



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4330

Introduced 12/29/2005, by Rep. Carolyn H. Krause

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.4-3
65 ILCS 5/11-74.4-7

from Ch. 24, par. 11-74.4-3
from Ch. 24, par. 11-74.4-7

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that the redevelopment project in the TIF district created by an ordinance that was adopted on September 12, 1983, November 7, 1983, or April 28, 1997 by the Village of Arlington Heights must be completed by December 31 of the 35th year (now, the 23rd year) after the year in which the ordinance was adopted. Effective immediately.

LRB094 16415 BDD 51674 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 5. The Illinois Municipal Code is amended by
5 changing Sections 11-74.4-3 and 11-74.4-7 as follows:

6 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

7 (Text of Section before amendment by P.A. 94-702 and
8 94-711)

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

13 (a) For any redevelopment project area that has been
14 designated pursuant to this Section by an ordinance adopted
15 prior to November 1, 1999 (the effective date of Public Act
16 91-478), "blighted area" shall have the meaning set forth in
17 this Section prior to that date.

18 On and after November 1, 1999, "blighted area" means any
19 improved or vacant area within the boundaries of a
20 redevelopment project area located within the territorial
21 limits of the municipality where:

22 (1) If improved, industrial, commercial, and
23 residential buildings or improvements are detrimental to
24 the public safety, health, or welfare because of a
25 combination of 5 or more of the following factors, each of
26 which is (i) present, with that presence documented, to a
27 meaningful extent so that a municipality may reasonably
28 find that the factor is clearly present within the intent
29 of the Act and (ii) reasonably distributed throughout the
30 improved part of the redevelopment project area:

31 (A) Dilapidation. An advanced state of disrepair
32 or neglect of necessary repairs to the primary

1 structural components of buildings or improvements in
2 such a combination that a documented building
3 condition analysis determines that major repair is
4 required or the defects are so serious and so extensive
5 that the buildings must be removed.

6 (B) Obsolescence. The condition or process of
7 falling into disuse. Structures have become ill-suited
8 for the original use.

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

20 (D) Presence of structures below minimum code
21 standards. All structures that do not meet the
22 standards of zoning, subdivision, building, fire, and
23 other governmental codes applicable to property, but
24 not including housing and property maintenance codes.

25 (E) Illegal use of individual structures. The use
26 of structures in violation of applicable federal,
27 State, or local laws, exclusive of those applicable to
28 the presence of structures below minimum code
29 standards.

30 (F) Excessive vacancies. The presence of buildings
31 that are unoccupied or under-utilized and that
32 represent an adverse influence on the area because of
33 the frequency, extent, or duration of the vacancies.

34 (G) Lack of ventilation, light, or sanitary
35 facilities. The absence of adequate ventilation for
36 light or air circulation in spaces or rooms without

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

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

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

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

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

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

21 (L) Lack of community planning. The proposed
22 redevelopment project area was developed prior to or
23 without the benefit or guidance of a community plan.
24 This means that the development occurred prior to the
25 adoption by the municipality of a comprehensive or
26 other community plan or that the plan was not followed
27 at the time of the area's development. This factor must
28 be documented by evidence of adverse or incompatible
29 land-use relationships, inadequate street layout,
30 improper subdivision, parcels of inadequate shape and
31 size to meet contemporary development standards, or
32 other evidence demonstrating an absence of effective
33 community planning.

34 (M) The total equalized assessed value of the
35 proposed redevelopment project area has declined for 3
36 of the last 5 calendar years prior to the year in which

1 the redevelopment project area is designated or is
2 increasing at an annual rate that is less than the
3 balance of the municipality for 3 of the last 5
4 calendar years for which information is available or is
5 increasing at an annual rate that is less than the
6 Consumer Price Index for All Urban Consumers published
7 by the United States Department of Labor or successor
8 agency for 3 of the last 5 calendar years prior to the
9 year in which the redevelopment project area is
10 designated.

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

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

29 (B) Diversity of ownership of parcels of vacant
30 land sufficient in number to retard or impede the
31 ability to assemble the land for development.

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

35 (D) Deterioration of structures or site
36 improvements in neighboring areas adjacent to the

1 vacant land.

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

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

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

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

36 (B) The area consists of unused rail yards, rail

1 tracks, or railroad rights-of-way.

2 (C) The area, prior to its designation, is subject
3 to (i) chronic flooding that adversely impacts on real
4 property in the area as certified by a registered
5 professional engineer or appropriate regulatory agency
6 or (ii) surface water that discharges from all or a
7 part of the area and contributes to flooding within the
8 same watershed, but only if the redevelopment project
9 provides for facilities or improvements to contribute
10 to the alleviation of all or part of the flooding.

11 (D) The area consists of an unused or illegal
12 disposal site containing earth, stone, building
13 debris, or similar materials that were removed from
14 construction, demolition, excavation, or dredge sites.

15 (E) Prior to November 1, 1999, the area is not less
16 than 50 nor more than 100 acres and 75% of which is
17 vacant (notwithstanding that the area has been used for
18 commercial agricultural purposes within 5 years prior
19 to the designation of the redevelopment project area),
20 and the area meets at least one of the factors itemized
21 in paragraph (1) of this subsection, the area has been
22 designated as a town or village center by ordinance or
23 comprehensive plan adopted prior to January 1, 1982,
24 and the area has not been developed for that designated
25 purpose.

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

30 (b) For any redevelopment project area that has been
31 designated pursuant to this Section by an ordinance adopted
32 prior to November 1, 1999 (the effective date of Public Act
33 91-478), "conservation area" shall have the meaning set forth
34 in this Section prior to that date.

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

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

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

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

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

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

32 (5) Illegal use of individual structures. The use of
33 structures in violation of applicable federal, State, or
34 local laws, exclusive of those applicable to the presence
35 of structures below minimum code standards.

36 (6) Excessive vacancies. The presence of buildings

1 that are unoccupied or under-utilized and that represent an
2 adverse influence on the area because of the frequency,
3 extent, or duration of the vacancies.

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

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

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

1 conditions: insufficient provision for light and air
2 within or around buildings, increased threat of spread of
3 fire due to the close proximity of buildings, lack of
4 adequate or proper access to a public right-of-way, lack of
5 reasonably required off-street parking, or inadequate
6 provision for loading and service.

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

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

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

35 (13) The total equalized assessed value of the proposed
36 redevelopment project area has declined for 3 of the last 5

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

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

18 (d) "Industrial park conservation area" means an area
19 within the boundaries of a redevelopment project area located
20 within the territorial limits of a municipality that is a labor
21 surplus municipality or within 1 1/2 miles of the territorial
22 limits of a municipality that is a labor surplus municipality
23 if the area is annexed to the municipality; which area is zoned
24 as industrial no later than at the time the municipality by
25 ordinance designates the redevelopment project area, and which
26 area includes both vacant land suitable for use as an
27 industrial park and a blighted area or conservation area
28 contiguous to such vacant land.

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

1 this subsection, if unemployment rate statistics for the
2 municipality are not available, the unemployment rate in the
3 municipality shall be deemed to be the same as the unemployment
4 rate in the principal county in which the municipality is
5 located.

6 (f) "Municipality" shall mean a city, village,
7 incorporated town, or a township that is located in the
8 unincorporated portion of a county with 3 million or more
9 inhabitants, if the county adopted an ordinance that approved
10 the township's redevelopment plan.

11 (g) "Initial Sales Tax Amounts" means the amount of taxes
12 paid under the Retailers' Occupation Tax Act, Use Tax Act,
13 Service Use Tax Act, the Service Occupation Tax Act, the
14 Municipal Retailers' Occupation Tax Act, and the Municipal
15 Service Occupation Tax Act by retailers and servicemen on
16 transactions at places located in a State Sales Tax Boundary
17 during the calendar year 1985.

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

25 (h) "Municipal Sales Tax Increment" means an amount equal
26 to the increase in the aggregate amount of taxes paid to a
27 municipality from the Local Government Tax Fund arising from
28 sales by retailers and servicemen within the redevelopment
29 project area or State Sales Tax Boundary, as the case may be,
30 for as long as the redevelopment project area or State Sales
31 Tax Boundary, as the case may be, exist over and above the
32 aggregate amount of taxes as certified by the Illinois
33 Department of Revenue and paid under the Municipal Retailers'
34 Occupation Tax Act and the Municipal Service Occupation Tax Act
35 by retailers and servicemen, on transactions at places of
36 business located in the redevelopment project area or State

1 Sales Tax Boundary, as the case may be, during the base year
2 which shall be the calendar year immediately prior to the year
3 in which the municipality adopted tax increment allocation
4 financing. For purposes of computing the aggregate amount of
5 such taxes for base years occurring prior to 1985, the
6 Department of Revenue shall determine the Initial Sales Tax
7 Amounts for such taxes and deduct therefrom an amount equal to
8 4% of the aggregate amount of taxes per year for each year the
9 base year is prior to 1985, but not to exceed a total deduction
10 of 12%. The amount so determined shall be known as the
11 "Adjusted Initial Sales Tax Amounts". For purposes of
12 determining the Municipal Sales Tax Increment, the Department
13 of Revenue shall for each period subtract from the amount paid
14 to the municipality from the Local Government Tax Fund arising
15 from sales by retailers and servicemen on transactions located
16 in the redevelopment project area or the State Sales Tax
17 Boundary, as the case may be, the certified Initial Sales Tax
18 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
19 Initial Sales Tax Amounts for the Municipal Retailers'
20 Occupation Tax Act and the Municipal Service Occupation Tax
21 Act. For the State Fiscal Year 1989, this calculation shall be
22 made by utilizing the calendar year 1987 to determine the tax
23 amounts received. For the State Fiscal Year 1990, this
24 calculation shall be made by utilizing the period from January
25 1, 1988, until September 30, 1988, to determine the tax amounts
26 received from retailers and servicemen pursuant to the
27 Municipal Retailers' Occupation Tax and the Municipal Service
28 Occupation Tax Act, which shall have deducted therefrom
29 nine-twelfths of the certified Initial Sales Tax Amounts, the
30 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
31 Tax Amounts as appropriate. For the State Fiscal Year 1991,
32 this calculation shall be made by utilizing the period from
33 October 1, 1988, to June 30, 1989, to determine the tax amounts
34 received from retailers and servicemen pursuant to the
35 Municipal Retailers' Occupation Tax and the Municipal Service
36 Occupation Tax Act which shall have deducted therefrom

1 nine-twelfths of the certified Initial Sales Tax Amounts,
2 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
3 Tax Amounts as appropriate. For every State Fiscal Year
4 thereafter, the applicable period shall be the 12 months
5 beginning July 1 and ending June 30 to determine the tax
6 amounts received which shall have deducted therefrom the
7 certified Initial Sales Tax Amounts, the Adjusted Initial Sales
8 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
9 case may be.

10 (i) "Net State Sales Tax Increment" means the sum of the
11 following: (a) 80% of the first \$100,000 of State Sales Tax
12 Increment annually generated within a State Sales Tax Boundary;
13 (b) 60% of the amount in excess of \$100,000 but not exceeding
14 \$500,000 of State Sales Tax Increment annually generated within
15 a State Sales Tax Boundary; and (c) 40% of all amounts in
16 excess of \$500,000 of State Sales Tax Increment annually
17 generated within a State Sales Tax Boundary. If, however, a
18 municipality established a tax increment financing district in
19 a county with a population in excess of 3,000,000 before
20 January 1, 1986, and the municipality entered into a contract
21 or issued bonds after January 1, 1986, but before December 31,
22 1986, to finance redevelopment project costs within a State
23 Sales Tax Boundary, then the Net State Sales Tax Increment
24 means, for the fiscal years beginning July 1, 1990, and July 1,
25 1991, 100% of the State Sales Tax Increment annually generated
26 within a State Sales Tax Boundary; and notwithstanding any
27 other provision of this Act, for those fiscal years the
28 Department of Revenue shall distribute to those municipalities
29 100% of their Net State Sales Tax Increment before any
30 distribution to any other municipality and regardless of
31 whether or not those other municipalities will receive 100% of
32 their Net State Sales Tax Increment. For Fiscal Year 1999, and
33 every year thereafter until the year 2007, for any municipality
34 that has not entered into a contract or has not issued bonds
35 prior to June 1, 1988 to finance redevelopment project costs
36 within a State Sales Tax Boundary, the Net State Sales Tax

1 Increment shall be calculated as follows: By multiplying the
2 Net State Sales Tax Increment by 90% in the State Fiscal Year
3 1999; 80% in the State Fiscal Year 2000; 70% in the State
4 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
5 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
6 in the State Fiscal Year 2005; 20% in the State Fiscal Year
7 2006; and 10% in the State Fiscal Year 2007. No payment shall
8 be made for State Fiscal Year 2008 and thereafter.

9 Municipalities that issued bonds in connection with a
10 redevelopment project in a redevelopment project area within
11 the State Sales Tax Boundary prior to July 29, 1991, or that
12 entered into contracts in connection with a redevelopment
13 project in a redevelopment project area before June 1, 1988,
14 shall continue to receive their proportional share of the
15 Illinois Tax Increment Fund distribution until the date on
16 which the redevelopment project is completed or terminated. If,
17 however, a municipality that issued bonds in connection with a
18 redevelopment project in a redevelopment project area within
19 the State Sales Tax Boundary prior to July 29, 1991 retires the
20 bonds prior to June 30, 2007 or a municipality that entered
21 into contracts in connection with a redevelopment project in a
22 redevelopment project area before June 1, 1988 completes the
23 contracts prior to June 30, 2007, then so long as the
24 redevelopment project is not completed or is not terminated,
25 the Net State Sales Tax Increment shall be calculated,
26 beginning on the date on which the bonds are retired or the
27 contracts are completed, as follows: By multiplying the Net
28 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
29 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
30 2004; 30% in the State Fiscal Year 2005; 20% in the State
31 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
32 payment shall be made for State Fiscal Year 2008 and
33 thereafter. Refunding of any bonds issued prior to July 29,
34 1991, shall not alter the Net State Sales Tax Increment.

35 (j) "State Utility Tax Increment Amount" means an amount
36 equal to the aggregate increase in State electric and gas tax

1 charges imposed on owners and tenants, other than residential
2 customers, of properties located within the redevelopment
3 project area under Section 9-222 of the Public Utilities Act,
4 over and above the aggregate of such charges as certified by
5 the Department of Revenue and paid by owners and tenants, other
6 than residential customers, of properties within the
7 redevelopment project area during the base year, which shall be
8 the calendar year immediately prior to the year of the adoption
9 of the ordinance authorizing tax increment allocation
10 financing.

11 (k) "Net State Utility Tax Increment" means the sum of the
12 following: (a) 80% of the first \$100,000 of State Utility Tax
13 Increment annually generated by a redevelopment project area;
14 (b) 60% of the amount in excess of \$100,000 but not exceeding
15 \$500,000 of the State Utility Tax Increment annually generated
16 by a redevelopment project area; and (c) 40% of all amounts in
17 excess of \$500,000 of State Utility Tax Increment annually
18 generated by a redevelopment project area. For the State Fiscal
19 Year 1999, and every year thereafter until the year 2007, for
20 any municipality that has not entered into a contract or has
21 not issued bonds prior to June 1, 1988 to finance redevelopment
22 project costs within a redevelopment project area, the Net
23 State Utility Tax Increment shall be calculated as follows: By
24 multiplying the Net State Utility Tax Increment by 90% in the
25 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
26 in the State Fiscal Year 2001; 60% in the State Fiscal Year
27 2002; 50% in the State Fiscal Year 2003; 40% in the State
28 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
29 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
30 No payment shall be made for the State Fiscal Year 2008 and
31 thereafter.

