No
8 redevelopment project area shall be designated unless a plan
9 and project are approved prior to the designation of such area
10 and such area shall include only those contiguous parcels of
11 real property and improvements thereon substantially
12 benefitted by the proposed redevelopment project improvements.
13 Upon adoption of the ordinances, the county shall forthwith
14 transmit to the county clerk a certified copy of the
15 ordinances, a legal description of the redevelopment project
16 area, a map of the redevelopment project area, identification
17 of the year that the county clerk shall use for determining the
18 total initial equalized assessed value of the redevelopment
19 project area consistent with subsection (a) of Section 60, and
20 a list of the parcel or tax identification number of each
21 parcel of property included in the redevelopment project area.

22 (b) Make and enter into all contracts with property owners,
23 developers, tenants, overlapping taxing bodies, and others
24 necessary or incidental to the implementation and furtherance
25 of its redevelopment plan and project.

26 (c) Within a redevelopment project area, acquire by
27 purchase, donation, lease or eminent domain; own, convey,
28 lease, mortgage or dispose of land and other property, real or
29 personal, or rights or interests therein; and grant or acquire
30 licenses, easements and options with respect thereto, all in
31 the manner and at such price the county determines is
32 reasonably necessary to achieve the objectives of the
33 redevelopment plan and project. No conveyance, lease,
34 mortgage, disposition of land or other property owned by a
35 county, or agreement relating to the development of such county

1 property shall be made except upon the adoption of an ordinance
2 by the corporate authorities of the county. Furthermore, no
3 conveyance, lease, mortgage, or other disposition of land owned
4 by a county or agreement relating to the development of such
5 county property shall be made without making public disclosure
6 of the terms of the disposition and all bids and proposals made
7 in response to the county's request. The procedures for
8 obtaining such bids and proposals shall provide reasonable
9 opportunity for any person to submit alternative proposals or
10 bids.

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

13 (e) Within a redevelopment project area, renovate or
14 rehabilitate or construct any structure or building, as
15 permitted under this Act.

16 (f) Install, repair, construct, reconstruct or relocate
17 streets, utilities and site improvements essential to the
18 preparation of the redevelopment area for use in accordance
19 with a redevelopment plan.

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

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

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

29 (j) Incur project redevelopment costs and reimburse
30 developers who incur redevelopment project costs authorized by
31 a redevelopment agreement; provided, however, that no county
32 shall incur redevelopment project costs (except for planning
33 costs and any other eligible costs authorized by county
34 ordinance or resolution that are subsequently included in the
35 redevelopment plan for the area and are incurred by the county
36 after the ordinance or resolution is adopted) that are not

1 consistent with the program for accomplishing the objectives of
2 the redevelopment plan as included in that plan and approved by
3 the county until the county has amended the redevelopment plan
4 as provided elsewhere in this Act.

5 (k) Create a commission of not less than 5 or more than 15
6 persons to be appointed by the president of the county board
7 with the consent of the majority of the county board. Members
8 of the commission shall be appointed for initial terms of 1, 2,
9 3, 4 and 5 years, respectively, in such numbers as to provide
10 that the terms of not more than 1/3 of all such members shall
11 expire in any one year. Their successors shall be appointed for
12 a term of 5 years. The commission, subject to approval of the
13 corporate authorities may exercise the powers enumerated in
14 this Section. The commission shall also have the power to hold
15 the public hearings required by this division and make
16 recommendations to the corporate authorities concerning the
17 adoption of redevelopment plans, redevelopment projects and
18 designation of redevelopment project areas.

19 (l) Make payment in lieu of taxes or a portion thereof to
20 taxing districts. If payments in lieu of taxes or a portion
21 thereof are made to taxing districts, those payments shall be
22 made to all districts within a project redevelopment area on a
23 basis which is proportional to the current collections of
24 revenue which each taxing district receives from real property
25 in the redevelopment project area.

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

28 (n) If any member of the county board, a member of a
29 commission established pursuant to subsection (k) of Section 15
30 of this Act, or an employee or consultant of the county
31 involved in the planning and preparation of a redevelopment
32 plan, or project for a redevelopment project area or proposed
33 redevelopment project area, as defined in subsections (k)
34 through (m) of Section 10 of this Act, owns or controls an
35 interest, direct or indirect, in any property included in any
36 redevelopment area, or proposed redevelopment area, he or she

1 shall disclose the same in writing to the clerk of the county,
2 and shall also so disclose the dates and terms and conditions
3 of any disposition of any such interest, which disclosures
4 shall be acknowledged by the corporate authorities and entered
5 upon the minute books of the corporate authorities. If an
6 individual holds such an interest then that individual shall
7 refrain from any further official involvement in regard to such
8 redevelopment plan, project or area, from voting on any matter
9 pertaining to such redevelopment plan, project or area, or
10 communicating with other members concerning corporate
11 authorities, commission or employees concerning any matter
12 pertaining to said redevelopment plan, project or area.
13 Furthermore, no such member or employee shall acquire of any
14 interest direct, or indirect, in any property in a
15 redevelopment area or proposed redevelopment area after either
16 (a) such individual obtains knowledge of such plan, project or
17 area or (b) first public notice of such plan, project or area
18 pursuant to Section 35 of this Act, whichever occurs first. For
19 the purposes of this subsection, a property interest acquired
20 in a single parcel of property by a member of the corporate
21 authority, which property is used exclusively as the member's
22 primary residence, shall not be deemed to constitute an
23 interest in any property included in a redevelopment area or
24 proposed redevelopment area, but the member must disclose the
25 acquisition to the county clerk under the provisions of this
26 subsection. For the purposes of this subsection, a
27 month-to-month leasehold interest in a single parcel of
28 property by a member of the corporate authority shall not be
29 deemed to constitute an interest in any property included in
30 any redevelopment area or proposed redevelopment area, but the
31 member must disclose the interest to the county clerk under the
32 provisions of this subsection.

