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1 AMENDMENT TO HOUSE BILL 4662

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4662 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-74.4-5 and by adding Section 11-74.4-5.5 as  
6 follows:

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

8 Sec. 11-74.4-5. (a) The changes made by this amendatory Act  
9 of the 91st General Assembly do not apply to a municipality  
10 that, (i) before the effective date of this amendatory Act of  
11 the 91st General Assembly, has adopted an ordinance or  
12 resolution fixing a time and place for a public hearing under  
13 this Section or (ii) before July 1, 1999, has adopted an  
14 ordinance or resolution providing for a feasibility study under  
15 Section 11-74.4-4.1, but has not yet adopted an ordinance  
16 approving redevelopment plans and redevelopment projects or  
17 designating redevelopment project areas under Section  
18 11-74.4-4, until after that municipality adopts an ordinance  
19 approving redevelopment plans and redevelopment projects or  
20 designating redevelopment project areas under Section  
21 11-74.4-4; thereafter the changes made by this amendatory Act  
22 of the 91st General Assembly apply to the same extent that they  
23 apply to redevelopment plans and redevelopment projects that  
24 were approved and redevelopment projects that were designated

1 before the effective date of this amendatory Act of the 91st  
2 General Assembly.

3 Prior to the adoption of an ordinance proposing the  
4 designation of a redevelopment project area, or approving a  
5 redevelopment plan or redevelopment project, the municipality  
6 by its corporate authorities, or as it may determine by any  
7 commission designated under subsection (k) of Section  
8 11-74.4-4 shall adopt an ordinance or resolution fixing a time  
9 and place for public hearing. At least 10 days prior to the  
10 adoption of the ordinance or resolution establishing the time  
11 and place for the public hearing, the municipality shall make  
12 available for public inspection a redevelopment plan or a  
13 separate report that provides in reasonable detail the basis  
14 for the eligibility of the redevelopment project area. The  
15 report along with the name of a person to contact for further  
16 information shall be sent within a reasonable time after the  
17 adoption of such ordinance or resolution to the affected taxing  
18 districts by certified mail. On and after the effective date of  
19 this amendatory Act of the 91st General Assembly, the  
20 municipality shall print in a newspaper of general circulation  
21 within the municipality a notice that interested persons may  
22 register with the municipality in order to receive information  
23 on the proposed designation of a redevelopment project area or  
24 the approval of a redevelopment plan. The notice shall state  
25 the place of registration and the operating hours of that  
26 place. The municipality shall have adopted reasonable rules to  
27 implement this registration process under Section 11-74.4-4.2.  
28 The municipality shall provide notice of the availability of  
29 the redevelopment plan and eligibility report, including how to  
30 obtain this information, by mail within a reasonable time after  
31 the adoption of the ordinance or resolution, to all residential  
32 addresses that, after a good faith effort, the municipality  
33 determines are located outside the proposed redevelopment  
34 project area and within 750 feet of the boundaries of the

1 proposed redevelopment project area. This requirement is  
2 subject to the limitation that in a municipality with a  
3 population of over 100,000, if the total number of residential  
4 addresses outside the proposed redevelopment project area and  
5 within 750 feet of the boundaries of the proposed redevelopment  
6 project area exceeds 750, the municipality shall be required to  
7 provide the notice to only the 750 residential addresses that,  
8 after a good faith effort, the municipality determines are  
9 outside the proposed redevelopment project area and closest to  
10 the boundaries of the proposed redevelopment project area.  
11 Notwithstanding the foregoing, notice given after August 7,  
12 2001 (the effective date of Public Act 92-263) and before the  
13 effective date of this amendatory Act of the 92nd General  
14 Assembly to residential addresses within 750 feet of the  
15 boundaries of a proposed redevelopment project area shall be  
16 deemed to have been sufficiently given in compliance with this  
17 Act if given only to residents outside the boundaries of the  
18 proposed redevelopment project area. The notice shall also be  
19 provided by the municipality, regardless of its population, to  
20 those organizations and residents that have registered with the  
21 municipality for that information in accordance with the  
22 registration guidelines established by the municipality under  
23 Section 11-74.4-4.2.