32 Municipalities that issue bonds in connection with the
33 redevelopment project during the period from June 1, 1988 until
34 3 years after the effective date of this Amendatory Act of 1988
35 shall receive the Net State Utility Tax Increment, subject to
36 appropriation, for 15 State Fiscal Years after the issuance of

1 such bonds. For the 16th through the 20th State Fiscal Years
2 after issuance of the bonds, the Net State Utility Tax
3 Increment shall be calculated as follows: By multiplying the
4 Net State Utility Tax Increment by 90% in year 16; 80% in year
5 17; 70% in year 18; 60% in year 19; and 50% in year 20.
6 Refunding of any bonds issued prior to June 1, 1988, shall not
7 alter the revised Net State Utility Tax Increment payments set
8 forth above.

9 (l) "Obligations" mean bonds, loans, debentures, notes,
10 special certificates or other evidence of indebtedness issued
11 by the municipality to carry out a redevelopment project or to
12 refund outstanding obligations.

13 (m) "Payment in lieu of taxes" means those estimated tax
14 revenues from real property in a redevelopment project area
15 derived from real property that has been acquired by a
16 municipality which according to the redevelopment project or
17 plan is to be used for a private use which taxing districts
18 would have received had a municipality not acquired the real
19 property and adopted tax increment allocation financing and
20 which would result from levies made after the time of the
21 adoption of tax increment allocation financing to the time the
22 current equalized value of real property in the redevelopment
23 project area exceeds the total initial equalized value of real
24 property in said area.

25 (n) "Redevelopment plan" means the comprehensive program
26 of the municipality for development or redevelopment intended
27 by the payment of redevelopment project costs to reduce or
28 eliminate those conditions the existence of which qualified the
29 redevelopment project area as a "blighted area" or
30 "conservation area" or combination thereof or "industrial park
31 conservation area," and thereby to enhance the tax bases of the
32 taxing districts which extend into the redevelopment project
33 area. On and after November 1, 1999 (the effective date of
34 Public Act 91-478), no redevelopment plan may be approved or
35 amended that includes the development of vacant land (i) with a
36 golf course and related clubhouse and other facilities or (ii)

1 designated by federal, State, county, or municipal government
2 as public land for outdoor recreational activities or for
3 nature preserves and used for that purpose within 5 years prior
4 to the adoption of the redevelopment plan. For the purpose of
5 this subsection, "recreational activities" is limited to mean
6 camping and hunting. Each redevelopment plan shall set forth in
7 writing the program to be undertaken to accomplish the
8 objectives and shall include but not be limited to:

9 (A) an itemized list of estimated redevelopment
10 project costs;

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

14 (C) an assessment of any financial impact of the
15 redevelopment project area on or any increased demand for
16 services from any taxing district affected by the plan and
17 any program to address such financial impact or increased
18 demand;

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

20 (E) the nature and term of the obligations to be
21 issued;

22 (F) the most recent equalized assessed valuation of the
23 redevelopment project area;

24 (G) an estimate as to the equalized assessed valuation
25 after redevelopment and the general land uses to apply in
26 the redevelopment project area;

27 (H) a commitment to fair employment practices and an
28 affirmative action plan;

29 (I) if it concerns an industrial park conservation
30 area, the plan shall also include a general description of
31 any proposed developer, user and tenant of any property, a
32 description of the type, structure and general character of
33 the facilities to be developed, a description of the type,
34 class and number of new employees to be employed in the
35 operation of the facilities to be developed; and

36 (J) if property is to be annexed to the municipality,

1 the plan shall include the terms of the annexation
2 agreement.

3 The provisions of items (B) and (C) of this subsection (n)
4 shall not apply to a municipality that before March 14, 1994
5 (the effective date of Public Act 88-537) had fixed, either by
6 its corporate authorities or by a commission designated under
7 subsection (k) of Section 11-74.4-4, a time and place for a
8 public hearing as required by subsection (a) of Section
9 11-74.4-5. No redevelopment plan shall be adopted unless a
10 municipality complies with all of the following requirements:

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

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

27 (3) The redevelopment plan establishes the estimated
28 dates of completion of the redevelopment project and
29 retirement of obligations issued to finance redevelopment
30 project costs. Those dates: shall not be later than
31 December 31 of the year in which the payment to the
32 municipal treasurer as provided in subsection (b) of
33 Section 11-74.4-8 of this Act is to be made with respect to
34 ad valorem taxes levied in the twenty-third calendar year
35 after the year in which the ordinance approving the
36 redevelopment project area is adopted if the ordinance was

1 adopted on or after January 15, 1981; shall not be later
2 than December 31 of the year in which the payment to the
3 municipal treasurer as provided in subsection (b) of
4 Section 11-74.4-8 of this Act is to be made with respect to
5 ad valorem taxes levied in the thirty-third calendar year
6 after the year in which the ordinance approving the
7 redevelopment project area if the ordinance was adopted on
8 May 20, 1985 by the Village of Wheeling; and shall not be
9 later than December 31 of the year in which the payment to
10 the municipal treasurer as provided in subsection (b) of
11 Section 11-74.4-8 of this Act is to be made with respect to
12 ad valorem taxes levied in the thirty-fifth calendar year
13 after the year in which the ordinance approving the
14 redevelopment project area is adopted:

15 (A) if the ordinance was adopted before January 15,
16 1981, or

17 (B) if the ordinance was adopted in December 1983,
18 April 1984, July 1985, or December 1989, or

19 (C) if the ordinance was adopted in December 1987
20 and the redevelopment project is located within one
21 mile of Midway Airport, or

22 (D) if the ordinance was adopted before January 1,
23 1987 by a municipality in Mason County, or

24 (E) if the municipality is subject to the Local
25 Government Financial Planning and Supervision Act or
26 the Financially Distressed City Law, or

27 (F) if the ordinance was adopted in December 1984
28 by the Village of Rosemont, or

29 (G) if the ordinance was adopted on December 31,
30 1986 by a municipality located in Clinton County for
31 which at least \$250,000 of tax increment bonds were
32 authorized on June 17, 1997, or if the ordinance was
33 adopted on December 31, 1986 by a municipality with a
34 population in 1990 of less than 3,600 that is located
35 in a county with a population in 1990 of less than
36 34,000 and for which at least \$250,000 of tax increment

1 bonds were authorized on June 17, 1997, or
2 (H) if the ordinance was adopted on October 5, 1982
3 by the City of Kankakee, or if the ordinance was
4 adopted on December 29, 1986 by East St. Louis, or
5 (I) if the ordinance was adopted on November 12,
6 1991 by the Village of Sauget, or
7 (J) if the ordinance was adopted on February 11,
8 1985 by the City of Rock Island, or
9 (K) if the ordinance was adopted before December
10 18, 1986 by the City of Moline, or
11 (L) if the ordinance was adopted in September 1988
12 by Sauk Village, or
13 (M) if the ordinance was adopted in October 1993 by
14 Sauk Village, or
15 (N) if the ordinance was adopted on December 29,
16 1986 by the City of Galva, or
17 (O) if the ordinance was adopted in March 1991 by
18 the City of Centreville, or
19 (P) if the ordinance was adopted on January 23,
20 1991 by the City of East St. Louis, or
21 (Q) if the ordinance was adopted on December 22,
22 1986 by the City of Aledo, or
23 (R) if the ordinance was adopted on February 5,
24 1990 by the City of Clinton, or
25 (S) if the ordinance was adopted on September 6,
26 1994 by the City of Freeport, or
27 (T) if the ordinance was adopted on December 22,
28 1986 by the City of Tuscola, or
29 (U) if the ordinance was adopted on December 23,
30 1986 by the City of Sparta, or
31 (V) if the ordinance was adopted on December 23,
32 1986 by the City of Beardstown, or
33 (W) if the ordinance was adopted on April 27, 1981,
34 October 21, 1985, or December 30, 1986 by the City of
35 Belleville, or
36 (X) if the ordinance was adopted on December 29,

1 1986 by the City of Collinsville, or
2 (Y) if the ordinance was adopted on September 14,
3 1994 by the City of Alton, or
4 (Z) if the ordinance was adopted on November 11,
5 1996 by the City of Lexington, or
6 (AA) if the ordinance was adopted on November 5,
7 1984 by the City of LeRoy, or
8 (BB) if the ordinance was adopted on April 3, 1991
9 or June 3, 1992 by the City of Markham, or
10 (CC) if the ordinance was adopted on November 11,
11 1986 by the City of Pekin, or
12 (DD) if the ordinance was adopted on December 15,
13 1981 by the City of Champaign, or
14 (EE) if the ordinance was adopted on December 15,
15 1986 by the City of Urbana, or
16 (FF) if the ordinance was adopted on December 15,
17 1986 by the Village of Heyworth, or
18 (GG) if the ordinance was adopted on February 24,
19 1992 by the Village of Heyworth, or
20 (HH) if the ordinance was adopted on March 16, 1995
21 by the Village of Heyworth, or
22 (II) if the ordinance was adopted on December 23,
23 1986 by the Town of Cicero, or
24 (JJ) if the ordinance was adopted on December 30,
25 1986 by the City of Effingham, or
26 (KK) if the ordinance was adopted on May 9, 1991 by
27 the Village of Tilton, or
28 (LL) if the ordinance was adopted on October 20,
29 1986 by the City of Elmhurst, or
30 (MM) if the ordinance was adopted on January 19,
31 1988 by the City of Waukegan, or
32 (NN) if the ordinance was adopted on September 21,
33 1998 by the City of Waukegan, or
34 (OO) if the ordinance was adopted on December 31,
35 1986 by the City of Sullivan, or
36 (PP) if the ordinance was adopted on December 23,

1 1991 by the City of Sullivan, or—
2 (QQ) ~~(OO)~~ if the ordinance was adopted on December
3 31, 1986 by the City of Oglesby, or—
4 (RR) ~~(OO)~~ if the ordinance was adopted on July 28,
5 1987 by the City of Marion, or
6 (SS) ~~(PP)~~ if the ordinance was adopted on April 23,
7 1990 by the City of Marion, or—
8 (TT) if the ordinance was adopted on September 12,
9 1983 by the Village of Arlington Heights, or
10 (UU) if the ordinance was adopted on November 7,
11 1983 by the Village of Arlington Heights, or
12 (VV) if the ordinance was adopted on April 28, 1997
13 by the village of Arlington Heights.

14 However, for redevelopment project areas for which
15 bonds were issued before July 29, 1991, or for which
16 contracts were entered into before June 1, 1988, in
17 connection with a redevelopment project in the area within
18 the State Sales Tax Boundary, the estimated dates of
19 completion of the redevelopment project and retirement of
20 obligations to finance redevelopment project costs may be
21 extended by municipal ordinance to December 31, 2013. The
22 termination procedures of subsection (b) of Section
23 11-74.4-8 are not required for these redevelopment project
24 areas in 2009 but are required in 2013. The extension
25 allowed by this amendatory Act of 1993 shall not apply to
26 real property tax increment allocation financing under
27 Section 11-74.4-8.

28 A municipality may by municipal ordinance amend an
29 existing redevelopment plan to conform to this paragraph
30 (3) as amended by Public Act 91-478, which municipal
31 ordinance may be adopted without further hearing or notice
32 and without complying with the procedures provided in this
33 Act pertaining to an amendment to or the initial approval
34 of a redevelopment plan and project and designation of a
35 redevelopment project area.

36 Those dates, for purposes of real property tax

1 increment allocation financing pursuant to Section
2 11-74.4-8 only, shall be not more than 35 years for
3 redevelopment project areas that were adopted on or after
4 December 16, 1986 and for which at least \$8 million worth
5 of municipal bonds were authorized on or after December 19,
6 1989 but before January 1, 1990; provided that the
7 municipality elects to extend the life of the redevelopment
8 project area to 35 years by the adoption of an ordinance
9 after at least 14 but not more than 30 days' written notice
10 to the taxing bodies, that would otherwise constitute the
11 joint review board for the redevelopment project area,
12 before the adoption of the ordinance.

13 Those dates, for purposes of real property tax
14 increment allocation financing pursuant to Section
15 11-74.4-8 only, shall be not more than 35 years for
16 redevelopment project areas that were established on or
17 after December 1, 1981 but before January 1, 1982 and for
18 which at least \$1,500,000 worth of tax increment revenue
19 bonds were authorized on or after September 30, 1990 but
20 before July 1, 1991; provided that the municipality elects
21 to extend the life of the redevelopment project area to 35
22 years by the adoption of an ordinance after at least 14 but
23 not more than 30 days' written notice to the taxing bodies,
24 that would otherwise constitute the joint review board for
25 the redevelopment project area, before the adoption of the
26 ordinance.

27 (3.5) The municipality finds, in the case of an
28 industrial park conservation area, also that the
29 municipality is a labor surplus municipality and that the
30 implementation of the redevelopment plan will reduce
31 unemployment, create new jobs and by the provision of new
32 facilities enhance the tax base of the taxing districts
33 that extend into the redevelopment project area.

34 (4) If any incremental revenues are being utilized
35 under Section 8(a)(1) or 8(a)(2) of this Act in
36 redevelopment project areas approved by ordinance after

1 January 1, 1986, the municipality finds: (a) that the
2 redevelopment project area would not reasonably be
3 developed without the use of such incremental revenues, and
4 (b) that such incremental revenues will be exclusively
5 utilized for the development of the redevelopment project
6 area.

7 (5) If the redevelopment plan will not result in
8 displacement of residents from 10 or more inhabited
9 residential units, and the municipality certifies in the
10 plan that such displacement will not result from the plan,
11 a housing impact study need not be performed. If, however,
12 the redevelopment plan would result in the displacement of
13 residents from 10 or more inhabited residential units, or
14 if the redevelopment project area contains 75 or more
15 inhabited residential units and no certification is made,
16 then the municipality shall prepare, as part of the
17 separate feasibility report required by subsection (a) of
18 Section 11-74.4-5, a housing impact study.

19 Part I of the housing impact study shall include (i)
20 data as to whether the residential units are single family
21 or multi-family units, (ii) the number and type of rooms
22 within the units, if that information is available, (iii)
23 whether the units are inhabited or uninhabited, as
24 determined not less than 45 days before the date that the
25 ordinance or resolution required by subsection (a) of
26 Section 11-74.4-5 is passed, and (iv) data as to the racial
27 and ethnic composition of the residents in the inhabited
28 residential units. The data requirement as to the racial
29 and ethnic composition of the residents in the inhabited
30 residential units shall be deemed to be fully satisfied by
31 data from the most recent federal census.

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

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

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

12 (7) On and after November 1, 1999, no redevelopment
13 plan shall be adopted, nor an existing plan amended, nor
14 shall residential housing that is occupied by households of
15 low-income and very low-income persons in currently
16 existing redevelopment project areas be removed after
17 November 1, 1999 unless the redevelopment plan provides,
18 with respect to inhabited housing units that are to be
19 removed for households of low-income and very low-income
20 persons, affordable housing and relocation assistance not
21 less than that which would be provided under the federal
22 Uniform Relocation Assistance and Real Property
23 Acquisition Policies Act of 1970 and the regulations under
24 that Act, including the eligibility criteria. Affordable
25 housing may be either existing or newly constructed
26 housing. For purposes of this paragraph (7), "low-income
27 households", "very low-income households", and "affordable
28 housing" have the meanings set forth in the Illinois
29 Affordable Housing Act. The municipality shall make a good
30 faith effort to ensure that this affordable housing is
31 located in or near the redevelopment project area within
32 the municipality.