33 (o) Create a Tax Increment Economic Development Advisory
34 Committee to be appointed by the President of the county board
35 with the consent of the majority of the governing board of the
36 county, the members of which Committee shall be appointed for

1 initial terms of 1, 2, 3, 4 and 5 years respectively, in such
2 numbers as to provide that the terms of not more than 1/3 of
3 all such members shall expire in any one year. Their successors
4 shall be appointed for a term of 5 years. The Committee shall
5 have none of the powers enumerated in this Section. The
6 Committee shall serve in an advisory capacity only. The
7 Committee may advise the governing board of the county and
8 other county officials regarding development issues and
9 opportunities within the redevelopment project area. The
10 Committee may also promote and publicize development
11 opportunities in the redevelopment project area.

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

23 (q) Utilize revenues received under this Act from one
24 redevelopment project area for eligible costs in another
25 redevelopment project area that is either contiguous to, or is
26 separated only by a public right of way from, the redevelopment
27 project area from which the revenues are received. Utilize tax
28 increment revenues for eligible costs that are received from a
29 redevelopment project area created under the Industrial Jobs
30 Recovery Law that is either contiguous to, or is separated only
31 by a public right of way from, the redevelopment project area
32 created under this Act which initially receives these revenues.
33 Utilize revenues by transferring or loaning such revenues to a
34 redevelopment project area created under the Industrial Jobs
35 Recovery Law that is either contiguous to, or separated only by
36 a public right of way from the redevelopment project area that

1 initially produced and received those revenues.

2 (r) If no redevelopment project has been initiated in a
3 redevelopment project area within 7 years after the area was
4 designated by ordinance under subsection (a), the county shall
5 adopt an ordinance repealing the area's designation as a
6 redevelopment project area. Initiation of a redevelopment
7 project shall be evidenced by either a signed redevelopment
8 agreement or expenditures on eligible redevelopment project
9 costs associated with a redevelopment project.

10 Section 20. Feasibility study.

11 (a) If a county adopts an ordinance or resolution providing
12 for a feasibility study on the designation of an area as a
13 redevelopment project area, a copy of the ordinance or
14 resolution shall immediately be sent to all taxing districts
15 that would be affected by the designation. The ordinance or
16 resolution shall include:

17 (1) The boundaries of the area to be studied for
18 possible designation as a redevelopment project area.

19 (2) The purpose or purposes of the proposed
20 redevelopment plan and project.

21 (3) A general description of tax increment allocation
22 financing under this Act.

23 (4) The name, phone number, and address of the county
24 officer who can be contacted for additional information
25 about the proposed redevelopment project area and who
26 should receive all comments and suggestions regarding the
27 redevelopment of the area to be studied.

28 (b) If one of the purposes of the planned redevelopment
29 project area should reasonably be expected to result in the
30 displacement of residents from 10 or more inhabited residential
31 units, the county shall adopt a resolution or ordinance
32 providing for the feasibility study described in subsection
33 (a). The ordinance or resolution shall also require that the
34 feasibility study include the preparation of the housing impact
35 study set forth in paragraph (5) of subsection (k) of Section

1 10. If the redevelopment plan will not result in displacement
2 of residents from inhabited units, and the municipality
3 certifies in the plan that displacement will not result from
4 the plan, then a resolution or ordinance need not be adopted.

5 Section 25. Interested parties registry. The county shall
6 by its corporate authority create an "interested parties"
7 registry for activities related to the redevelopment project
8 area. The county shall adopt reasonable registration rules and
9 shall prescribe the necessary registration forms for residents
10 and organizations active within the county that seek to be
11 placed on the "interested parties" registry. At a minimum, the
12 rules for registration shall provide for a renewable period of
13 registration of not less than 3 years and notification to
14 registered organizations and individuals by mail at the address
15 provided upon registration prior to termination of their
16 registration, unless the municipality decides that it will
17 establish a policy of not terminating interested parties from
18 the registry, in which case no notice will be required. Such
19 rules shall not be used to prohibit or otherwise interfere with
20 the ability of eligible organizations and individuals to
21 register for receipt of information to which they are entitled
22 under this statute.

23 Section 30. Public hearing; approval and denial of
24 redevelopment plan or project; changes to plan or project;
25 reports; notice; joint review board; information required for
26 each redevelopment project area; applicability.

27 (a) Prior to the adoption of an ordinance proposing the
28 designation of a redevelopment project area, or approving a
29 redevelopment plan or redevelopment project, the county by its
30 corporate authorities, or as it may determine by any commission
31 designated under subsection (k) of Section 15 shall adopt an
32 ordinance or resolution fixing a time and place for public
33 hearing. Prior to the adoption of the ordinance or resolution
34 establishing the time and place for the public hearing, the

1 county shall make available for public inspection a
2 redevelopment plan or a separate report that provides in
3 reasonable detail the basis for the eligibility of the
4 redevelopment project area. The report along with the name of a
5 person to contact for further information shall be sent within
6 a reasonable time after the adoption of such ordinance or
7 resolution to the affected taxing districts by certified mail.
8 The county shall print in a newspaper of general circulation
9 within the county a notice that interested persons may register
10 with the county in order to receive information on the proposed
11 designation of a redevelopment project area or the approval of
12 a redevelopment plan. The notice shall state the place of
13 registration and the operating hours of that place. The county
14 shall have adopted reasonable rules to implement this
15 registration process under Section 25.