24 At the public hearing any interested person or affected  
25 taxing district may file with the municipal clerk written  
26 objections to and may be heard orally in respect to any issues  
27 embodied in the notice. The municipality shall hear all  
28 protests and objections at the hearing and the hearing may be  
29 adjourned to another date without further notice other than a  
30 motion to be entered upon the minutes fixing the time and place  
31 of the subsequent hearing. At the public hearing or at any time  
32 prior to the adoption by the municipality of an ordinance  
33 approving a redevelopment plan, the municipality may make  
34 changes in the redevelopment plan. Changes which (1) add

1 additional parcels of property to the proposed redevelopment  
2 project area, (2) substantially affect the general land uses  
3 proposed in the redevelopment plan, (3) substantially change  
4 the nature of or extend the life of the redevelopment project,  
5 or (4) increase the number of inhabited residential units to be  
6 displaced from the redevelopment project area, as measured from  
7 the time of creation of the redevelopment project area, to a  
8 total of more than 10, shall be made only after the  
9 municipality gives notice, convenes a joint review board, and  
10 conducts a public hearing pursuant to the procedures set forth  
11 in this Section and in Section 11-74.4-6 of this Act. Changes  
12 which do not (1) add additional parcels of property to the  
13 proposed redevelopment project area, (2) substantially affect  
14 the general land uses proposed in the redevelopment plan, (3)  
15 substantially change the nature of or extend the life of the  
16 redevelopment project, or (4) increase the number of inhabited  
17 residential units to be displaced from the redevelopment  
18 project area, as measured from the time of creation of the  
19 redevelopment project area, to a total of more than 10, may be  
20 made without further hearing, provided that the municipality  
21 shall give notice of any such changes by mail to each affected  
22 taxing district and registrant on the interested parties  
23 registry, provided for under Section 11-74.4-4.2, and by  
24 publication in a newspaper of general circulation within the  
25 affected taxing district. Such notice by mail and by  
26 publication shall each occur not later than 10 days following  
27 the adoption by ordinance of such changes. Hearings with regard  
28 to a redevelopment project area, project or plan may be held  
29 simultaneously.

30 (a-5) Beginning on the effective date of this amendatory  
31 Act of the 94th General Assembly, a municipality may not  
32 approve or amend a redevelopment plan if the redevelopment plan  
33 includes the construction or rehabilitation of a residential  
34 housing unit unless a referendum has been approved under

1 Section 11-74.4-5.5.

2 (b) Prior to holding a public hearing to approve or amend a  
3 redevelopment plan or to designate or add additional parcels of  
4 property to a redevelopment project area, the municipality  
5 shall convene a joint review board. The board shall consist of  
6 a representative selected by each community college district,  
7 local elementary school district and high school district or  
8 each local community unit school district, park district,  
9 library district, township, fire protection district, and  
10 county that will have the authority to directly levy taxes on  
11 the property within the proposed redevelopment project area at  
12 the time that the proposed redevelopment project area is  
13 approved, a representative selected by the municipality and a  
14 public member. The public member shall first be selected and  
15 then the board's chairperson shall be selected by a majority of  
16 the board members present and voting.

17 For redevelopment project areas with redevelopment plans  
18 or proposed redevelopment plans that would result in the  
19 displacement of residents from 10 or more inhabited residential  
20 units or that include 75 or more inhabited residential units,  
21 the public member shall be a person who resides in the  
22 redevelopment project area. If, as determined by the housing  
23 impact study provided for in paragraph (5) of subsection (n) of  
24 Section 11-74.4-3, or if no housing impact study is required  
25 then based on other reasonable data, the majority of  
26 residential units are occupied by very low, low, or moderate  
27 income households, as defined in Section 3 of the Illinois  
28 Affordable Housing Act, the public member shall be a person who  
29 resides in very low, low, or moderate income housing within the  
30 redevelopment project area. Municipalities with fewer than  
31 15,000 residents shall not be required to select a person who  
32 lives in very low, low, or moderate income housing within the  
33 redevelopment project area, provided that the redevelopment  
34 plan or project will not result in displacement of residents

1 from 10 or more inhabited units, and the municipality so  
2 certifies in the plan. If no person satisfying these  
3 requirements is available or if no qualified person will serve  
4 as the public member, then the joint review board is relieved  
5 of this paragraph's selection requirements for the public  
6 member.