33 (8) On and after November 1, 1999, if, after the
34 adoption of the redevelopment plan for the redevelopment
35 project area, any municipality desires to amend its
36 redevelopment plan to remove more inhabited residential

1 units than specified in its original redevelopment plan,
2 that change shall be made in accordance with the procedures
3 in subsection (c) of Section 11-74.4-5.

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

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

30 (p) "Redevelopment project area" means an area designated
31 by the municipality, which is not less in the aggregate than 1
32 1/2 acres and in respect to which the municipality has made a
33 finding that there exist conditions which cause the area to be
34 classified as an industrial park conservation area or a
35 blighted area or a conservation area, or a combination of both
36 blighted areas and conservation areas.

1 (q) "Redevelopment project costs" mean and include the sum
2 total of all reasonable or necessary costs incurred or
3 estimated to be incurred, and any such costs incidental to a
4 redevelopment plan and a redevelopment project. Such costs
5 include, without limitation, the following:

6 (1) Costs of studies, surveys, development of plans,
7 and specifications, implementation and administration of
8 the redevelopment plan including but not limited to staff
9 and professional service costs for architectural,
10 engineering, legal, financial, planning or other services,
11 provided however that no charges for professional services
12 may be based on a percentage of the tax increment
13 collected; except that on and after November 1, 1999 (the
14 effective date of Public Act 91-478), no contracts for
15 professional services, excluding architectural and
16 engineering services, may be entered into if the terms of
17 the contract extend beyond a period of 3 years. In
18 addition, "redevelopment project costs" shall not include
19 lobbying expenses. After consultation with the
20 municipality, each tax increment consultant or advisor to a
21 municipality that plans to designate or has designated a
22 redevelopment project area shall inform the municipality
23 in writing of any contracts that the consultant or advisor
24 has entered into with entities or individuals that have
25 received, or are receiving, payments financed by tax
26 increment revenues produced by the redevelopment project
27 area with respect to which the consultant or advisor has
28 performed, or will be performing, service for the
29 municipality. This requirement shall be satisfied by the
30 consultant or advisor before the commencement of services
31 for the municipality and thereafter whenever any other
32 contracts with those individuals or entities are executed
33 by the consultant or advisor;

34 (1.5) After July 1, 1999, annual administrative costs
35 shall not include general overhead or administrative costs
36 of the municipality that would still have been incurred by

1 the municipality if the municipality had not designated a
2 redevelopment project area or approved a redevelopment
3 plan;

4 (1.6) The cost of marketing sites within the
5 redevelopment project area to prospective businesses,
6 developers, and investors;

7 (2) Property assembly costs, including but not limited
8 to acquisition of land and other property, real or
9 personal, or rights or interests therein, demolition of
10 buildings, site preparation, site improvements that serve
11 as an engineered barrier addressing ground level or below
12 ground environmental contamination, including, but not
13 limited to parking lots and other concrete or asphalt
14 barriers, and the clearing and grading of land;

15 (3) Costs of rehabilitation, reconstruction or repair
16 or remodeling of existing public or private buildings,
17 fixtures, and leasehold improvements; and the cost of
18 replacing an existing public building if pursuant to the
19 implementation of a redevelopment project the existing
20 public building is to be demolished to use the site for
21 private investment or devoted to a different use requiring
22 private investment;

23 (4) Costs of the construction of public works or
24 improvements, except that on and after November 1, 1999,
25 redevelopment project costs shall not include the cost of
26 constructing a new municipal public building principally
27 used to provide offices, storage space, or conference
28 facilities or vehicle storage, maintenance, or repair for
29 administrative, public safety, or public works personnel
30 and that is not intended to replace an existing public
31 building as provided under paragraph (3) of subsection (q)
32 of Section 11-74.4-3 unless either (i) the construction of
33 the new municipal building implements a redevelopment
34 project that was included in a redevelopment plan that was
35 adopted by the municipality prior to November 1, 1999 or
36 (ii) the municipality makes a reasonable determination in

1 the redevelopment plan, supported by information that
2 provides the basis for that determination, that the new
3 municipal building is required to meet an increase in the
4 need for public safety purposes anticipated to result from
5 the implementation of the redevelopment plan;

6 (5) Costs of job training and retraining projects,
7 including the cost of "welfare to work" programs
8 implemented by businesses located within the redevelopment
9 project area;

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

18 (7) To the extent the municipality by written agreement
19 accepts and approves the same, all or a portion of a taxing
20 district's capital costs resulting from the redevelopment
21 project necessarily incurred or to be incurred within a
22 taxing district in furtherance of the objectives of the
23 redevelopment plan and project.

24 (7.5) For redevelopment project areas designated (or
25 redevelopment project areas amended to add or increase the
26 number of tax-increment-financing assisted housing units)
27 on or after November 1, 1999, an elementary, secondary, or
28 unit school district's increased costs attributable to
29 assisted housing units located within the redevelopment
30 project area for which the developer or redeveloper
31 receives financial assistance through an agreement with
32 the municipality or because the municipality incurs the
33 cost of necessary infrastructure improvements within the
34 boundaries of the assisted housing sites necessary for the
35 completion of that housing as authorized by this Act, and
36 which costs shall be paid by the municipality from the

1 Special Tax Allocation Fund when the tax increment revenue
2 is received as a result of the assisted housing units and
3 shall be calculated annually as follows:

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

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

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

34 (iii) for secondary school districts with a
35 district average 1995-96 Per Capita Tuition Charge
36 of less than \$5,900, no more than 8% of the total

1 amount of property tax increment revenue produced
2 by those housing units that have received tax
3 increment finance assistance under this Act.

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

25 (i) for unit school districts, no more than 40%
26 of the total amount of property tax increment
27 revenue produced by those housing units that have
28 received tax increment finance assistance under
29 this Act;

30 (ii) for elementary school districts, no more
31 than 27% of the total amount of property tax
32 increment revenue produced by those housing units
33 that have received tax increment finance
34 assistance under this Act; and

35 (iii) for secondary school districts, no more
36 than 13% of the total amount of property tax

1 increment revenue produced by those housing units
2 that have received tax increment finance
3 assistance under this Act.

4 (C) For any school district in a municipality with
5 a population in excess of 1,000,000, the following
6 restrictions shall apply to the reimbursement of
7 increased costs under this paragraph (7.5):

8 (i) no increased costs shall be reimbursed
9 unless the school district certifies that each of
10 the schools affected by the assisted housing
11 project is at or over its student capacity;

12 (ii) the amount reimbursable shall be reduced
13 by the value of any land donated to the school
14 district by the municipality or developer, and by
15 the value of any physical improvements made to the
16 schools by the municipality or developer; and

17 (iii) the amount reimbursed may not affect
18 amounts otherwise obligated by the terms of any
19 bonds, notes, or other funding instruments, or the
20 terms of any redevelopment agreement.

21 Any school district seeking payment under this
22 paragraph (7.5) shall, after July 1 and before
23 September 30 of each year, provide the municipality
24 with reasonable evidence to support its claim for
25 reimbursement before the municipality shall be
26 required to approve or make the payment to the school
27 district. If the school district fails to provide the
28 information during this period in any year, it shall
29 forfeit any claim to reimbursement for that year.
30 School districts may adopt a resolution waiving the
31 right to all or a portion of the reimbursement
32 otherwise required by this paragraph (7.5). By
33 acceptance of this reimbursement the school district
34 waives the right to directly or indirectly set aside,
35 modify, or contest in any manner the establishment of
36 the redevelopment project area or projects;

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

24 The amount paid to a library district under this
25 paragraph (7.7) shall be calculated by multiplying (i) the
26 net increase in the number of persons eligible to obtain a
27 library card in that district who reside in housing units
28 within the redevelopment project area that have received
29 financial assistance through an agreement with the
30 municipality or because the municipality incurs the cost of
31 necessary infrastructure improvements within the
32 boundaries of the housing sites necessary for the
33 completion of that housing as authorized by this Act since
34 the designation of the redevelopment project area by (ii)
35 the per-patron cost of providing library services so long
36 as it does not exceed \$120. The per-patron cost shall be

1 the Total Operating Expenditures Per Capita as stated in
2 the most recent Illinois Public Library Statistics
3 produced by the Library Research Center at the University
4 of Illinois. The municipality may deduct from the amount
5 that it must pay to a library district under this paragraph
6 any amount that it has voluntarily paid to the library
7 district from the tax increment revenue. The amount paid to
8 a library district under this paragraph (7.7) shall be no
9 more than 2% of the amount produced by the assisted housing
10 units and deposited into the Special Tax Allocation Fund.

11 A library district is not eligible for any payment
12 under this paragraph (7.7) unless the library district has
13 experienced an increase in the number of patrons from the
14 municipality that created the tax-increment-financing
15 district since the designation of the redevelopment
16 project area.

17 Any library district seeking payment under this
18 paragraph (7.7) shall, after July 1 and before September 30
19 of each year, provide the municipality with convincing
20 evidence to support its claim for reimbursement before the
21 municipality shall be required to approve or make the
22 payment to the library district. If the library district
23 fails to provide the information during this period in any
24 year, it shall forfeit any claim to reimbursement for that
25 year. Library districts may adopt a resolution waiving the
26 right to all or a portion of the reimbursement otherwise
27 required by this paragraph (7.7). By acceptance of such
28 reimbursement, the library district shall forfeit any
29 right to directly or indirectly set aside, modify, or
30 contest in any manner whatsoever the establishment of the
31 redevelopment project area or projects;

32 (8) Relocation costs to the extent that a municipality
33 determines that relocation costs shall be paid or is
34 required to make payment of relocation costs by federal or
35 State law or in order to satisfy subparagraph (7) of
36 subsection (n);

1 (9) Payment in lieu of taxes;

2 (10) Costs of job training, retraining, advanced
3 vocational education or career education, including but
4 not limited to courses in occupational, semi-technical or
5 technical fields leading directly to employment, incurred
6 by one or more taxing districts, provided that such costs
7 (i) are related to the establishment and maintenance of
8 additional job training, advanced vocational education or
9 career education programs for persons employed or to be
10 employed by employers located in a redevelopment project
11 area; and (ii) when incurred by a taxing district or taxing
12 districts other than the municipality, are set forth in a
13 written agreement by or among the municipality and the
14 taxing district or taxing districts, which agreement
15 describes the program to be undertaken, including but not
16 limited to the number of employees to be trained, a
17 description of the training and services to be provided,
18 the number and type of positions available or to be
19 available, itemized costs of the program and sources of
20 funds to pay for the same, and the term of the agreement.
21 Such costs include, specifically, the payment by community
22 college districts of costs pursuant to Sections 3-37, 3-38,
23 3-40 and 3-40.1 of the Public Community College Act and by
24 school districts of costs pursuant to Sections 10-22.20a
25 and 10-23.3a of The School Code;

26 (11) Interest cost incurred by a redeveloper related to
27 the construction, renovation or rehabilitation of a
28 redevelopment project provided that:

29 (A) such costs are to be paid directly from the
30 special tax allocation fund established pursuant to
31 this Act;

32 (B) such payments in any one year may not exceed
33 30% of the annual interest costs incurred by the
34 redeveloper with regard to the redevelopment project
35 during that year;

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

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

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

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

19 (F) Instead of the eligible costs provided by
20 subparagraphs (B) and (D) of paragraph (11), as
21 modified by this subparagraph, and notwithstanding any
22 other provisions of this Act to the contrary, the
23 municipality may pay from tax increment revenues up to
24 50% of the cost of construction of new housing units to
25 be occupied by low-income households and very
26 low-income households as defined in Section 3 of the
27 Illinois Affordable Housing Act. The cost of
28 construction of those units may be derived from the
29 proceeds of bonds issued by the municipality under this
30 Act or other constitutional or statutory authority or
31 from other sources of municipal revenue that may be
32 reimbursed from tax increment revenues or the proceeds
33 of bonds issued to finance the construction of that
34 housing.

35 The eligible costs provided under this
36 subparagraph (F) of paragraph (11) shall be an eligible

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

1 (11.5) If the redevelopment project area is located
2 within a municipality with a population of more than
3 100,000, the cost of day care services for children of
4 employees from low-income families working for businesses
5 located within the redevelopment project area and all or a
6 portion of the cost of operation of day care centers
7 established by redevelopment project area businesses to
8 serve employees from low-income families working in
9 businesses located in the redevelopment project area. For
10 the purposes of this paragraph, "low-income families"
11 means families whose annual income does not exceed 80% of
12 the municipal, county, or regional median income, adjusted
13 for family size, as the annual income and municipal,
14 county, or regional median income are determined from time
15 to time by the United States Department of Housing and
16 Urban Development.

17 (12) Unless explicitly stated herein the cost of
18 construction of new privately-owned buildings shall not be
19 an eligible redevelopment project cost.

20 (13) After November 1, 1999 (the effective date of
21 Public Act 91-478), none of the redevelopment project costs
22 enumerated in this subsection shall be eligible
23 redevelopment project costs if those costs would provide
24 direct financial support to a retail entity initiating
25 operations in the redevelopment project area while
26 terminating operations at another Illinois location within
27 10 miles of the redevelopment project area but outside the
28 boundaries of the redevelopment project area municipality.
29 For purposes of this paragraph, termination means a closing
30 of a retail operation that is directly related to the
31 opening of the same operation or like retail entity owned
32 or operated by more than 50% of the original ownership in a
33 redevelopment project area, but it does not mean closing an
34 operation for reasons beyond the control of the retail
35 entity, as documented by the retail entity, subject to a
36 reasonable finding by the municipality that the current

1 location contained inadequate space, had become
2 economically obsolete, or was no longer a viable location
3 for the retailer or serviceman.

4 If a special service area has been established pursuant to
5 the Special Service Area Tax Act or Special Service Area Tax
6 Law, then any tax increment revenues derived from the tax
7 imposed pursuant to the Special Service Area Tax Act or Special
8 Service Area Tax Law may be used within the redevelopment
9 project area for the purposes permitted by that Act or Law as
10 well as the purposes permitted by this Act.

11 (r) "State Sales Tax Boundary" means the redevelopment
12 project area or the amended redevelopment project area
13 boundaries which are determined pursuant to subsection (9) of
14 Section 11-74.4-8a of this Act. The Department of Revenue shall
15 certify pursuant to subsection (9) of Section 11-74.4-8a the
16 appropriate boundaries eligible for the determination of State
17 Sales Tax Increment.