16 Notice of the availability of the redevelopment plan and
17 eligibility report, including how to obtain this information,
18 shall also be sent by mail within a reasonable time after the
19 adoption of the ordinance or resolution to all residents within
20 the postal zip code area or areas contained in whole or in part
21 within the proposed redevelopment project area or
22 organizations that operate in the county that have registered
23 with the county for that information in accordance with the
24 registration guidelines established by the county under
25 Section 25. At the public hearing any interested person or
26 affected taxing district may file with the county clerk written
27 objections to and may be heard orally in respect to any issues
28 embodied in the notice. The county shall hear and determine all
29 protests and objections at the hearing and the hearing may be
30 adjourned to another date without further notice other than a
31 motion to be entered upon the minutes fixing the time and place
32 of the subsequent hearing. At the public hearing or at any time
33 prior to the adoption by the county of an ordinance approving a
34 redevelopment plan, the county may make changes in the
35 redevelopment plan. Changes which (1) add additional parcels of
36 property to the proposed redevelopment project area, (2)

1 substantially affect the general land uses proposed in the
2 redevelopment plan, (3) substantially change the nature of or
3 extend the life of the redevelopment project, or (4) increase
4 the number of low or very low income households to be displaced
5 from the redevelopment project area, provided that measured
6 from the time of creation of the redevelopment project area the
7 total displacement of the households will exceed 10, shall be
8 made only after the county gives notice, convenes a joint
9 review board, and conducts a public hearing pursuant to the
10 procedures set forth in this Section and in Section 35 of this
11 Act. Changes which do not (1) add additional parcels of
12 property to the proposed redevelopment project area, (2)
13 substantially affect the general land uses proposed in the
14 redevelopment plan, (3) substantially change the nature of or
15 extend the life of the redevelopment project, or (4) increase
16 the number of low or very low income households to be displaced
17 from the redevelopment project area, provided that measured
18 from the time of creation of the redevelopment project area the
19 total displacement of the households will exceed 10, may be
20 made without further hearing, provided that the county shall
21 give notice of any such changes by mail to each affected taxing
22 district and to each registrant on the interested parties
23 registry provided for under Section 25. Such notice by mail
24 shall occur not later than 10 days following the adoption by
25 ordinance of such changes. Hearings with regard to a
26 redevelopment project area, project or plan may be held
27 simultaneously.

28 (b) Prior to holding a public hearing to approve or amend a
29 redevelopment plan or to designate or add additional parcels of
30 property to a redevelopment project area, the county shall
31 convene a joint review board. The board shall consist of a
32 representative selected by each community college district,
33 local elementary school district and high school district or
34 each local community unit school district, municipality, park
35 district, library district, township and fire protection
36 district that will have the authority to directly levy taxes on

1 the property within the proposed redevelopment project area at
2 the time that the proposed redevelopment project area is
3 approved, a representative selected by the county and a public
4 member. The public member shall first be selected and then the
5 board's chairperson shall be selected by a majority of the
6 board members present and voting.

7 For redevelopment project areas with redevelopment plans
8 or proposed redevelopment plans that would result in the
9 displacement of residents from 10 or more inhabited residential
10 units or that include 75 or more inhabited residential units,
11 the public member shall be a person who resides in the
12 redevelopment project area. If, as determined by the housing
13 impact study provided for in paragraph (5) of subsection (k) of
14 Section 10, or if no housing impact study is required then
15 based on other reasonable data, the majority of residential
16 units are occupied by very low, low, or moderate income
17 households, as defined in Section 3 of the Illinois Affordable
18 Housing Act, the public member shall be a person who resides in
19 very low, low, or moderate income housing within the
20 redevelopment project area. If no person satisfying these
21 requirements is available or if no qualified person will serve
22 as the public member, then the joint review board is relieved
23 of this paragraph's selection requirements for the public
24 member.

25 All board members shall be appointed and the first board
26 meeting held following at least 14 days but not more than 28
27 days after the mailing of notice by the county to all the
28 taxing districts as required by subsection (c) of Section 35.
29 Such notice shall also advise the taxing bodies represented on
30 the joint review board of the time and place of the first
31 meeting of the board. Additional meetings of the board shall be
32 held upon the call of any member. The county seeking
33 designation of the redevelopment project area shall provide
34 administrative support to the board.

35 The board shall review (i) the public record, planning
36 documents and proposed ordinances approving the redevelopment

1 plan and project and (ii) proposed amendments to the
2 redevelopment plan or additions of parcels of property to the
3 redevelopment project area to be adopted by the county. As part
4 of its deliberations, the board may hold additional hearings on
5 the proposal. A board's recommendation shall be an advisory,
6 non-binding recommendation. The recommendation shall be
7 adopted by a majority of those members present and voting. The
8 recommendations shall be submitted to the county within 30 days
9 after convening of the board. Failure of the board to submit
10 its report on a timely basis shall not be cause to delay the
11 public hearing or any other step in the process of designating
12 or amending the redevelopment project area but shall be deemed
13 to constitute approval by the joint review board of the matters
14 before it.

15 The board shall base its recommendation to approve or
16 disapprove the redevelopment plan and the designation of the
17 redevelopment project area or the amendment of the
18 redevelopment plan or addition of parcels of property to the
19 redevelopment project area on the basis of the redevelopment
20 project area and redevelopment plan satisfying the plan
21 requirements, the eligibility criteria defined in Section 10,
22 and the objectives of this Act.

23 The board shall issue a written report describing why the
24 redevelopment plan and project area or the amendment thereof
25 meets or fails to meet one or more of the objectives of this
26 Act and both the plan requirements and the eligibility criteria
27 defined in Section 10. In the event the Board does not file a
28 report it shall be presumed that these taxing bodies find the
29 redevelopment project area and redevelopment plan satisfy the
30 objectives of this Act and the plan requirements and
31 eligibility criteria.

32 If the board recommends rejection of the matters before it,
33 the county will have 45 days within which to resubmit the plan
34 or amendment. During this period, the county will meet and
35 confer with the board and attempt to resolve those issues set
36 forth in the board's written report that led to the rejection

1 of the plan or amendment.

2 Notwithstanding the resubmission set forth above, the
3 county may commence the scheduled public hearing and either
4 adjourn the public hearing or continue the public hearing to a
5 date certain. Prior to continuing any public hearing to a date
6 certain, the county shall announce during the public hearing
7 the time, date and location for the reconvening of the public
8 hearing. Changes in the redevelopment plan necessary to satisfy
9 the issues set forth in the joint review board report shall not
10 require any further notice or convening of a joint review board
11 meeting, except that any changes to the redevelopment plan that
12 would add additional parcels of property to the proposed
13 redevelopment project area shall be subject to the notice,
14 public hearing, and joint review board meeting requirements
15 established for such changes by subsection (1) of this Section
16 30.

17 In the event that the county and the board are unable to
18 resolve these differences, or in the event that the resubmitted
19 plan or amendment is rejected by the board, the county may
20 proceed with the plan or amendment, but only upon a
21 three-fifths vote of the corporate authority responsible for
22 approval of the plan or amendment, excluding positions of
23 members that are vacant and those members that are ineligible
24 to vote because of conflicts of interest.

25 (c) After a county has by ordinance approved a
26 redevelopment plan and designated a redevelopment project
27 area, the plan may be amended and additional properties may be
28 added to the redevelopment project area only as herein
29 provided. Amendments which (1) add additional parcels of
30 property to the proposed redevelopment project area, (2)
31 substantially affect the general land uses proposed in the
32 redevelopment plan, (3) substantially change the nature of the
33 redevelopment project, (4) increase the total estimated
34 redevelopment project costs set out in the redevelopment plan
35 by more than 5% after adjustment for inflation from the date
36 the plan was adopted, (5) add additional redevelopment project

1 costs to the itemized list of redevelopment project costs set
2 out in the redevelopment plan, or (6) increase the number of
3 low or very low income households to be displaced from the
4 redevelopment project area, provided that measured from the
5 time of creation of the redevelopment project area the total
6 displacement of the households will exceed 10, shall be made
7 only after the county gives notice, convenes a joint review
8 board, and conducts a public hearing pursuant to the procedures
9 set forth in this Section and in Section 35 of this Act.
10 Changes which do not (1) add additional parcels of property to
11 the proposed redevelopment project area, (2) substantially
12 affect the general land uses proposed in the redevelopment
13 plan, (3) substantially change the nature of the redevelopment
14 project, (4) increase the total estimated redevelopment
15 project cost set out in the redevelopment plan by more than 5%
16 after adjustment for inflation from the date the plan was
17 adopted, (5) add additional redevelopment project costs to the
18 itemized list of redevelopment project costs set out in the
19 redevelopment plan, or (6) increase the number of low or very
20 low income households to be displaced from the redevelopment
21 project area, provided that measured from the time of creation
22 of the redevelopment project area the total displacement of the
23 households will exceed 10, may be made without further hearing,
24 provided that the county shall give notice of any such changes
25 by mail to each affected taxing district and registrant on the
26 interested parties registry, provided for under Section 25, and
27 by publication in a newspaper of general circulation within the
28 affected taxing district. Such notice by mail and by
29 publication shall each occur not later than 10 days following
30 the adoption by ordinance of such changes.

31 (d) A county shall submit the following information for
32 each redevelopment project area to all taxing districts
33 overlapping the redevelopment project area before the annual
34 meeting of the Joint Review Board:

35 (1) Any amendments to the redevelopment plan or the
36 redevelopment project area.

1 (2) A list of the redevelopment project areas
2 administered by the county and, if applicable, the date
3 each redevelopment project area was designated or
4 terminated by the county.

5 (3) Audited financial statements of the special tax
6 allocation fund once a cumulative total of \$100,000 has
7 been deposited in the fund.

8 (4) Certification of the Chief Executive Officer of the
9 county that the county has complied with all of the
10 requirements of this Act during the preceding fiscal year.

11 (5) An opinion of legal counsel that the county is in
12 compliance with this Act.

13 (6) An analysis of the special tax allocation fund
14 which sets forth:

15 (A) the balance in the special tax allocation fund
16 at the beginning of the fiscal year;

17 (B) all amounts deposited in the special tax
18 allocation fund by source;

19 (C) an itemized list of all expenditures from the
20 special tax allocation fund by category of permissible
21 redevelopment project cost; and

22 (D) the balance in the special tax allocation fund
23 at the end of the fiscal year including a breakdown of
24 that balance by source and a breakdown of that balance
25 identifying any portion of the balance that is
26 required, pledged, earmarked, or otherwise designated
27 for payment of or securing of obligations and
28 anticipated redevelopment project costs. Any portion
29 of such ending balance that has not been identified or
30 is not identified as being required, pledged,
31 earmarked, or otherwise designated for payment of or
32 securing of obligations or anticipated redevelopment
33 projects costs shall be designated as surplus as set
34 forth in Section 40 hereof.

35 (7) A description of all property purchased by the
36 county within the redevelopment project area including:

1 (A) Street address.

2 (B) Approximate size or description of property.

3 (C) Purchase price.

4 (D) Seller of property.

5 (8) A statement setting forth all activities
6 undertaken in furtherance of the objectives of the
7 redevelopment plan, including:

8 (A) Any project implemented in the preceding
9 fiscal year.

10 (B) A description of the redevelopment activities
11 undertaken.

12 (C) A description of any agreements entered into by
13 the county with regard to the disposition or
14 redevelopment of any property within the redevelopment
15 project area or the area.

16 (D) Additional information on the use of all funds
17 received under this Act and steps taken by the county
18 to achieve the objectives of the redevelopment plan.

19 (E) Information regarding contracts that the
20 county's tax increment advisors or consultants have
21 entered into with entities or persons that have
22 received, or are receiving, payments financed by tax
23 increment revenues produced by the same redevelopment
24 project area.

25 (F) Any reports submitted to the county by the
26 joint review board.

27 (G) A review of public and, to the extent possible,
28 private investment actually undertaken to date and
29 estimated to be undertaken during the following year.

30 (9) With regard to any obligations issued by the
31 county:

32 (A) copies of any official statements; and

33 (B) an analysis prepared by financial advisor or
34 underwriter setting forth: (i) nature and term of
35 obligation; and (ii) projected debt service including
36 required reserves and debt coverage.