18 (s) "State Sales Tax Increment" means an amount equal to
19 the increase in the aggregate amount of taxes paid by retailers
20 and servicemen, other than retailers and servicemen subject to
21 the Public Utilities Act, on transactions at places of business
22 located within a State Sales Tax Boundary pursuant to the
23 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
24 Tax Act, and the Service Occupation Tax Act, except such
25 portion of such increase that is paid into the State and Local
26 Sales Tax Reform Fund, the Local Government Distributive Fund,
27 the Local Government Tax Fund and the County and Mass Transit
28 District Fund, for as long as State participation exists, over
29 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
30 Tax Amounts or the Revised Initial Sales Tax Amounts for such
31 taxes as certified by the Department of Revenue and paid under
32 those Acts by retailers and servicemen on transactions at
33 places of business located within the State Sales Tax Boundary
34 during the base year which shall be the calendar year
35 immediately prior to the year in which the municipality adopted
36 tax increment allocation financing, less 3.0% of such amounts

1 generated under the Retailers' Occupation Tax Act, Use Tax Act
2 and Service Use Tax Act and the Service Occupation Tax Act,
3 which sum shall be appropriated to the Department of Revenue to
4 cover its costs of administering and enforcing this Section.
5 For purposes of computing the aggregate amount of such taxes
6 for base years occurring prior to 1985, the Department of
7 Revenue shall compute the Initial Sales Tax Amount for such
8 taxes and deduct therefrom an amount equal to 4% of the
9 aggregate amount of taxes per year for each year the base year
10 is prior to 1985, but not to exceed a total deduction of 12%.
11 The amount so determined shall be known as the "Adjusted
12 Initial Sales Tax Amount". For purposes of determining the
13 State Sales Tax Increment the Department of Revenue shall for
14 each period subtract from the tax amounts received from
15 retailers and servicemen on transactions located in the State
16 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
17 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
18 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
19 the Service Use Tax Act and the Service Occupation Tax Act. For
20 the State Fiscal Year 1989 this calculation shall be made by
21 utilizing the calendar year 1987 to determine the tax amounts
22 received. For the State Fiscal Year 1990, this calculation
23 shall be made by utilizing the period from January 1, 1988,
24 until September 30, 1988, to determine the tax amounts received
25 from retailers and servicemen, which shall have deducted
26 therefrom nine-twelfths of the certified Initial Sales Tax
27 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
28 Initial Sales Tax Amounts as appropriate. For the State Fiscal
29 Year 1991, this calculation shall be made by utilizing the
30 period from October 1, 1988, until June 30, 1989, to determine
31 the tax amounts received from retailers and servicemen, which
32 shall have deducted therefrom nine-twelfths of the certified
33 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
34 Amounts or the Revised Initial Sales Tax Amounts as
35 appropriate. For every State Fiscal Year thereafter, the
36 applicable period shall be the 12 months beginning July 1 and

1 ending on June 30, to determine the tax amounts received which
2 shall have deducted therefrom the certified Initial Sales Tax
3 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
4 Initial Sales Tax Amounts. Municipalities intending to receive
5 a distribution of State Sales Tax Increment must report a list
6 of retailers to the Department of Revenue by October 31, 1988
7 and by July 31, of each year thereafter.

8 (t) "Taxing districts" means counties, townships, cities
9 and incorporated towns and villages, school, road, park,
10 sanitary, mosquito abatement, forest preserve, public health,
11 fire protection, river conservancy, tuberculosis sanitarium
12 and any other municipal corporations or districts with the
13 power to levy taxes.

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

18 (v) As used in subsection (a) of Section 11-74.4-3 of this
19 Act, "vacant land" means any parcel or combination of parcels
20 of real property without industrial, commercial, and
21 residential buildings which has not been used for commercial
22 agricultural purposes within 5 years prior to the designation
23 of the redevelopment project area, unless the parcel is
24 included in an industrial park conservation area or the parcel
25 has been subdivided; provided that if the parcel was part of a
26 larger tract that has been divided into 3 or more smaller
27 tracts that were accepted for recording during the period from
28 1950 to 1990, then the parcel shall be deemed to have been
29 subdivided, and all proceedings and actions of the municipality
30 taken in that connection with respect to any previously
31 approved or designated redevelopment project area or amended
32 redevelopment project area are hereby validated and hereby
33 declared to be legally sufficient for all purposes of this Act.
34 For purposes of this Section and only for land subject to the
35 subdivision requirements of the Plat Act, land is subdivided
36 when the original plat of the proposed Redevelopment Project

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

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

16 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
17 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.
18 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,
19 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;
20 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.
21 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,
22 eff. 7-21-05; 94-302, eff. 7-21-05; 94-704, eff. 12-5-05;
23 revised 12-9-05.)

24 (Text of Section after amendment by P.A. 94-702 and 94-711)

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

29 (a) For any redevelopment project area that has been
30 designated pursuant to this Section by an ordinance adopted
31 prior to November 1, 1999 (the effective date of Public Act
32 91-478), "blighted area" shall have the meaning set forth in
33 this Section prior to that date.

34 On and after November 1, 1999, "blighted area" means any
35 improved or vacant area within the boundaries of a

1 redevelopment project area located within the territorial
2 limits of the municipality where:

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

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

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

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

33 (D) Presence of structures below minimum code
34 standards. All structures that do not meet the
35 standards of zoning, subdivision, building, fire, and
36 other governmental codes applicable to property, but

1 not including housing and property maintenance codes.

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

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

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

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

34 (I) Excessive land coverage and overcrowding of
35 structures and community facilities. The
36 over-intensive use of property and the crowding of

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

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

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

34 (L) Lack of community planning. The proposed
35 redevelopment project area was developed prior to or
36 without the benefit or guidance of a community plan.

1 This means that the development occurred prior to the
2 adoption by the municipality of a comprehensive or
3 other community plan or that the plan was not followed
4 at the time of the area's development. This factor must
5 be documented by evidence of adverse or incompatible
6 land-use relationships, inadequate street layout,
7 improper subdivision, parcels of inadequate shape and
8 size to meet contemporary development standards, or
9 other evidence demonstrating an absence of effective
10 community planning.

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

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

32 (A) Obsolete platting of vacant land that results
33 in parcels of limited or narrow size or configurations
34 of parcels of irregular size or shape that would be
35 difficult to develop on a planned basis and in a manner
36 compatible with contemporary standards and

1 requirements, or platting that failed to create
2 rights-of-ways for streets or alleys or that created
3 inadequate right-of-way widths for streets, alleys, or
4 other public rights-of-way or that omitted easements
5 for public utilities.

6 (B) Diversity of ownership of parcels of vacant
7 land sufficient in number to retard or impede the
8 ability to assemble the land for development.

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

12 (D) Deterioration of structures or site
13 improvements in neighboring areas adjacent to the
14 vacant land.

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

26 (F) The total equalized assessed value of the
27 proposed redevelopment project area has declined for 3
28 of the last 5 calendar years prior to the year in which
29 the redevelopment project area is designated or is
30 increasing at an annual rate that is less than the
31 balance of the municipality for 3 of the last 5
32 calendar years for which information is available or is
33 increasing at an annual rate that is less than the
34 Consumer Price Index for All Urban Consumers published
35 by the United States Department of Labor or successor
36 agency for 3 of the last 5 calendar years prior to the

1 year in which the redevelopment project area is
2 designated.

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

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

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

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

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

28 (E) Prior to November 1, 1999, the area is not less
29 than 50 nor more than 100 acres and 75% of which is
30 vacant (notwithstanding that the area has been used for
31 commercial agricultural purposes within 5 years prior
32 to the designation of the redevelopment project area),
33 and the area meets at least one of the factors itemized
34 in paragraph (1) of this subsection, the area has been
35 designated as a town or village center by ordinance or
36 comprehensive plan adopted prior to January 1, 1982,

1 and the area has not been developed for that designated
2 purpose.

3 (F) The area qualified as a blighted improved area
4 immediately prior to becoming vacant, unless there has
5 been substantial private investment in the immediately
6 surrounding area.

7 (b) For any redevelopment project area that has been
8 designated pursuant to this Section by an ordinance adopted
9 prior to November 1, 1999 (the effective date of Public Act
10 91-478), "conservation area" shall have the meaning set forth
11 in this Section prior to that date.

12 On and after November 1, 1999, "conservation area" means
13 any improved area within the boundaries of a redevelopment
14 project area located within the territorial limits of the
15 municipality in which 50% or more of the structures in the area
16 have an age of 35 years or more. Such an area is not yet a
17 blighted area but because of a combination of 3 or more of the
18 following factors is detrimental to the public safety, health,
19 morals or welfare and such an area may become a blighted area:

20 (1) Dilapidation. An advanced state of disrepair or
21 neglect of necessary repairs to the primary structural
22 components of buildings or improvements in such a
23 combination that a documented building condition analysis
24 determines that major repair is required or the defects are
25 so serious and so extensive that the buildings must be
26 removed.

27 (2) Obsolescence. The condition or process of falling
28 into disuse. Structures have become ill-suited for the
29 original use.

30 (3) Deterioration. With respect to buildings, defects
31 including, but not limited to, major defects in the
32 secondary building components such as doors, windows,
33 porches, gutters and downspouts, and fascia. With respect
34 to surface improvements, that the condition of roadways,
35 alleys, curbs, gutters, sidewalks, off-street parking, and
36 surface storage areas evidence deterioration, including,

1 but not limited to, surface cracking, crumbling, potholes,
2 depressions, loose paving material, and weeds protruding
3 through paved surfaces.

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

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

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

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

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

1 (iii) lacking within the redevelopment project area.

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

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

25 (11) Lack of community planning. The proposed
26 redevelopment project area was developed prior to or
27 without the benefit or guidance of a community plan. This
28 means that the development occurred prior to the adoption
29 by the municipality of a comprehensive or other community
30 plan or that the plan was not followed at the time of the
31 area's development. This factor must be documented by
32 evidence of adverse or incompatible land-use
33 relationships, inadequate street layout, improper
34 subdivision, parcels of inadequate shape and size to meet
35 contemporary development standards, or other evidence
36 demonstrating an absence of effective community planning.

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

12 (13) The total equalized assessed value of the proposed
13 redevelopment project area has declined for 3 of the last 5
14 calendar years for which information is available or is
15 increasing at an annual rate that is less than the balance
16 of the municipality for 3 of the last 5 calendar years for
17 which information is available or is increasing at an
18 annual rate that is less than the Consumer Price Index for
19 All Urban Consumers published by the United States
20 Department of Labor or successor agency for 3 of the last 5
21 calendar years for which information is available.

22 (c) "Industrial park" means an area in a blighted or
23 conservation area suitable for use by any manufacturing,
24 industrial, research or transportation enterprise, of
25 facilities to include but not be limited to factories, mills,
26 processing plants, assembly plants, packing plants,
27 fabricating plants, industrial distribution centers,
28 warehouses, repair overhaul or service facilities, freight
29 terminals, research facilities, test facilities or railroad
30 facilities.

31 (d) "Industrial park conservation area" means an area
32 within the boundaries of a redevelopment project area located
33 within the territorial limits of a municipality that is a labor
34 surplus municipality or within 1 1/2 miles of the territorial
35 limits of a municipality that is a labor surplus municipality
36 if the area is annexed to the municipality; which area is zoned

1 as industrial no later than at the time the municipality by
2 ordinance designates the redevelopment project area, and which
3 area includes both vacant land suitable for use as an
4 industrial park and a blighted area or conservation area
5 contiguous to such vacant land.

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

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

24 (g) "Initial Sales Tax Amounts" means the amount of taxes
25 paid under the Retailers' Occupation Tax Act, Use Tax Act,
26 Service Use Tax Act, the Service Occupation Tax Act, the
27 Municipal Retailers' Occupation Tax Act, and the Municipal
28 Service Occupation Tax Act by retailers and servicemen on
29 transactions at places located in a State Sales Tax Boundary
30 during the calendar year 1985.

31 (g-1) "Revised Initial Sales Tax Amounts" means the amount
32 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
33 Act, Service Use Tax Act, the Service Occupation Tax Act, the
34 Municipal Retailers' Occupation Tax Act, and the Municipal
35 Service Occupation Tax Act by retailers and servicemen on
36 transactions at places located within the State Sales Tax

1 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

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

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

23 (i) "Net State Sales Tax Increment" means the sum of the
24 following: (a) 80% of the first \$100,000 of State Sales Tax
25 Increment annually generated within a State Sales Tax Boundary;
26 (b) 60% of the amount in excess of \$100,000 but not exceeding
27 \$500,000 of State Sales Tax Increment annually generated within
28 a State Sales Tax Boundary; and (c) 40% of all amounts in
29 excess of \$500,000 of State Sales Tax Increment annually
30 generated within a State Sales Tax Boundary. If, however, a
31 municipality established a tax increment financing district in
32 a county with a population in excess of 3,000,000 before
33 January 1, 1986, and the municipality entered into a contract
34 or issued bonds after January 1, 1986, but before December 31,
35 1986, to finance redevelopment project costs within a State
36 Sales Tax Boundary, then the Net State Sales Tax Increment

1 means, for the fiscal years beginning July 1, 1990, and July 1,
2 1991, 100% of the State Sales Tax Increment annually generated
3 within a State Sales Tax Boundary; and notwithstanding any
4 other provision of this Act, for those fiscal years the
5 Department of Revenue shall distribute to those municipalities
6 100% of their Net State Sales Tax Increment before any
7 distribution to any other municipality and regardless of
8 whether or not those other municipalities will receive 100% of
9 their Net State Sales Tax Increment. For Fiscal Year 1999, and
10 every year thereafter until the year 2007, for any municipality
11 that has not entered into a contract or has not issued bonds
12 prior to June 1, 1988 to finance redevelopment project costs
13 within a State Sales Tax Boundary, the Net State Sales Tax
14 Increment shall be calculated as follows: By multiplying the
15 Net State Sales Tax Increment by 90% in the State Fiscal Year
16 1999; 80% in the State Fiscal Year 2000; 70% in the State
17 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
18 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
19 in the State Fiscal Year 2005; 20% in the State Fiscal Year
20 2006; and 10% in the State Fiscal Year 2007. No payment shall
21 be made for State Fiscal Year 2008 and thereafter.

22 Municipalities that issued bonds in connection with a
23 redevelopment project in a redevelopment project area within
24 the State Sales Tax Boundary prior to July 29, 1991, or that
25 entered into contracts in connection with a redevelopment
26 project in a redevelopment project area before June 1, 1988,
27 shall continue to receive their proportional share of the
28 Illinois Tax Increment Fund distribution until the date on
29 which the redevelopment project is completed or terminated. If,
30 however, a municipality that issued bonds in connection with a
31 redevelopment project in a redevelopment project area within
32 the State Sales Tax Boundary prior to July 29, 1991 retires the
33 bonds prior to June 30, 2007 or a municipality that entered
34 into contracts in connection with a redevelopment project in a
35 redevelopment project area before June 1, 1988 completes the
36 contracts prior to June 30, 2007, then so long as the

1 redevelopment project is not completed or is not terminated,
2 the Net State Sales Tax Increment shall be calculated,
3 beginning on the date on which the bonds are retired or the
4 contracts are completed, as follows: By multiplying the Net
5 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
6 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
7 2004; 30% in the State Fiscal Year 2005; 20% in the State
8 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
9 payment shall be made for State Fiscal Year 2008 and
10 thereafter. Refunding of any bonds issued prior to July 29,
11 1991, shall not alter the Net State Sales Tax Increment.

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

24 (k) "Net State Utility Tax Increment" means the sum of the
25 following: (a) 80% of the first \$100,000 of State Utility Tax
26 Increment annually generated by a redevelopment project area;
27 (b) 60% of the amount in excess of \$100,000 but not exceeding
28 \$500,000 of the State Utility Tax Increment annually generated
29 by a redevelopment project area; and (c) 40% of all amounts in
30 excess of \$500,000 of State Utility Tax Increment annually
31 generated by a redevelopment project area. For the State Fiscal
32 Year 1999, and every year thereafter until the year 2007, for
33 any municipality that has not entered into a contract or has
34 not issued bonds prior to June 1, 1988 to finance redevelopment
35 project costs within a redevelopment project area, the Net
36 State Utility Tax Increment shall be calculated as follows: By

1 multiplying the Net State Utility Tax Increment by 90% in the
2 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
3 in the State Fiscal Year 2001; 60% in the State Fiscal Year
4 2002; 50% in the State Fiscal Year 2003; 40% in the State
5 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
6 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
7 No payment shall be made for the State Fiscal Year 2008 and
8 thereafter.

9 Municipalities that issue bonds in connection with the
10 redevelopment project during the period from June 1, 1988 until
11 3 years after the effective date of this Amendatory Act of 1988
12 shall receive the Net State Utility Tax Increment, subject to
13 appropriation, for 15 State Fiscal Years after the issuance of
14 such bonds. For the 16th through the 20th State Fiscal Years
15 after issuance of the bonds, the Net State Utility Tax
16 Increment shall be calculated as follows: By multiplying the
17 Net State Utility Tax Increment by 90% in year 16; 80% in year
18 17; 70% in year 18; 60% in year 19; and 50% in year 20.
19 Refunding of any bonds issued prior to June 1, 1988, shall not
20 alter the revised Net State Utility Tax Increment payments set
21 forth above.

22 (l) "Obligations" mean bonds, loans, debentures, notes,
23 special certificates or other evidence of indebtedness issued
24 by the municipality to carry out a redevelopment project or to
25 refund outstanding obligations.

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

1 property in said area.

2 (n) "Redevelopment plan" means the comprehensive program
3 of the municipality for development or redevelopment intended
4 by the payment of redevelopment project costs to reduce or
5 eliminate those conditions the existence of which qualified the
6 redevelopment project area as a "blighted area" or
7 "conservation area" or combination thereof or "industrial park
8 conservation area," and thereby to enhance the tax bases of the
9 taxing districts which extend into the redevelopment project
10 area. On and after November 1, 1999 (the effective date of
11 Public Act 91-478), no redevelopment plan may be approved or
12 amended that includes the development of vacant land (i) with a
13 golf course and related clubhouse and other facilities or (ii)
14 designated by federal, State, county, or municipal government
15 as public land for outdoor recreational activities or for
16 nature preserves and used for that purpose within 5 years prior
17 to the adoption of the redevelopment plan. For the purpose of
18 this subsection, "recreational activities" is limited to mean
19 camping and hunting. Each redevelopment plan shall set forth in
20 writing the program to be undertaken to accomplish the
21 objectives and shall include but not be limited to:

22 (A) an itemized list of estimated redevelopment
23 project costs;

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

27 (C) an assessment of any financial impact of the
28 redevelopment project area on or any increased demand for
29 services from any taxing district affected by the plan and
30 any program to address such financial impact or increased
31 demand;

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

33 (E) the nature and term of the obligations to be
34 issued;

35 (F) the most recent equalized assessed valuation of the
36 redevelopment project area;

1 (G) an estimate as to the equalized assessed valuation
2 after redevelopment and the general land uses to apply in
3 the redevelopment project area;

4 (H) a commitment to fair employment practices and an
5 affirmative action plan;

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

13 (J) if property is to be annexed to the municipality,
14 the plan shall include the terms of the annexation
15 agreement.

16 The provisions of items (B) and (C) of this subsection (n)
17 shall not apply to a municipality that before March 14, 1994
18 (the effective date of Public Act 88-537) had fixed, either by
19 its corporate authorities or by a commission designated under
20 subsection (k) of Section 11-74.4-4, a time and place for a
21 public hearing as required by subsection (a) of Section
22 11-74.4-5. No redevelopment plan shall be adopted unless a
23 municipality complies with all of the following requirements:

24 (1) The municipality finds that the redevelopment
25 project area on the whole has not been subject to growth
26 and development through investment by private enterprise
27 and would not reasonably be anticipated to be developed
28 without the adoption of the redevelopment plan.

29 (2) The municipality finds that the redevelopment plan
30 and project conform to the comprehensive plan for the
31 development of the municipality as a whole, or, for
32 municipalities with a population of 100,000 or more,
33 regardless of when the redevelopment plan and project was
34 adopted, the redevelopment plan and project either: (i)
35 conforms to the strategic economic development or
36 redevelopment plan issued by the designated planning

1 authority of the municipality, or (ii) includes land uses
2 that have been approved by the planning commission of the
3 municipality.

4 (3) The redevelopment plan establishes the estimated
5 dates of completion of the redevelopment project and
6 retirement of obligations issued to finance redevelopment
7 project costs. Those dates: shall not be later than
8 December 31 of the year in which the payment to the
9 municipal treasurer as provided in subsection (b) of
10 Section 11-74.4-8 of this Act is to be made with respect to
11 ad valorem taxes levied in the twenty-third calendar year
12 after the year in which the ordinance approving the
13 redevelopment project area is adopted if the ordinance was
14 adopted on or after January 15, 1981; shall not be later
15 than December 31 of the year in which the payment to the
16 municipal treasurer as provided in subsection (b) of
17 Section 11-74.4-8 of this Act is to be made with respect to
18 ad valorem taxes levied in the thirty-third calendar year
19 after the year in which the ordinance approving the
20 redevelopment project area if the ordinance was adopted on
21 May 20, 1985 by the Village of Wheeling; and shall not be
22 later than December 31 of the year in which the payment to
23 the municipal treasurer as provided in subsection (b) of
24 Section 11-74.4-8 of this Act is to be made with respect to
25 ad valorem taxes levied in the thirty-fifth calendar year
26 after the year in which the ordinance approving the
27 redevelopment project area is adopted:

28 (A) if the ordinance was adopted before January 15,
29 1981, or

30 (B) if the ordinance was adopted in December 1983,
31 April 1984, July 1985, or December 1989, or

32 (C) if the ordinance was adopted in December 1987
33 and the redevelopment project is located within one
34 mile of Midway Airport, or

35 (D) if the ordinance was adopted before January 1,
36 1987 by a municipality in Mason County, or

1 (E) if the municipality is subject to the Local
2 Government Financial Planning and Supervision Act or
3 the Financially Distressed City Law, or

4 (F) if the ordinance was adopted in December 1984
5 by the Village of Rosemont, or

6 (G) if the ordinance was adopted on December 31,
7 1986 by a municipality located in Clinton County for
8 which at least \$250,000 of tax increment bonds were
9 authorized on June 17, 1997, or if the ordinance was
10 adopted on December 31, 1986 by a municipality with a
11 population in 1990 of less than 3,600 that is located
12 in a county with a population in 1990 of less than
13 34,000 and for which at least \$250,000 of tax increment
14 bonds were authorized on June 17, 1997, or

15 (H) if the ordinance was adopted on October 5, 1982
16 by the City of Kankakee, or if the ordinance was
17 adopted on December 29, 1986 by East St. Louis, or

18 (I) if the ordinance was adopted on November 12,
19 1991 by the Village of Sauget, or

20 (J) if the ordinance was adopted on February 11,
21 1985 by the City of Rock Island, or

22 (K) if the ordinance was adopted before December
23 18, 1986 by the City of Moline, or

24 (L) if the ordinance was adopted in September 1988
25 by Sauk Village, or

26 (M) if the ordinance was adopted in October 1993 by
27 Sauk Village, or

28 (N) if the ordinance was adopted on December 29,
29 1986 by the City of Galva, or

30 (O) if the ordinance was adopted in March 1991 by
31 the City of Centreville, or

32 (P) if the ordinance was adopted on January 23,
33 1991 by the City of East St. Louis, or

34 (Q) if the ordinance was adopted on December 22,
35 1986 by the City of Aledo, or

36 (R) if the ordinance was adopted on February 5,

1 1990 by the City of Clinton, or
2 (S) if the ordinance was adopted on September 6,
3 1994 by the City of Freeport, or
4 (T) if the ordinance was adopted on December 22,
5 1986 by the City of Tuscola, or
6 (U) if the ordinance was adopted on December 23,
7 1986 by the City of Sparta, or
8 (V) if the ordinance was adopted on December 23,
9 1986 by the City of Beardstown, or
10 (W) if the ordinance was adopted on April 27, 1981,
11 October 21, 1985, or December 30, 1986 by the City of
12 Belleville, or
13 (X) if the ordinance was adopted on December 29,
14 1986 by the City of Collinsville, or
15 (Y) if the ordinance was adopted on September 14,
16 1994 by the City of Alton, or
17 (Z) if the ordinance was adopted on November 11,
18 1996 by the City of Lexington, or
19 (AA) if the ordinance was adopted on November 5,
20 1984 by the City of LeRoy, or
21 (BB) if the ordinance was adopted on April 3, 1991
22 or June 3, 1992 by the City of Markham, or
23 (CC) if the ordinance was adopted on November 11,
24 1986 by the City of Pekin, or
25 (DD) if the ordinance was adopted on December 15,
26 1981 by the City of Champaign, or
27 (EE) if the ordinance was adopted on December 15,
28 1986 by the City of Urbana, or
29 (FF) if the ordinance was adopted on December 15,
30 1986 by the Village of Heyworth, or
31 (GG) if the ordinance was adopted on February 24,
32 1992 by the Village of Heyworth, or
33 (HH) if the ordinance was adopted on March 16, 1995
34 by the Village of Heyworth, or
35 (II) if the ordinance was adopted on December 23,
36 1986 by the Town of Cicero, or

1 (JJ) if the ordinance was adopted on December 30,
2 1986 by the City of Effingham, or

3 (KK) if the ordinance was adopted on May 9, 1991 by
4 the Village of Tilton, or

5 (LL) if the ordinance was adopted on October 20,
6 1986 by the City of Elmhurst, or

7 (MM) if the ordinance was adopted on January 19,
8 1988 by the City of Waukegan, or

9 (NN) if the ordinance was adopted on September 21,
10 1998 by the City of Waukegan, or

11 (OO) if the ordinance was adopted on December 31,
12 1986 by the City of Sullivan, or

13 (PP) if the ordinance was adopted on December 23,
14 1991 by the City of Sullivan, or.

15 (QQ) ~~(OO)~~ if the ordinance was adopted on December
16 31, 1986 by the City of Oglesby, or.

17 (RR) ~~(OO)~~ if the ordinance was adopted on July 28,
18 1987 by the City of Marion, or

19 (SS) ~~(PP)~~ if the ordinance was adopted on April 23,
20 1990 by the City of Marion, or.

21 (TT) ~~(OO)~~ if the ordinance was adopted on August
22 20, 1985 by the Village of Mount Prospect, or.

23 (UU) ~~(OO)~~ if the ordinance was adopted on February
24 2, 1998 by the Village of Woodhull, or.

25 (VV) if the ordinance was adopted on September 12,
26 1983 by the village of Arlington Heights, or

27 (WW) if the ordinance was adopted on November 7,
28 1983 by the village of Arlington Heights, or

29 (XX) if the ordinance was adopted on April 28, 1997
30 by the village of Arlington Heights.

31 However, for redevelopment project areas for which
32 bonds were issued before July 29, 1991, or for which
33 contracts were entered into before June 1, 1988, in
34 connection with a redevelopment project in the area within
35 the State Sales Tax Boundary, the estimated dates of
36 completion of the redevelopment project and retirement of

1 obligations to finance redevelopment project costs may be
2 extended by municipal ordinance to December 31, 2013. The
3 termination procedures of subsection (b) of Section
4 11-74.4-8 are not required for these redevelopment project
5 areas in 2009 but are required in 2013. The extension
6 allowed by this amendatory Act of 1993 shall not apply to
7 real property tax increment allocation financing under
8 Section 11-74.4-8.

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

17 Those dates, for purposes of real property tax
18 increment allocation financing pursuant to Section
19 11-74.4-8 only, shall be not more than 35 years for
20 redevelopment project areas that were adopted on or after
21 December 16, 1986 and for which at least \$8 million worth
22 of municipal bonds were authorized on or after December 19,
23 1989 but before January 1, 1990; provided that the
24 municipality elects to extend the life of the redevelopment
25 project area to 35 years by the adoption of an ordinance
26 after at least 14 but not more than 30 days' written notice
27 to the taxing bodies, that would otherwise constitute the
28 joint review board for the redevelopment project area,
29 before the adoption of the ordinance.

30 Those dates, for purposes of real property tax
31 increment allocation financing pursuant to Section
32 11-74.4-8 only, shall be not more than 35 years for
33 redevelopment project areas that were established on or
34 after December 1, 1981 but before January 1, 1982 and for
35 which at least \$1,500,000 worth of tax increment revenue
36 bonds were authorized on or after September 30, 1990 but

1 before July 1, 1991; provided that the municipality elects
2 to extend the life of the redevelopment project area to 35
3 years by the adoption of an ordinance after at least 14 but
4 not more than 30 days' written notice to the taxing bodies,
5 that would otherwise constitute the joint review board for
6 the redevelopment project area, before the adoption of the
7 ordinance.

8 (3.5) The municipality finds, in the case of an
9 industrial park conservation area, also that the
10 municipality is a labor surplus municipality and that the
11 implementation of the redevelopment plan will reduce
12 unemployment, create new jobs and by the provision of new
13 facilities enhance the tax base of the taxing districts
14 that extend into the redevelopment project area.

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

24 (5) If the redevelopment plan will not result in
25 displacement of residents from 10 or more inhabited
26 residential units, and the municipality certifies in the
27 plan that such displacement will not result from the plan,
28 a housing impact study need not be performed. If, however,
29 the redevelopment plan would result in the displacement of
30 residents from 10 or more inhabited residential units, or
31 if the redevelopment project area contains 75 or more
32 inhabited residential units and no certification is made,
33 then the municipality shall prepare, as part of the
34 separate feasibility report required by subsection (a) of
35 Section 11-74.4-5, a housing impact study.

36 Part I of the housing impact study shall include (i)

1 data as to whether the residential units are single family
2 or multi-family units, (ii) the number and type of rooms
3 within the units, if that information is available, (iii)
4 whether the units are inhabited or uninhabited, as
5 determined not less than 45 days before the date that the
6 ordinance or resolution required by subsection (a) of
7 Section 11-74.4-5 is passed, and (iv) data as to the racial
8 and ethnic composition of the residents in the inhabited
9 residential units. The data requirement as to the racial
10 and ethnic composition of the residents in the inhabited
11 residential units shall be deemed to be fully satisfied by
12 data from the most recent federal census.

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

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

29 (7) On and after November 1, 1999, no redevelopment
30 plan shall be adopted, nor an existing plan amended, nor
31 shall residential housing that is occupied by households of
32 low-income and very low-income persons in currently
33 existing redevelopment project areas be removed after
34 November 1, 1999 unless the redevelopment plan provides,
35 with respect to inhabited housing units that are to be
36 removed for households of low-income and very low-income

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

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

21 (9) For redevelopment project areas designated prior
22 to November 1, 1999, the redevelopment plan may be amended
23 without further joint review board meeting or hearing,
24 provided that the municipality shall give notice of any
25 such changes by mail to each affected taxing district and
26 registrant on the interested party registry, to authorize
27 the municipality to expend tax increment revenues for
28 redevelopment project costs defined by paragraphs (5) and
29 (7.5), subparagraphs (E) and (F) of paragraph (11), and
30 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
31 long as the changes do not increase the total estimated
32 redevelopment project costs set out in the redevelopment
33 plan by more than 5% after adjustment for inflation from
34 the date the plan was adopted.