1 (10) For special tax allocation funds that have
2 experienced cumulative deposits of incremental tax
3 revenues of \$100,000 or more, a certified audit report
4 reviewing compliance with this Act performed by an
5 independent public accountant certified and licensed by
6 the authority of the State of Illinois. The financial
7 portion of the audit must be conducted in accordance with
8 Standards for Audits of Governmental Organizations,
9 Programs, Activities, and Functions adopted by the
10 Comptroller General of the United States (1981), as
11 amended. The audit report shall contain a letter from the
12 independent certified public accountant indicating
13 compliance or noncompliance with the requirements of
14 subsection (n) of Section 10. For redevelopment plans or
15 projects that would result in the displacement of residents
16 from 10 or more inhabited residential units or that contain
17 75 or more inhabited residential units, notice of the
18 availability of the information, including how to obtain
19 the report, required in this subsection shall also be sent
20 by mail to all residents or organizations that operate in
21 the county that register with the county for that
22 information according to registration procedures adopted
23 under Section 25.

24 Section 35. Notice of public hearing.

25 (a) Except as provided herein, notice of the public hearing
26 shall be given by publication and mailing. Notice by
27 publication shall be given by publication at least twice, the
28 first publication to be not more than 30 nor less than 10 days
29 prior to the hearing in a newspaper of general circulation
30 within the taxing districts having property in the proposed
31 redevelopment project area. Notice by mailing shall be given by
32 depositing such notice in the United States mails by certified
33 mail addressed to the person or persons in whose name the
34 general taxes for the last preceding year were paid on each
35 lot, block, tract, or parcel of land lying within the project

1 redevelopment area. Said notice shall be mailed not less than
2 10 days prior to the date set for the public hearing. In the
3 event taxes for the last preceding year were not paid, the
4 notice shall also be sent to the persons last listed on the tax
5 rolls within the preceding 3 years as the owners of such
6 property. For redevelopment project areas with redevelopment
7 plans or proposed redevelopment plans that would require
8 removal of 10 or more inhabited residential units or that
9 contain 75 or more inhabited residential units, the county
10 shall make a good faith effort to notify by mail all residents
11 of the redevelopment project area. At a minimum, the county
12 shall mail a notice to each residential address located within
13 the redevelopment project area. The county shall endeavor to
14 ensure that all such notices are effectively communicated and
15 shall include (in addition to notice in English) notice in the
16 predominant language other than English when appropriate.

17 (b) The notices issued pursuant to this Section shall
18 include the following:

19 (1) The time and place of public hearing;

20 (2) The boundaries of the proposed redevelopment
21 project area by legal description and by street location
22 where possible;

23 (3) A notification that all interested persons will be
24 given an opportunity to be heard at the public hearing;

25 (4) A description of the redevelopment plan or
26 redevelopment project for the proposed redevelopment
27 project area if a plan or project is the subject matter of
28 the hearing.

29 (5) Such other matters as the county may deem
30 appropriate.

31 (c) Not less than 45 days prior to the date set for
32 hearing, the county shall give notice by mail as provided in
33 subsection (a) to all taxing districts of which taxable
34 property is included in the redevelopment project area, project
35 or plan and to the Department of Commerce and Economic
36 Opportunity, and in addition to the other requirements under

1 subsection (b) the notice shall include an invitation to the
2 Department of Commerce and Economic Opportunity and each taxing
3 district to submit comments to the county concerning the
4 subject matter of the hearing prior to the date of hearing.

5 (d) If a county desires to propose a redevelopment plan for
6 a redevelopment project area that would result in the
7 displacement of residents from 10 or more inhabited residential
8 units or for a redevelopment project area that contains 75 or
9 more inhabited residential units, the county shall hold a
10 public meeting before the mailing of the notices of public
11 hearing as provided in subsection (c) of this Section. The
12 meeting shall be for the purpose of enabling the county to
13 advise the public, taxing districts having real property in the
14 redevelopment project area, taxpayers who own property in the
15 proposed redevelopment project area, and residents in the area
16 as to the county's possible intent to prepare a redevelopment
17 plan and designate a redevelopment project area and to receive
18 public comment. The time and place for the meeting shall be set
19 by the head of the county's planning department, or other
20 department official designated by the chairman of the county
21 board, and may be held by a member of the staff of the planning
22 department or by any other person, body, or commission
23 designated by the corporate authorities. The meeting shall be
24 held at least 14 business days before the mailing of the notice
25 of public hearing provided for in subsection (c) of this
26 Section.

27 Notice of the public meeting shall be given by mail. Notice
28 by mail shall be not less than 15 days before the date of the
29 meeting and shall be sent by certified mail to all taxing
30 districts having real property in the proposed redevelopment
31 project area and to all entities requesting that information
32 that have registered with a person and department designated by
33 the county in accordance with registration guidelines
34 established by the county pursuant to Section 25. The county
35 shall make a good faith effort to notify all residents and the
36 last known persons who paid property taxes on real estate in a

1 redevelopment project area. This requirement shall be deemed to
2 be satisfied if the county mails, by regular mail, a notice to
3 each residential address and the person or persons in whose
4 name property taxes were paid on real property for the last
5 preceding year located within the redevelopment project area.
6 Notice shall be in languages other than English when
7 appropriate. The notices issued under this subsection shall
8 include the following:

9 (1) The time and place of the meeting.

10 (2) The boundaries of the area to be studied for
11 possible designation as a redevelopment project area by
12 street and location.

13 (3) The purpose or purposes of establishing a
14 redevelopment project area.

15 (4) A brief description of tax increment financing.

16 (5) The name, telephone number, and address of the
17 person who can be contacted for additional information
18 about the proposed redevelopment project area and who
19 should receive all comments and suggestions regarding the
20 development of the area to be studied.

21 (6) Notification that all interested persons will be
22 given an opportunity to be heard at the public meeting.

23 (7) Such other matters as the county deems appropriate.
24 At the public meeting, any interested person or
25 representative of an affected taxing district may be heard
26 orally and may file, with the person conducting the
27 meeting, statements that pertain to the subject matter of
28 the meeting.