35 (o) "Redevelopment project" means any public and private
36 development project in furtherance of the objectives of a

1 redevelopment plan. On and after November 1, 1999 (the
2 effective date of Public Act 91-478), no redevelopment plan may
3 be approved or amended that includes the development of vacant
4 land (i) with a golf course and related clubhouse and other
5 facilities or (ii) designated by federal, State, county, or
6 municipal government as public land for outdoor recreational
7 activities or for nature preserves and used for that purpose
8 within 5 years prior to the adoption of the redevelopment plan.
9 For the purpose of this subsection, "recreational activities"
10 is limited to mean camping and hunting.

11 (p) "Redevelopment project area" means an area designated
12 by the municipality, which is not less in the aggregate than 1
13 1/2 acres and in respect to which the municipality has made a
14 finding that there exist conditions which cause the area to be
15 classified as an industrial park conservation area or a
16 blighted area or a conservation area, or a combination of both
17 blighted areas and conservation areas.

18 (q) "Redevelopment project costs" mean and include the sum
19 total of all reasonable or necessary costs incurred or
20 estimated to be incurred, and any such costs incidental to a
21 redevelopment plan and a redevelopment project. Such costs
22 include, without limitation, the following:

23 (1) Costs of studies, surveys, development of plans,
24 and specifications, implementation and administration of
25 the redevelopment plan including but not limited to staff
26 and professional service costs for architectural,
27 engineering, legal, financial, planning or other services,
28 provided however that no charges for professional services
29 may be based on a percentage of the tax increment
30 collected; except that on and after November 1, 1999 (the
31 effective date of Public Act 91-478), no contracts for
32 professional services, excluding architectural and
33 engineering services, may be entered into if the terms of
34 the contract extend beyond a period of 3 years. In
35 addition, "redevelopment project costs" shall not include
36 lobbying expenses. After consultation with the

1 municipality, each tax increment consultant or advisor to a
2 municipality that plans to designate or has designated a
3 redevelopment project area shall inform the municipality
4 in writing of any contracts that the consultant or advisor
5 has entered into with entities or individuals that have
6 received, or are receiving, payments financed by tax
7 increment revenues produced by the redevelopment project
8 area with respect to which the consultant or advisor has
9 performed, or will be performing, service for the
10 municipality. This requirement shall be satisfied by the
11 consultant or advisor before the commencement of services
12 for the municipality and thereafter whenever any other
13 contracts with those individuals or entities are executed
14 by the consultant or advisor;

15 (1.5) After July 1, 1999, annual administrative costs
16 shall not include general overhead or administrative costs
17 of the municipality that would still have been incurred by
18 the municipality if the municipality had not designated a
19 redevelopment project area or approved a redevelopment
20 plan;

21 (1.6) The cost of marketing sites within the
22 redevelopment project area to prospective businesses,
23 developers, and investors;

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

32 (3) Costs of rehabilitation, reconstruction or repair
33 or remodeling of existing public or private buildings,
34 fixtures, and leasehold improvements; and the cost of
35 replacing an existing public building if pursuant to the
36 implementation of a redevelopment project the existing

1 public building is to be demolished to use the site for
2 private investment or devoted to a different use requiring
3 private investment;

4 (4) Costs of the construction of public works or
5 improvements, except that on and after November 1, 1999,
6 redevelopment project costs shall not include the cost of
7 constructing a new municipal public building principally
8 used to provide offices, storage space, or conference
9 facilities or vehicle storage, maintenance, or repair for
10 administrative, public safety, or public works personnel
11 and that is not intended to replace an existing public
12 building as provided under paragraph (3) of subsection (q)
13 of Section 11-74.4-3 unless either (i) the construction of
14 the new municipal building implements a redevelopment
15 project that was included in a redevelopment plan that was
16 adopted by the municipality prior to November 1, 1999 or
17 (ii) the municipality makes a reasonable determination in
18 the redevelopment plan, supported by information that
19 provides the basis for that determination, that the new
20 municipal building is required to meet an increase in the
21 need for public safety purposes anticipated to result from
22 the implementation of the redevelopment plan;

23 (5) Costs of job training and retraining projects,
24 including the cost of "welfare to work" programs
25 implemented by businesses located within the redevelopment
26 project area;

27 (6) Financing costs, including but not limited to all
28 necessary and incidental expenses related to the issuance
29 of obligations and which may include payment of interest on
30 any obligations issued hereunder including interest
31 accruing during the estimated period of construction of any
32 redevelopment project for which such obligations are
33 issued and for not exceeding 36 months thereafter and
34 including reasonable reserves related thereto;

35 (7) To the extent the municipality by written agreement
36 accepts and approves the same, all or a portion of a taxing

1 district's capital costs resulting from the redevelopment
2 project necessarily incurred or to be incurred within a
3 taxing district in furtherance of the objectives of the
4 redevelopment plan and project.

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

21 (A) for foundation districts, excluding any school
22 district in a municipality with a population in excess
23 of 1,000,000, by multiplying the district's increase
24 in attendance resulting from the net increase in new
25 students enrolled in that school district who reside in
26 housing units within the redevelopment project area
27 that have received financial assistance through an
28 agreement with the municipality or because the
29 municipality incurs the cost of necessary
30 infrastructure improvements within the boundaries of
31 the housing sites necessary for the completion of that
32 housing as authorized by this Act since the designation
33 of the redevelopment project area by the most recently
34 available per capita tuition cost as defined in Section
35 10-20.12a of the School Code less any increase in
36 general State aid as defined in Section 18-8.05 of the

1 School Code attributable to these added new students
2 subject to the following annual limitations:

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

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

15 (iii) for secondary school districts with a
16 district average 1995-96 Per Capita Tuition Charge
17 of less than \$5,900, no more than 8% of the total
18 amount of property tax increment revenue produced
19 by those housing units that have received tax
20 increment finance assistance under this Act.

21 (B) For alternate method districts, flat grant
22 districts, and foundation districts with a district
23 average 1995-96 Per Capita Tuition Charge equal to or
24 more than \$5,900, excluding any school district with a
25 population in excess of 1,000,000, by multiplying the
26 district's increase in attendance resulting from the
27 net increase in new students enrolled in that school
28 district who reside in housing units within the
29 redevelopment project area that have received
30 financial assistance through an agreement with the
31 municipality or because the municipality incurs the
32 cost of necessary infrastructure improvements within
33 the boundaries of the housing sites necessary for the
34 completion of that housing as authorized by this Act
35 since the designation of the redevelopment project
36 area by the most recently available per capita tuition

1 cost as defined in Section 10-20.12a of the School Code
2 less any increase in general state aid as defined in
3 Section 18-8.05 of the School Code attributable to
4 these added new students subject to the following
5 annual limitations:

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

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

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

21 (C) For any school district in a municipality with
22 a population in excess of 1,000,000, the following
23 restrictions shall apply to the reimbursement of
24 increased costs under this paragraph (7.5):

25 (i) no increased costs shall be reimbursed
26 unless the school district certifies that each of
27 the schools affected by the assisted housing
28 project is at or over its student capacity;

29 (ii) the amount reimbursable shall be reduced
30 by the value of any land donated to the school
31 district by the municipality or developer, and by
32 the value of any physical improvements made to the
33 schools by the municipality or developer; and

34 (iii) the amount reimbursed may not affect
35 amounts otherwise obligated by the terms of any
36 bonds, notes, or other funding instruments, or the

1 terms of any redevelopment agreement.

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

18 (7.7) For redevelopment project areas designated (or
19 redevelopment project areas amended to add or increase the
20 number of tax-increment-financing assisted housing units)
21 on or after January 1, 2005 (the effective date of Public
22 Act 93-961), a public library district's increased costs
23 attributable to assisted housing units located within the
24 redevelopment project area for which the developer or
25 redeveloper receives financial assistance through an
26 agreement with the municipality or because the
27 municipality incurs the cost of necessary infrastructure
28 improvements within the boundaries of the assisted housing
29 sites necessary for the completion of that housing as
30 authorized by this Act shall be paid to the library
31 district by the municipality from the Special Tax
32 Allocation Fund when the tax increment revenue is received
33 as a result of the assisted housing units. This paragraph
34 (7.7) applies only if (i) the library district is located
35 in a county that is subject to the Property Tax Extension
36 Limitation Law or (ii) the library district is not located

1 in a county that is subject to the Property Tax Extension
2 Limitation Law but the district is prohibited by any other
3 law from increasing its tax levy rate without a prior voter
4 referendum.

5 The amount paid to a library district under this
6 paragraph (7.7) shall be calculated by multiplying (i) the
7 net increase in the number of persons eligible to obtain a
8 library card in that district who reside in housing units
9 within the redevelopment project area that have received
10 financial assistance through an agreement with the
11 municipality or because the municipality incurs the cost of
12 necessary infrastructure improvements within the
13 boundaries of the housing sites necessary for the
14 completion of that housing as authorized by this Act since
15 the designation of the redevelopment project area by (ii)
16 the per-patron cost of providing library services so long
17 as it does not exceed \$120. The per-patron cost shall be
18 the Total Operating Expenditures Per Capita as stated in
19 the most recent Illinois Public Library Statistics
20 produced by the Library Research Center at the University
21 of Illinois. The municipality may deduct from the amount
22 that it must pay to a library district under this paragraph
23 any amount that it has voluntarily paid to the library
24 district from the tax increment revenue. The amount paid to
25 a library district under this paragraph (7.7) shall be no
26 more than 2% of the amount produced by the assisted housing
27 units and deposited into the Special Tax Allocation Fund.

28 A library district is not eligible for any payment
29 under this paragraph (7.7) unless the library district has
30 experienced an increase in the number of patrons from the
31 municipality that created the tax-increment-financing
32 district since the designation of the redevelopment
33 project area.

34 Any library district seeking payment under this
35 paragraph (7.7) shall, after July 1 and before September 30
36 of each year, provide the municipality with convincing

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

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

18 (9) Payment in lieu of taxes;

19 (10) Costs of job training, retraining, advanced
20 vocational education or career education, including but
21 not limited to courses in occupational, semi-technical or
22 technical fields leading directly to employment, incurred
23 by one or more taxing districts, provided that such costs
24 (i) are related to the establishment and maintenance of
25 additional job training, advanced vocational education or
26 career education programs for persons employed or to be
27 employed by employers located in a redevelopment project
28 area; and (ii) when incurred by a taxing district or taxing
29 districts other than the municipality, are set forth in a
30 written agreement by or among the municipality and the
31 taxing district or taxing districts, which agreement
32 describes the program to be undertaken, including but not
33 limited to the number of employees to be trained, a
34 description of the training and services to be provided,
35 the number and type of positions available or to be
36 available, itemized costs of the program and sources of

1 funds to pay for the same, and the term of the agreement.
2 Such costs include, specifically, the payment by community
3 college districts of costs pursuant to Sections 3-37, 3-38,
4 3-40 and 3-40.1 of the Public Community College Act and by
5 school districts of costs pursuant to Sections 10-22.20a
6 and 10-23.3a of The School Code;

7 (11) Interest cost incurred by a redeveloper related to
8 the construction, renovation or rehabilitation of a
9 redevelopment project provided that:

10 (A) such costs are to be paid directly from the
11 special tax allocation fund established pursuant to
12 this Act;

13 (B) such payments in any one year may not exceed
14 30% of the annual interest costs incurred by the
15 redeveloper with regard to the redevelopment project
16 during that year;

17 (C) if there are not sufficient funds available in
18 the special tax allocation fund to make the payment
19 pursuant to this paragraph (11) then the amounts so due
20 shall accrue and be payable when sufficient funds are
21 available in the special tax allocation fund;

22 (D) the total of such interest payments paid
23 pursuant to this Act may not exceed 30% of the total
24 (i) cost paid or incurred by the redeveloper for the
25 redevelopment project plus (ii) redevelopment project
26 costs excluding any property assembly costs and any
27 relocation costs incurred by a municipality pursuant
28 to this Act; and

29 (E) the cost limits set forth in subparagraphs (B)
30 and (D) of paragraph (11) shall be modified for the
31 financing of rehabilitated or new housing units for
32 low-income households and very low-income households,
33 as defined in Section 3 of the Illinois Affordable
34 Housing Act. The percentage of 75% shall be substituted
35 for 30% in subparagraphs (B) and (D) of paragraph (11).

36 (F) Instead of the eligible costs provided by

1 subparagraphs (B) and (D) of paragraph (11), as
2 modified by this subparagraph, and notwithstanding any
3 other provisions of this Act to the contrary, the
4 municipality may pay from tax increment revenues up to
5 50% of the cost of construction of new housing units to
6 be occupied by low-income households and very
7 low-income households as defined in Section 3 of the
8 Illinois Affordable Housing Act. The cost of
9 construction of those units may be derived from the
10 proceeds of bonds issued by the municipality under this
11 Act or other constitutional or statutory authority or
12 from other sources of municipal revenue that may be
13 reimbursed from tax increment revenues or the proceeds
14 of bonds issued to finance the construction of that
15 housing.

16 The eligible costs provided under this
17 subparagraph (F) of paragraph (11) shall be an eligible
18 cost for the construction, renovation, and
19 rehabilitation of all low and very low-income housing
20 units, as defined in Section 3 of the Illinois
21 Affordable Housing Act, within the redevelopment
22 project area. If the low and very low-income units are
23 part of a residential redevelopment project that
24 includes units not affordable to low and very
25 low-income households, only the low and very
26 low-income units shall be eligible for benefits under
27 subparagraph (F) of paragraph (11). The standards for
28 maintaining the occupancy by low-income households and
29 very low-income households, as defined in Section 3 of
30 the Illinois Affordable Housing Act, of those units
31 constructed with eligible costs made available under
32 the provisions of this subparagraph (F) of paragraph
33 (11) shall be established by guidelines adopted by the
34 municipality. The responsibility for annually
35 documenting the initial occupancy of the units by
36 low-income households and very low-income households,

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

18 (11.5) If the redevelopment project area is located
19 within a municipality with a population of more than
20 100,000, the cost of day care services for children of
21 employees from low-income families working for businesses
22 located within the redevelopment project area and all or a
23 portion of the cost of operation of day care centers
24 established by redevelopment project area businesses to
25 serve employees from low-income families working in
26 businesses located in the redevelopment project area. For
27 the purposes of this paragraph, "low-income families"
28 means families whose annual income does not exceed 80% of
29 the municipal, county, or regional median income, adjusted
30 for family size, as the annual income and municipal,
31 county, or regional median income are determined from time
32 to time by the United States Department of Housing and
33 Urban Development.

34 (12) Unless explicitly stated herein the cost of
35 construction of new privately-owned buildings shall not be
36 an eligible redevelopment project cost.

1 (13) After November 1, 1999 (the effective date of
2 Public Act 91-478), none of the redevelopment project costs
3 enumerated in this subsection shall be eligible
4 redevelopment project costs if those costs would provide
5 direct financial support to a retail entity initiating
6 operations in the redevelopment project area while
7 terminating operations at another Illinois location within
8 10 miles of the redevelopment project area but outside the
9 boundaries of the redevelopment project area municipality.
10 For purposes of this paragraph, termination means a closing
11 of a retail operation that is directly related to the
12 opening of the same operation or like retail entity owned
13 or operated by more than 50% of the original ownership in a
14 redevelopment project area, but it does not mean closing an
15 operation for reasons beyond the control of the retail
16 entity, as documented by the retail entity, subject to a
17 reasonable finding by the municipality that the current
18 location contained inadequate space, had become
19 economically obsolete, or was no longer a viable location
20 for the retailer or serviceman.