29 Section 40. Issuance of obligations for project costs.
30 Obligations secured by the special tax allocation fund set
31 forth in Section 45 for the redevelopment project area may be
32 issued to provide for redevelopment project costs. Such
33 obligations, when so issued, shall be retired in the manner
34 provided in the ordinance authorizing the issuance of such
35 obligations by the receipts of taxes levied as specified in

1 Section 60 against the taxable property included in the area. A
2 county may in the ordinance pledge all or any part of the funds
3 in and to be deposited in the special tax allocation fund
4 created pursuant to Section 45 to the payment of the
5 redevelopment project costs and obligations. Any pledge of
6 funds in the special tax allocation fund shall provide for
7 distribution to the taxing districts and to the Illinois
8 Department of Revenue of moneys not required, pledged,
9 earmarked, or otherwise designated for payment and securing of
10 the obligations and anticipated redevelopment project costs
11 and such excess funds shall be calculated annually and deemed
12 to be "surplus" funds. In the event a county only applies or
13 pledges a portion of the funds in the special tax allocation
14 fund for the payment or securing of anticipated redevelopment
15 project costs or of obligations, any such funds remaining in
16 the special tax allocation fund after complying with the
17 requirements of the application or pledge, shall also be
18 calculated annually and deemed "surplus" funds. All surplus
19 funds in the special tax allocation fund shall be distributed
20 annually within 180 days after the close of the county's fiscal
21 year by being paid by the treasurer to the county collector.
22 The county collector shall thereafter make distribution to the
23 respective taxing districts in the same manner and proportion
24 as the most recent distribution by the county collector to the
25 affected districts of real property taxes from real property in
26 the redevelopment project area.

27 Without limiting the foregoing in this Section, the county
28 may in addition to obligations secured by the special tax
29 allocation fund pledge for a period not greater than the term
30 of the obligations towards payment of such obligations any part
31 or any combination of the following: (a) net revenues of all or
32 part of any redevelopment project; (b) taxes levied and
33 collected on any or all property in the county; (c) the full
34 faith and credit of the county; (d) a mortgage on part or all
35 of the redevelopment project; or (e) any other taxes or
36 anticipated receipts that the county may lawfully pledge.

1 Such obligations may be issued in one or more series
2 bearing interest at such rate or rates as the corporate
3 authorities of the county shall determine by ordinance. Such
4 obligations shall bear such date or dates, mature at such time
5 or times not exceeding 20 years from their respective dates, be
6 in such denomination, carry such registration privileges, be
7 executed in such manner, be payable in such medium of payment
8 at such place or places, contain such covenants, terms and
9 conditions, and be subject to redemption as such ordinance
10 shall provide. Obligations issued pursuant to this Act may be
11 sold at public or private sale at such price as shall be
12 determined by the county board. No referendum approval of the
13 electors shall be required as a condition to the issuance of
14 obligations pursuant to this Division except as provided in
15 this Section.

16 The ordinance authorizing the obligations may provide that
17 the obligations shall contain a recital that they are issued
18 pursuant to this Act, which recital shall be conclusive
19 evidence of their validity and of the regularity of their
20 issuance.

21 In the event the county authorizes issuance of obligations
22 pursuant to this Section secured by the full faith and credit
23 of the county, the ordinance authorizing the obligations may
24 provide for the levy and collection of a direct annual tax upon
25 all taxable property within the county sufficient to pay the
26 principal thereof and interest thereon as it matures, which
27 levy may be in addition to and exclusive of the maximum of all
28 other taxes authorized to be levied by the county, which levy,
29 however, shall be abated to the extent that monies from other
30 sources are available for payment of the obligations and the
31 county certifies the availability of such monies and the
32 abatement of the levy to the county clerk.

33 A certified copy of such ordinance shall be filed with the
34 county clerk of each county in which any portion of the county
35 is situated, and shall constitute the authority for the
36 extension and collection of the taxes to be deposited in the

1 special tax allocation fund.

2 A county may also issue its obligations to refund in whole
3 or in part, obligations theretofore issued by such county under
4 the authority of this Act, whether at or prior to maturity,
5 provided however, that the last maturity of the refunding
6 obligations shall not be expressed to mature later than
7 December 31 of the year in which the payment to the county
8 treasurer as provided in subsection (b) of Section 45 of this
9 Act is to be made with respect to ad valorem taxes levied in
10 the twenty-third calendar year after the year in which the
11 ordinance approving the redevelopment project area is adopted.

12 In the event a county issues obligations under home rule
13 powers or other legislative authority the proceeds of which are
14 pledged to pay for redevelopment project costs, the county may,
15 if it has followed the procedures in conformance with this
16 division, retire said obligations from funds in the special tax
17 allocation fund in amounts and in such manner as if such
18 obligations had been issued pursuant to the provisions of this
19 Act.

20 All obligations heretofore or hereafter issued pursuant to
21 this Act shall not be regarded as indebtedness of the county
22 issuing such obligations or any other taxing district for the
23 purpose of any limitation imposed by law.

24 Section 45. Tax increment allocation financing. A county
25 may not adopt tax increment financing in a redevelopment
26 project area that will encompass an area that is currently
27 included in an enterprise zone created under the Illinois
28 Enterprise Zone Act unless that county, pursuant to Section 5.4
29 of the Illinois Enterprise Zone Act, amends the enterprise zone
30 designating ordinance to limit the eligibility for tax
31 abatements as provided in Section 5.4.1 of the Illinois
32 Enterprise Zone Act. A county, at the time a redevelopment
33 project area is designated, may adopt tax increment allocation
34 financing by passing an ordinance providing that the ad valorem
35 taxes, if any, arising from the levies upon taxable real

1 property in such redevelopment project area by taxing districts
2 and tax rates determined in the manner provided in paragraph
3 (c) of Section 60 each year after the effective date of the
4 ordinance until redevelopment project costs and all county
5 obligations financing redevelopment project costs incurred
6 under this Act have been paid shall be divided as follows:

7 (1) That portion of taxes levied upon each taxable lot,
8 block, tract or parcel of real property which is
9 attributable to the lower of the current equalized assessed
10 value or the initial equalized assessed value of each such
11 taxable lot, block, tract or parcel of real property in the
12 redevelopment project area shall be allocated to and when
13 collected shall be paid by the county collector to the
14 respective affected taxing districts in the manner
15 required by law in the absence of the adoption of tax
16 increment allocation financing.