21 If a special service area has been established pursuant to
22 the Special Service Area Tax Act or Special Service Area Tax
23 Law, then any tax increment revenues derived from the tax
24 imposed pursuant to the Special Service Area Tax Act or Special
25 Service Area Tax Law may be used within the redevelopment
26 project area for the purposes permitted by that Act or Law as
27 well as the purposes permitted by this Act.

28 (r) "State Sales Tax Boundary" means the redevelopment
29 project area or the amended redevelopment project area
30 boundaries which are determined pursuant to subsection (9) of
31 Section 11-74.4-8a of this Act. The Department of Revenue shall
32 certify pursuant to subsection (9) of Section 11-74.4-8a the
33 appropriate boundaries eligible for the determination of State
34 Sales Tax Increment.

35 (s) "State Sales Tax Increment" means an amount equal to
36 the increase in the aggregate amount of taxes paid by retailers

1 and servicemen, other than retailers and servicemen subject to
2 the Public Utilities Act, on transactions at places of business
3 located within a State Sales Tax Boundary pursuant to the
4 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
5 Tax Act, and the Service Occupation Tax Act, except such
6 portion of such increase that is paid into the State and Local
7 Sales Tax Reform Fund, the Local Government Distributive Fund,
8 the Local Government Tax Fund and the County and Mass Transit
9 District Fund, for as long as State participation exists, over
10 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
11 Tax Amounts or the Revised Initial Sales Tax Amounts for such
12 taxes as certified by the Department of Revenue and paid under
13 those Acts by retailers and servicemen on transactions at
14 places of business located within the State Sales Tax Boundary
15 during the base year which shall be the calendar year
16 immediately prior to the year in which the municipality adopted
17 tax increment allocation financing, less 3.0% of such amounts
18 generated under the Retailers' Occupation Tax Act, Use Tax Act
19 and Service Use Tax Act and the Service Occupation Tax Act,
20 which sum shall be appropriated to the Department of Revenue to
21 cover its costs of administering and enforcing this Section.
22 For purposes of computing the aggregate amount of such taxes
23 for base years occurring prior to 1985, the Department of
24 Revenue shall compute the Initial Sales Tax Amount for such
25 taxes and deduct therefrom an amount equal to 4% of the
26 aggregate amount of taxes per year for each year the base year
27 is prior to 1985, but not to exceed a total deduction of 12%.
28 The amount so determined shall be known as the "Adjusted
29 Initial Sales Tax Amount". For purposes of determining the
30 State Sales Tax Increment the Department of Revenue shall for
31 each period subtract from the tax amounts received from
32 retailers and servicemen on transactions located in the State
33 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
34 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
35 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
36 the Service Use Tax Act and the Service Occupation Tax Act. For

1 the State Fiscal Year 1989 this calculation shall be made by
2 utilizing the calendar year 1987 to determine the tax amounts
3 received. For the State Fiscal Year 1990, this calculation
4 shall be made by utilizing the period from January 1, 1988,
5 until September 30, 1988, to determine the tax amounts received
6 from retailers and servicemen, which shall have deducted
7 therefrom nine-twelfths of the certified Initial Sales Tax
8 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
9 Initial Sales Tax Amounts as appropriate. For the State Fiscal
10 Year 1991, this calculation shall be made by utilizing the
11 period from October 1, 1988, until June 30, 1989, to determine
12 the tax amounts received from retailers and servicemen, which
13 shall have deducted therefrom nine-twelfths of the certified
14 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
15 Amounts or the Revised Initial Sales Tax Amounts as
16 appropriate. For every State Fiscal Year thereafter, the
17 applicable period shall be the 12 months beginning July 1 and
18 ending on June 30, to determine the tax amounts received which
19 shall have deducted therefrom the certified Initial Sales Tax
20 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
21 Initial Sales Tax Amounts. Municipalities intending to receive
22 a distribution of State Sales Tax Increment must report a list
23 of retailers to the Department of Revenue by October 31, 1988
24 and by July 31, of each year thereafter.

25 (t) "Taxing districts" means counties, townships, cities
26 and incorporated towns and villages, school, road, park,
27 sanitary, mosquito abatement, forest preserve, public health,
28 fire protection, river conservancy, tuberculosis sanitarium
29 and any other municipal corporations or districts with the
30 power to levy taxes.

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

35 (v) As used in subsection (a) of Section 11-74.4-3 of this
36 Act, "vacant land" means any parcel or combination of parcels

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

25 (w) "Annual Total Increment" means the sum of each
26 municipality's annual Net Sales Tax Increment and each
27 municipality's annual Net Utility Tax Increment. The ratio of
28 the Annual Total Increment of each municipality to the Annual
29 Total Increment for all municipalities, as most recently
30 calculated by the Department, shall determine the proportional
31 shares of the Illinois Tax Increment Fund to be distributed to
32 each municipality.

33 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
34 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.
35 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,
36 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;

1 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.
2 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,
3 eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06;
4 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; revised 12-9-05.)

5 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

6 (Text of Section before amendment by P.A. 94-702 and
7 94-711)

8 Sec. 11-74.4-7. Obligations secured by the special tax
9 allocation fund set forth in Section 11-74.4-8 for the
10 redevelopment project area may be issued to provide for
11 redevelopment project costs. Such obligations, when so issued,
12 shall be retired in the manner provided in the ordinance
13 authorizing the issuance of such obligations by the receipts of
14 taxes levied as specified in Section 11-74.4-9 against the
15 taxable property included in the area, by revenues as specified
16 by Section 11-74.4-8a and other revenue designated by the
17 municipality. A municipality may in the ordinance pledge all or
18 any part of the funds in and to be deposited in the special tax
19 allocation fund created pursuant to Section 11-74.4-8 to the
20 payment of the redevelopment project costs and obligations. Any
21 pledge of funds in the special tax allocation fund shall
22 provide for distribution to the taxing districts and to the
23 Illinois Department of Revenue of moneys not required, pledged,
24 earmarked, or otherwise designated for payment and securing of
25 the obligations and anticipated redevelopment project costs
26 and such excess funds shall be calculated annually and deemed
27 to be "surplus" funds. In the event a municipality only applies
28 or pledges a portion of the funds in the special tax allocation
29 fund for the payment or securing of anticipated redevelopment
30 project costs or of obligations, any such funds remaining in
31 the special tax allocation fund after complying with the
32 requirements of the application or pledge, shall also be
33 calculated annually and deemed "surplus" funds. All surplus
34 funds in the special tax allocation fund shall be distributed
35 annually within 180 days after the close of the municipality's

1 fiscal year by being paid by the municipal treasurer to the
2 County Collector, to the Department of Revenue and to the
3 municipality in direct proportion to the tax incremental
4 revenue received as a result of an increase in the equalized
5 assessed value of property in the redevelopment project area,
6 tax incremental revenue received from the State and tax
7 incremental revenue received from the municipality, but not to
8 exceed as to each such source the total incremental revenue
9 received from that source. The County Collector shall
10 thereafter make distribution to the respective taxing
11 districts in the same manner and proportion as the most recent
12 distribution by the county collector to the affected districts
13 of real property taxes from real property in the redevelopment
14 project area.

15 Without limiting the foregoing in this Section, the
16 municipality may in addition to obligations secured by the
17 special tax allocation fund pledge for a period not greater
18 than the term of the obligations towards payment of such
19 obligations any part or any combination of the following: (a)
20 net revenues of all or part of any redevelopment project; (b)
21 taxes levied and collected on any or all property in the
22 municipality; (c) the full faith and credit of the
23 municipality; (d) a mortgage on part or all of the
24 redevelopment project; or (e) any other taxes or anticipated
25 receipts that the municipality may lawfully pledge.

26 Such obligations may be issued in one or more series
27 bearing interest at such rate or rates as the corporate
28 authorities of the municipality shall determine by ordinance.
29 Such obligations shall bear such date or dates, mature at such
30 time or times not exceeding 20 years from their respective
31 dates, be in such denomination, carry such registration
32 privileges, be executed in such manner, be payable in such
33 medium of payment at such place or places, contain such
34 covenants, terms and conditions, and be subject to redemption
35 as such ordinance shall provide. Obligations issued pursuant to
36 this Act may be sold at public or private sale at such price as

1 shall be determined by the corporate authorities of the
2 municipalities. No referendum approval of the electors shall be
3 required as a condition to the issuance of obligations pursuant
4 to this Division except as provided in this Section.

5 In the event the municipality authorizes issuance of
6 obligations pursuant to the authority of this Division secured
7 by the full faith and credit of the municipality, which
8 obligations are other than obligations which may be issued
9 under home rule powers provided by Article VII, Section 6 of
10 the Illinois Constitution, or pledges taxes pursuant to (b) or
11 (c) of the second paragraph of this section, the ordinance
12 authorizing the issuance of such obligations or pledging such
13 taxes shall be published within 10 days after such ordinance
14 has been passed in one or more newspapers, with general
15 circulation within such municipality. The publication of the
16 ordinance shall be accompanied by a notice of (1) the specific
17 number of voters required to sign a petition requesting the
18 question of the issuance of such obligations or pledging taxes
19 to be submitted to the electors; (2) the time in which such
20 petition must be filed; and (3) the date of the prospective
21 referendum. The municipal clerk shall provide a petition form
22 to any individual requesting one.

23 If no petition is filed with the municipal clerk, as
24 hereinafter provided in this Section, within 30 days after the
25 publication of the ordinance, the ordinance shall be in effect.
26 But, if within that 30 day period a petition is filed with the
27 municipal clerk, signed by electors in the municipality
28 numbering 10% or more of the number of registered voters in the
29 municipality, asking that the question of issuing obligations
30 using full faith and credit of the municipality as security for
31 the cost of paying for redevelopment project costs, or of
32 pledging taxes for the payment of such obligations, or both, be
33 submitted to the electors of the municipality, the corporate
34 authorities of the municipality shall call a special election
35 in the manner provided by law to vote upon that question, or,
36 if a general, State or municipal election is to be held within

1 a period of not less than 30 or more than 90 days from the date
2 such petition is filed, shall submit the question at the next
3 general, State or municipal election. If it appears upon the
4 canvass of the election by the corporate authorities that a
5 majority of electors voting upon the question voted in favor
6 thereof, the ordinance shall be in effect, but if a majority of
7 the electors voting upon the question are not in favor thereof,
8 the ordinance shall not take effect.

9 The ordinance authorizing the obligations may provide that
10 the obligations shall contain a recital that they are issued
11 pursuant to this Division, which recital shall be conclusive
12 evidence of their validity and of the regularity of their
13 issuance.

14 In the event the municipality authorizes issuance of
15 obligations pursuant to this Section secured by the full faith
16 and credit of the municipality, the ordinance authorizing the
17 obligations may provide for the levy and collection of a direct
18 annual tax upon all taxable property within the municipality
19 sufficient to pay the principal thereof and interest thereon as
20 it matures, which levy may be in addition to and exclusive of
21 the maximum of all other taxes authorized to be levied by the
22 municipality, which levy, however, shall be abated to the
23 extent that monies from other sources are available for payment
24 of the obligations and the municipality certifies the amount of
25 said monies available to the county clerk.

26 A certified copy of such ordinance shall be filed with the
27 county clerk of each county in which any portion of the
28 municipality is situated, and shall constitute the authority
29 for the extension and collection of the taxes to be deposited
30 in the special tax allocation fund.

31 A municipality may also issue its obligations to refund in
32 whole or in part, obligations theretofore issued by such
33 municipality under the authority of this Act, whether at or
34 prior to maturity, provided however, that the last maturity of
35 the refunding obligations shall not be expressed to mature
36 later than December 31 of the year in which the payment to the

1 municipal treasurer as provided in subsection (b) of Section
2 11-74.4-8 of this Act is to be made with respect to ad valorem
3 taxes levied in the twenty-third calendar year after the year
4 in which the ordinance approving the redevelopment project area
5 is adopted if the ordinance was adopted on or after January 15,
6 1981, not later than December 31 of the year in which the
7 payment to the municipal treasurer as provided in subsection
8 (b) of Section 11-74.4-8 of this Act is to be made with respect
9 to ad valorem taxes levied in the thirty-third calendar year
10 after the year in which the ordinance approving the
11 redevelopment project area if the ordinance was adopted on May
12 20, 1985 by the Village of Wheeling, and not later than
13 December 31 of the year in which the payment to the municipal
14 treasurer as provided in subsection (b) of Section 11-74.4-8 of
15 this Act is to be made with respect to ad valorem taxes levied
16 in the thirty-fifth calendar year after the year in which the
17 ordinance approving the redevelopment project area is adopted
18 (A) if the ordinance was adopted before January 15, 1981, or
19 (B) if the ordinance was adopted in December 1983, April 1984,
20 July 1985, or December 1989, or (C) if the ordinance was
21 adopted in December, 1987 and the redevelopment project is
22 located within one mile of Midway Airport, or (D) if the
23 ordinance was adopted before January 1, 1987 by a municipality
24 in Mason County, or (E) if the municipality is subject to the
25 Local Government Financial Planning and Supervision Act or the
26 Financially Distressed City Law, or (F) if the ordinance was
27 adopted in December 1984 by the Village of Rosemont, or (G) if
28 the ordinance was adopted on December 31, 1986 by a
29 municipality located in Clinton County for which at least
30 \$250,000 of tax increment bonds were authorized on June 17,
31 1997, or if the ordinance was adopted on December 31, 1986 by a
32 municipality with a population in 1990 of less than 3,600 that
33 is located in a county with a population in 1990 of less than
34 34,000 and for which at least \$250,000 of tax increment bonds
35 were authorized on June 17, 1997, or (H) if the ordinance was
36 adopted on October 5, 1982 by the City of Kankakee, or (I) if

1 the ordinance was adopted on December 29, 1986 by East St.
2 Louis, or if the ordinance was adopted on November 12, 1991 by
3 the Village of Sauget, or (J) if the ordinance was adopted on
4 February 11, 1985 by the City of Rock Island, or (K) if the
5 ordinance was adopted before December 18, 1986 by the City of
6 Moline, or (L) if the ordinance was adopted in September 1988
7 by Sauk Village, or (M) if the ordinance was adopted in October
8 1993 by Sauk Village, or (N) if the ordinance was adopted on
9 December 29, 1986 by the City of Galva, or (O) if the ordinance
10 was adopted in March 1991 by the City of Centreville, or (P) if
11 the ordinance was adopted on January 23, 1991 by the City of
12 East St. Louis, or (Q) if the ordinance was adopted on December
13 22, 1986 by the City of Aledo, or (R) if the ordinance was
14 adopted on February 5, 1990 by the City of Clinton, or (S) if
15 the ordinance was adopted on September 6, 1994 by the City of
16 Freeport, or (T) if the ordinance was adopted on December 22,
17 1986 by the City of Tuscola, or (U) if the ordinance was
18 adopted on December 23, 1986 by the City of Sparta, or (V) if
19 the ordinance was adopted on December 23, 1986 by the City of
20 Beardstown, or (W) if the ordinance was adopted on April 27,
21 1981, October 21, 1985, or December 30, 1986 by the City of
22 Belleville, or (X) if the ordinance was adopted on December 29,
23 1986 by the City of Collinsville, or (Y) if the ordinance was
24 adopted on September 14, 1994 by the City of Alton, or (Z) if
25 the ordinance was adopted on November 11, 1996 by the City of
26 Lexington, or (AA) if the ordinance was adopted on November 5,
27 1984 by the City of LeRoy, or (BB) if the ordinance was adopted
28 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)
29 if the ordinance was adopted on November 11, 1986 by the City
30 of Pekin, or (DD) if the ordinance was adopted on December 15,
31 1981 by the City of Champaign, or (EE) if the ordinance was
32 adopted on December 15, 1986 by the City of Urbana, or (FF) if
33 the ordinance was adopted on December 15, 1986 by the Village
34 of Heyworth, or (GG) if the ordinance was adopted on February
35 24, 1992 by the Village of Heyworth, or (HH) if the ordinance
36 was adopted on March 16, 1995 by the Village of Heyworth, or

1 (II) if the ordinance was adopted on December 23, 1986 by the
2 Town of Cicero, or (JJ) if the ordinance was adopted on
3 December 30, 1986 by the City of Effingham, or (KK) if the
4 ordinance was adopted on May 9, 1991 by the Village of Tilton,
5 or (LL) if the ordinance was adopted on October 20, 1986 by the
6 City of Elmhurst, or (MM) if the ordinance was adopted on
7 January 19, 1988 by the City of Waukegan, or (NN) if the
8 ordinance was adopted on September 21, 1998 by the City of
9 Waukegan, or (OO) if the ordinance was adopted on December 31,
10 1986 by the City of Sullivan, or (PP) if the ordinance was
11 adopted on December 23, 1991 by the City of Sullivan, or (QQ)
12 ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the
13 City of Oglesby, or (RR) ~~(OO)~~ if the ordinance was adopted on
14 July 28, 1987 by the City of Marion, or (SS) ~~(PP)~~ if the
15 ordinance was adopted on April 23, 1990 by the City of Marion,
16 or (TT) if the ordinance was adopted on September 12, 1983 by
17 the village of Arlington Heights, or (UU) if the ordinance was
18 adopted on November 7, 1983 by the village of Arlington
19 Heights, or (VV) if the ordinance was adopted on April 28, 1997
20 by the village of Arlington Heights and, for redevelopment
21 project areas for which bonds were issued before July 29, 1991,
22 in connection with a redevelopment project in the area within
23 the State Sales Tax Boundary and which were extended by
24 municipal ordinance under subsection (n) of Section 11-74.4-3,
25 the last maturity of the refunding obligations shall not be
26 expressed to mature later than the date on which the
27 redevelopment project area is terminated or December 31, 2013,
28 whichever date occurs first.

29 In the event a municipality issues obligations under home
30 rule powers or other legislative authority the proceeds of
31 which are pledged to pay for redevelopment project costs, the
32 municipality may, if it has followed the procedures in
33 conformance with this division, retire said obligations from
34 funds in the special tax allocation fund in amounts and in such
35 manner as if such obligations had been issued pursuant to the
36 provisions of this division.

1 All obligations heretofore or hereafter issued pursuant to
2 this Act shall not be regarded as indebtedness of the
3 municipality issuing such obligations or any other taxing
4 district for the purpose of any limitation imposed by law.

5 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
6 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff.
7 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986,
8 eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04;
9 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.
10 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-704,
11 eff. 12-5-05; revised 12-9-05.)

12 (Text of Section after amendment by P.A. 94-702 and 94-711)

13 Sec. 11-74.4-7. Obligations secured by the special tax
14 allocation fund set forth in Section 11-74.4-8 for the
15 redevelopment project area may be issued to provide for
16 redevelopment project costs. Such obligations, when so issued,
17 shall be retired in the manner provided in the ordinance
18 authorizing the issuance of such obligations by the receipts of
19 taxes levied as specified in Section 11-74.4-9 against the
20 taxable property included in the area, by revenues as specified
21 by Section 11-74.4-8a and other revenue designated by the
22 municipality. A municipality may in the ordinance pledge all or
23 any part of the funds in and to be deposited in the special tax
24 allocation fund created pursuant to Section 11-74.4-8 to the
25 payment of the redevelopment project costs and obligations. Any
26 pledge of funds in the special tax allocation fund shall
27 provide for distribution to the taxing districts and to the
28 Illinois Department of Revenue of moneys not required, pledged,
29 earmarked, or otherwise designated for payment and securing of
30 the obligations and anticipated redevelopment project costs
31 and such excess funds shall be calculated annually and deemed
32 to be "surplus" funds. In the event a municipality only applies
33 or pledges a portion of the funds in the special tax allocation
34 fund for the payment or securing of anticipated redevelopment
35 project costs or of obligations, any such funds remaining in

1 the special tax allocation fund after complying with the
2 requirements of the application or pledge, shall also be
3 calculated annually and deemed "surplus" funds. All surplus
4 funds in the special tax allocation fund shall be distributed
5 annually within 180 days after the close of the municipality's
6 fiscal year by being paid by the municipal treasurer to the
7 County Collector, to the Department of Revenue and to the
8 municipality in direct proportion to the tax incremental
9 revenue received as a result of an increase in the equalized
10 assessed value of property in the redevelopment project area,
11 tax incremental revenue received from the State and tax
12 incremental revenue received from the municipality, but not to
13 exceed as to each such source the total incremental revenue
14 received from that source. The County Collector shall
15 thereafter make distribution to the respective taxing
16 districts in the same manner and proportion as the most recent
17 distribution by the county collector to the affected districts
18 of real property taxes from real property in the redevelopment
19 project area.

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

31 Such obligations may be issued in one or more series
32 bearing interest at such rate or rates as the corporate
33 authorities of the municipality shall determine by ordinance.
34 Such obligations shall bear such date or dates, mature at such
35 time or times not exceeding 20 years from their respective
36 dates, be in such denomination, carry such registration

1 privileges, be executed in such manner, be payable in such
2 medium of payment at such place or places, contain such
3 covenants, terms and conditions, and be subject to redemption
4 as such ordinance shall provide. Obligations issued pursuant to
5 this Act may be sold at public or private sale at such price as
6 shall be determined by the corporate authorities of the
7 municipalities. No referendum approval of the electors shall be
8 required as a condition to the issuance of obligations pursuant
9 to this Division except as provided in this Section.

10 In the event the municipality authorizes issuance of
11 obligations pursuant to the authority of this Division secured
12 by the full faith and credit of the municipality, which
13 obligations are other than obligations which may be issued
14 under home rule powers provided by Article VII, Section 6 of
15 the Illinois Constitution, or pledges taxes pursuant to (b) or
16 (c) of the second paragraph of this section, the ordinance
17 authorizing the issuance of such obligations or pledging such
18 taxes shall be published within 10 days after such ordinance
19 has been passed in one or more newspapers, with general
20 circulation within such municipality. The publication of the
21 ordinance shall be accompanied by a notice of (1) the specific
22 number of voters required to sign a petition requesting the
23 question of the issuance of such obligations or pledging taxes
24 to be submitted to the electors; (2) the time in which such
25 petition must be filed; and (3) the date of the prospective
26 referendum. The municipal clerk shall provide a petition form
27 to any individual requesting one.

28 If no petition is filed with the municipal clerk, as
29 hereinafter provided in this Section, within 30 days after the
30 publication of the ordinance, the ordinance shall be in effect.
31 But, if within that 30 day period a petition is filed with the
32 municipal clerk, signed by electors in the municipality
33 numbering 10% or more of the number of registered voters in the
34 municipality, asking that the question of issuing obligations
35 using full faith and credit of the municipality as security for
36 the cost of paying for redevelopment project costs, or of

1 pledging taxes for the payment of such obligations, or both, be
2 submitted to the electors of the municipality, the corporate
3 authorities of the municipality shall call a special election
4 in the manner provided by law to vote upon that question, or,
5 if a general, State or municipal election is to be held within
6 a period of not less than 30 or more than 90 days from the date
7 such petition is filed, shall submit the question at the next
8 general, State or municipal election. If it appears upon the
9 canvass of the election by the corporate authorities that a
10 majority of electors voting upon the question voted in favor
11 thereof, the ordinance shall be in effect, but if a majority of
12 the electors voting upon the question are not in favor thereof,
13 the ordinance shall not take effect.

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

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

31 A certified copy of such ordinance shall be filed with the
32 county clerk of each county in which any portion of the
33 municipality is situated, and shall constitute the authority
34 for the extension and collection of the taxes to be deposited
35 in the special tax allocation fund.

36 A municipality may also issue its obligations to refund in

1 whole or in part, obligations theretofore issued by such
2 municipality under the authority of this Act, whether at or
3 prior to maturity, provided however, that the last maturity of
4 the refunding obligations shall not be expressed to mature
5 later than December 31 of the year in which the payment to the
6 municipal treasurer as provided in subsection (b) of Section
7 11-74.4-8 of this Act is to be made with respect to ad valorem
8 taxes levied in the twenty-third calendar year after the year
9 in which the ordinance approving the redevelopment project area
10 is adopted if the ordinance was adopted on or after January 15,
11 1981, not later than December 31 of the year in which the
12 payment to the municipal treasurer as provided in subsection
13 (b) of Section 11-74.4-8 of this Act is to be made with respect
14 to ad valorem taxes levied in the thirty-third calendar year
15 after the year in which the ordinance approving the
16 redevelopment project area if the ordinance was adopted on May
17 20, 1985 by the Village of Wheeling, and not later than
18 December 31 of the year in which the payment to the municipal
19 treasurer as provided in subsection (b) of Section 11-74.4-8 of
20 this Act is to be made with respect to ad valorem taxes levied
21 in the thirty-fifth calendar year after the year in which the
22 ordinance approving the redevelopment project area is adopted
23 (A) if the ordinance was adopted before January 15, 1981, or
24 (B) if the ordinance was adopted in December 1983, April 1984,
25 July 1985, or December 1989, or (C) if the ordinance was
26 adopted in December, 1987 and the redevelopment project is
27 located within one mile of Midway Airport, or (D) if the
28 ordinance was adopted before January 1, 1987 by a municipality
29 in Mason County, or (E) if the municipality is subject to the
30 Local Government Financial Planning and Supervision Act or the
31 Financially Distressed City Law, or (F) if the ordinance was
32 adopted in December 1984 by the Village of Rosemont, or (G) if
33 the ordinance was adopted on December 31, 1986 by a
34 municipality located in Clinton County for which at least
35 \$250,000 of tax increment bonds were authorized on June 17,
36 1997, or if the ordinance was adopted on December 31, 1986 by a

1 municipality with a population in 1990 of less than 3,600 that
2 is located in a county with a population in 1990 of less than
3 34,000 and for which at least \$250,000 of tax increment bonds
4 were authorized on June 17, 1997, or (H) if the ordinance was
5 adopted on October 5, 1982 by the City of Kankakee, or (I) if
6 the ordinance was adopted on December 29, 1986 by East St.
7 Louis, or if the ordinance was adopted on November 12, 1991 by
8 the Village of Sauget, or (J) if the ordinance was adopted on
9 February 11, 1985 by the City of Rock Island, or (K) if the
10 ordinance was adopted before December 18, 1986 by the City of
11 Moline, or (L) if the ordinance was adopted in September 1988
12 by Sauk Village, or (M) if the ordinance was adopted in October
13 1993 by Sauk Village, or (N) if the ordinance was adopted on
14 December 29, 1986 by the City of Galva, or (O) if the ordinance
15 was adopted in March 1991 by the City of Centreville, or (P) if
16 the ordinance was adopted on January 23, 1991 by the City of
17 East St. Louis, or (Q) if the ordinance was adopted on December
18 22, 1986 by the City of Aledo, or (R) if the ordinance was
19 adopted on February 5, 1990 by the City of Clinton, or (S) if
20 the ordinance was adopted on September 6, 1994 by the City of
21 Freeport, or (T) if the ordinance was adopted on December 22,
22 1986 by the City of Tuscola, or (U) if the ordinance was
23 adopted on December 23, 1986 by the City of Sparta, or (V) if
24 the ordinance was adopted on December 23, 1986 by the City of
25 Beardstown, or (W) if the ordinance was adopted on April 27,
26 1981, October 21, 1985, or December 30, 1986 by the City of
27 Belleville, or (X) if the ordinance was adopted on December 29,
28 1986 by the City of Collinsville, or (Y) if the ordinance was
29 adopted on September 14, 1994 by the City of Alton, or (Z) if
30 the ordinance was adopted on November 11, 1996 by the City of
31 Lexington, or (AA) if the ordinance was adopted on November 5,
32 1984 by the City of LeRoy, or (BB) if the ordinance was adopted
33 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)
34 if the ordinance was adopted on November 11, 1986 by the City
35 of Pekin, or (DD) if the ordinance was adopted on December 15,
36 1981 by the City of Champaign, or (EE) if the ordinance was

1 adopted on December 15, 1986 by the City of Urbana, or (FF) if
2 the ordinance was adopted on December 15, 1986 by the Village
3 of Heyworth, or (GG) if the ordinance was adopted on February
4 24, 1992 by the Village of Heyworth, or (HH) if the ordinance
5 was adopted on March 16, 1995 by the Village of Heyworth, or
6 (II) if the ordinance was adopted on December 23, 1986 by the
7 Town of Cicero, or (JJ) if the ordinance was adopted on
8 December 30, 1986 by the City of Effingham, or (KK) if the
9 ordinance was adopted on May 9, 1991 by the Village of Tilton,
10 or (LL) if the ordinance was adopted on October 20, 1986 by the
11 City of Elmhurst, or (MM) if the ordinance was adopted on
12 January 19, 1988 by the City of Waukegan, or (NN) if the
13 ordinance was adopted on September 21, 1998 by the City of
14 Waukegan, or (OO) if the ordinance was adopted on December 31,
15 1986 by the City of Sullivan, or (PP) if the ordinance was
16 adopted on December 23, 1991 by the City of Sullivan, or (OO)
17 ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the
18 City of Oglesby, or (RR) ~~(OO)~~ if the ordinance was adopted on
19 July 28, 1987 by the City of Marion, or (SS) ~~(PP)~~ if the
20 ordinance was adopted on April 23, 1990 by the City of Marion,
21 or (TT) ~~(OO)~~ if the ordinance was adopted on August 20, 1985 by
22 the Village of Mount Prospect, or (UU) ~~(OO)~~ if the ordinance
23 was adopted on February 2, 1998 by the Village of Woodhull, or
24 (VV) if the ordinance was adopted on September 12, 1983 by the
25 village of Arlington Heights, or (WW) if the ordinance was
26 adopted on November 7, 1983 by the village of Arlington
27 Heights, or (XX) if the ordinance was adopted on April 28, 1997
28 by the village of Arlington Heights and, for redevelopment
29 project areas for which bonds were issued before July 29, 1991,
30 in connection with a redevelopment project in the area within
31 the State Sales Tax Boundary and which were extended by
32 municipal ordinance under subsection (n) of Section 11-74.4-3,
33 the last maturity of the refunding obligations shall not be
34 expressed to mature later than the date on which the
35 redevelopment project area is terminated or December 31, 2013,
36 whichever date occurs first.

1 In the event a municipality issues obligations under home
2 rule powers or other legislative authority the proceeds of
3 which are pledged to pay for redevelopment project costs, the
4 municipality may, if it has followed the procedures in
5 conformance with this division, retire said obligations from
6 funds in the special tax allocation fund in amounts and in such
7 manner as if such obligations had been issued pursuant to the
8 provisions of this division.

9 All obligations heretofore or hereafter issued pursuant to
10 this Act shall not be regarded as indebtedness of the
11 municipality issuing such obligations or any other taxing
12 district for the purpose of any limitation imposed by law.

13 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
14 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff.
15 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986,
16 eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04;
17 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.
18 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702,
19 eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; revised
20 12-9-05.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes
26 made by this Act or (ii) provisions derived from any other
27 Public Act.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.