17 (2) Except from a tax levied by a township to retire
18 bonds issued to satisfy court-ordered damages, that
19 portion, if any, of such taxes which is attributable to the
20 increase in the current equalized assessed valuation of
21 each taxable lot, block, tract or parcel of real property
22 in the redevelopment project area over and above the
23 initial equalized assessed value of each property in the
24 project area shall be allocated to and when collected shall
25 be paid to the county treasurer who shall deposit said
26 taxes into a special fund called the special tax allocation
27 fund of the county for the purpose of paying redevelopment
28 project costs and obligations incurred in the payment
29 thereof. In any county that has adopted a procedure for
30 collecting taxes that provides for one or more of the
31 installments of the taxes to be billed and collected on an
32 estimated basis, the county treasurer shall be paid for
33 deposit in the special tax allocation fund of the county,
34 from the taxes collected from estimated bills issued for
35 property in the redevelopment project area, the difference
36 between the amount actually collected from each taxable

1 lot, block, tract, or parcel of real property within the
2 redevelopment project area and an amount determined by
3 multiplying the rate at which taxes were last extended
4 against the taxable lot, block, track, or parcel of real
5 property in the manner provided in subsection (c) of
6 Section 60 by the initial equalized assessed value of the
7 property divided by the number of installments in which
8 real estate taxes are billed and collected within the
9 county.

10 If a county has adopted tax increment allocation financing
11 by ordinance and the county clerk thereafter certifies the
12 "total initial equalized assessed value as adjusted" of the
13 taxable real property within such redevelopment project area in
14 the manner provided in paragraph (b) of Section 60, each year
15 after the date of the certification of the total initial
16 equalized assessed value as adjusted until redevelopment
17 project costs and all county obligations financing
18 redevelopment project costs have been paid the ad valorem
19 taxes, if any, arising from the levies upon the taxable real
20 property in such redevelopment project area by taxing districts
21 and tax rates determined in the manner provided in paragraph
22 (c) of Section 60 shall be divided as follows:

23 (1) That portion of the taxes levied upon each taxable
24 lot, block, tract or parcel of real property which is
25 attributable to the lower of the current equalized assessed
26 value or "current equalized assessed value as adjusted" or
27 the initial equalized assessed value of each such taxable
28 lot, block, tract, or parcel of real property existing at
29 the time tax increment financing was adopted, minus the
30 total current homestead exemptions provided by Sections
31 15-165 and 15-170 of the Property Tax Code in the
32 redevelopment project area shall be allocated to and when
33 collected shall be paid by the county collector to the
34 respective affected taxing districts in the manner
35 required by law in the absence of the adoption of tax
36 increment allocation financing.

1 (2) That portion, if any, of such taxes which is
2 attributable to the increase in the current equalized
3 assessed valuation of each taxable lot, block, tract, or
4 parcel of real property in the redevelopment project area,
5 over and above the initial equalized assessed value of each
6 property existing at the time tax increment financing was
7 adopted, minus the total current homestead exemptions
8 pertaining to each piece of property provided by Sections
9 15-165 and 15-170 of the Property Tax Code in the
10 redevelopment project area, shall be allocated to and when
11 collected shall be paid to the county treasurer, who shall
12 deposit said taxes into a special fund called the special
13 tax allocation fund of the county for the purpose of paying
14 redevelopment project costs and obligations incurred in
15 the payment thereof.

16 The county may pledge in the ordinance the funds in and to
17 be deposited in the special tax allocation fund for the payment
18 of such costs and obligations. No part of the current equalized
19 assessed valuation of each property in the redevelopment
20 project area attributable to any increase above the total
21 initial equalized assessed value, or the total initial
22 equalized assessed value as adjusted, of such properties shall
23 be used in calculating the general state school aid formula,
24 provided for in Section 18-8.05 of the School Code, until such
25 time as all redevelopment project costs have been paid as
26 provided for in this Section.

27 Whenever a county issues bonds for the purpose of financing
28 redevelopment project costs, such county may provide by
29 ordinance for the appointment of a trustee, which may be any
30 trust company within the State, and for the establishment of
31 such funds or accounts to be maintained by such trustee as the
32 county shall deem necessary to provide for the security and
33 payment of the bonds. If such county provides for the
34 appointment of a trustee, such trustee shall be considered the
35 assignee of any payments assigned by the county pursuant to
36 such ordinance and this Section. Any amounts paid to such

1 trustee as assignee shall be deposited in the funds or accounts
2 established pursuant to such trust agreement, and shall be held
3 by such trustee in trust for the benefit of the holders of the
4 bonds, and such holders shall have a lien on and a security
5 interest in such funds or accounts so long as the bonds remain
6 outstanding and unpaid. Upon retirement of the bonds, the
7 trustee shall pay over any excess amounts held to the county
8 for deposit in the special tax allocation fund.

9 When such redevelopment projects costs, including without
10 limitation all county obligations financing redevelopment
11 project costs incurred under this Act, have been paid, all
12 surplus funds then remaining in the special tax allocation fund
13 shall be distributed by being paid by the county treasurer to
14 the county and to the county collector on behalf of the taxing
15 districts; first to the county in direct proportion to the tax
16 incremental revenue received from the county, but not to exceed
17 the total incremental revenue received from the county less any
18 annual surplus distribution of incremental revenue previously
19 made; with any remaining funds to be paid to the county
20 collector who shall immediately thereafter pay said funds to
21 the taxing districts in the redevelopment project area in the
22 same manner and proportion as the most recent distribution by
23 the county collector to the affected districts of real property
24 taxes from real property in the redevelopment project area.

25 Upon the payment of all redevelopment project costs,
26 retirement of obligations and the distribution of any excess
27 monies pursuant to this Section, the county shall adopt an
28 ordinance dissolving the special tax allocation fund for the
29 redevelopment project area and terminating the designation of
30 the redevelopment project area as a redevelopment project area.
31 Counties shall notify affected taxing districts prior to
32 November 1 if the redevelopment project area is to be
33 terminated by December 31 of that same year. Thereafter, the
34 rates of the taxing districts shall be extended and taxes
35 levied, collected and distributed in the manner applicable in
36 the absence of the adoption of tax increment allocation

1 financing.

2 Nothing in this Section shall be construed as relieving
3 property in such redevelopment project areas from being
4 assessed as provided in the Property Tax Code or as relieving
5 owners of such property from paying a uniform rate of taxes, as
6 required by Section 4 of Article 9 of the Illinois
7 Constitution.

8 Section 50. Cancellation and repayment of tax benefits.
9 Any tax abatement or benefit granted by a taxing district under
10 an agreement entered into under this Act to a private
11 individual or entity for the purpose of originating, locating,
12 maintaining, rehabilitating, or expanding a business facility
13 shall be canceled if the individual or entity relocated its
14 entire facility in violation of the agreement, and the amount
15 of the abatements or tax benefits granted before the
16 cancellation shall be repaid to the taxing district within 30
17 days, as provided in Section 18-183 of the Property Tax Code.

18 Section 55. Enterprise zone abatements. If a redevelopment
19 project area is or has been established under Section 30 and
20 the redevelopment project area contains property that is
21 located within an enterprise zone established under the
22 Illinois Enterprise Zone Act, then the property that is located
23 in both the redevelopment project area and the enterprise zone
24 shall not be eligible for the abatement of taxes under Section
25 18-170 of the Property Tax Code if the requirements of Section
26 5.4.1 of the Illinois Enterprise Zone Act are satisfied. If an
27 abatement is limited under Section 5.4.1 of the Illinois
28 Enterprise Zone Act, a county shall notify the county clerk and
29 the board of review or board of appeals of the change in
30 writing not later than July 1 of the assessment year to be
31 first affected by the change.

32 Section 60. Equalized assessed value of property within
33 project area.

1 (a) If a county by ordinance provides for tax increment
2 allocation financing pursuant to Section 45, the county clerk
3 immediately thereafter shall determine (1) the most recently
4 ascertained equalized assessed value of each lot, block, tract
5 or parcel of real property within such redevelopment project
6 area from which shall be deducted the homestead exemptions
7 provided by Sections 15-170 and 15-175 of the Property Tax
8 Code, which value shall be the "initial equalized assessed
9 value" of each such piece of property, and (2) the total
10 equalized assessed value of all taxable real property within
11 such redevelopment project area by adding together the most
12 recently ascertained equalized assessed value of each taxable
13 lot, block, tract, or parcel of real property within such
14 project area, from which shall be deducted the homestead
15 exemptions provided by Sections 15-170 and 15-175 of the
16 Property Tax Code , and shall certify such amount as the "total
17 initial equalized assessed value" of the taxable real property
18 within such project area.

19 (b) In reference to any county which has adopted tax
20 increment financing, and in respect to which the county clerk
21 has certified the "total initial equalized assessed value" of
22 the property in the redevelopment area, the county clerk shall
23 thereafter adjust the initial equalized value of all taxable
24 real property within the redevelopment project area by
25 deducting therefrom the exemptions provided for by Sections
26 15-170 and 15-175 of the Property Tax Code applicable to each
27 lot, block, tract or parcel of real property within such
28 redevelopment project area. The county clerk shall determine
29 the total homestead exemptions in the redevelopment project
30 area provided by Sections 15-170 and 15-175 of the Property Tax
31 Code by adding together the homestead exemptions provided by
32 said Sections on each lot, block, tract or parcel of real
33 property within such redevelopment project area and then shall
34 deduct the total of said exemptions from the total initial
35 equalized assessed value. The county clerk shall then promptly
36 certify such amount as the "total initial equalized assessed

1 value as adjusted" of the taxable real property within such
2 redevelopment project area.

3 (c) After the county clerk has certified the "total initial
4 equalized assessed value" of the taxable real property in such
5 area, then in respect to every taxing district containing a
6 redevelopment project area, the county clerk shall in every
7 year that tax increment allocation financing is in effect
8 ascertain the amount of value of taxable property in a
9 redevelopment project area by including in such amount the
10 lower of the current equalized assessed value or the certified
11 "total initial equalized assessed value" of all taxable real
12 property in such area, except that after he has certified the
13 "total initial equalized assessed value as adjusted" he shall
14 in the year of said certification if tax rates have not been
15 extended and in every year thereafter that tax increment
16 allocation financing is in effect ascertain the amount of value
17 of taxable property in a redevelopment project area by
18 including in such amount the lower of the current equalized
19 assessed value or the certified "total initial equalized
20 assessed value as adjusted" of all taxable real property in
21 such area. The rate per cent of tax determined shall be
22 extended to the current equalized assessed value of all
23 property in the redevelopment project area in the same manner
24 as the rate per cent of tax is extended to all other taxable
25 property in the taxing district. The method of extending taxes
26 established under this Section shall terminate when the county
27 adopts an ordinance dissolving the special tax allocation fund
28 for the redevelopment project area. This Act shall not be
29 construed as relieving property owners within a redevelopment
30 project area from paying a uniform rate of taxes upon the
31 current equalized assessed value of their taxable property as
32 provided in the Property Tax Code.

33 Section 65. Payment of project costs; revenues from
34 municipal property. Revenues received by the county from any
35 property, building or facility owned, leased or operated by the

1 county or any agency or authority established by the county may
2 be used to pay redevelopment project costs, or reduce
3 outstanding obligations of the county incurred under this
4 Division for redevelopment project costs. The county may place
5 such revenues in the special tax allocation fund which shall be
6 held by the county treasurer or other person designated by the
7 county. Revenue received by the county from the sale or other
8 disposition of real property acquired by the county with the
9 proceeds of obligations funded by tax increment allocation
10 financing shall be deposited by the county in the special tax
11 allocation fund.

12 Section 70. Partial invalidity. If any Section,
13 subdivision, paragraph, sentence or clause of this Act is, for
14 any reason, held to be invalid or unconstitutional, such
15 decision shall not affect any remaining portion, Section or
16 part thereof which can be given effect without the invalid
17 provision.