7 Within 90 days of the effective date of this amendatory Act  
8 of the 91st General Assembly, each municipality that designated  
9 a redevelopment project area for which it was not required to  
10 convene a joint review board under this Section shall convene a  
11 joint review board to perform the duties specified under  
12 paragraph (e) of this Section.

13 All board members shall be appointed and the first board  
14 meeting shall be held at least 14 days but not more than 28  
15 days after the mailing of notice by the municipality to the  
16 taxing districts as required by Section 11-74.4-6(c).  
17 Notwithstanding the preceding sentence, a municipality that  
18 adopted either a public hearing resolution or a feasibility  
19 resolution between July 1, 1999 and July 1, 2000 that called  
20 for the meeting of the joint review board within 14 days of  
21 notice of public hearing to affected taxing districts is deemed  
22 to be in compliance with the notice, meeting, and public  
23 hearing provisions of the Act. Such notice shall also advise  
24 the taxing bodies represented on the joint review board of the  
25 time and place of the first meeting of the board. Additional  
26 meetings of the board shall be held upon the call of any  
27 member. The municipality seeking designation of the  
28 redevelopment project area shall provide administrative  
29 support to the board.

30 The board shall review (i) the public record, planning  
31 documents and proposed ordinances approving the redevelopment  
32 plan and project and (ii) proposed amendments to the  
33 redevelopment plan or additions of parcels of property to the  
34 redevelopment project area to be adopted by the municipality.

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

12 The board shall base its recommendation to approve or  
13 disapprove the redevelopment plan and the designation of the  
14 redevelopment project area or the amendment of the  
15 redevelopment plan or addition of parcels of property to the  
16 redevelopment project area on the basis of the redevelopment  
17 project area and redevelopment plan satisfying the plan  
18 requirements, the eligibility criteria defined in Section  
19 11-74.4-3, and the objectives of this Act.

20 The board shall issue a written report describing why the  
21 redevelopment plan and project area or the amendment thereof  
22 meets or fails to meet one or more of the objectives of this  
23 Act and both the plan requirements and the eligibility criteria  
24 defined in Section 11-74.4-3. In the event the Board does not  
25 file a report it shall be presumed that these taxing bodies  
26 find the redevelopment project area and redevelopment plan  
27 satisfy the objectives of this Act and the plan requirements  
28 and eligibility criteria.

29 If the board recommends rejection of the matters before it,  
30 the municipality will have 30 days within which to resubmit the  
31 plan or amendment. During this period, the municipality will  
32 meet and confer with the board and attempt to resolve those  
33 issues set forth in the board's written report that led to the  
34 rejection of the plan or amendment.

1           Notwithstanding the resubmission set forth above, the  
2 municipality may commence the scheduled public hearing and  
3 either adjourn the public hearing or continue the public  
4 hearing until a date certain. Prior to continuing any public  
5 hearing to a date certain, the municipality shall announce  
6 during the public hearing the time, date, and location for the  
7 reconvening of the public hearing. Any changes to the  
8 redevelopment plan necessary to satisfy the issues set forth in  
9 the joint review board report shall be the subject of a public  
10 hearing before the hearing is adjourned if the changes would  
11 (1) substantially affect the general land uses proposed in the  
12 redevelopment plan, (2) substantially change the nature of or  
13 extend the life of the redevelopment project, or (3) increase  
14 the number of inhabited residential units to be displaced from  
15 the redevelopment project area, as measured from the time of  
16 creation of the redevelopment project area, to a total of more  
17 than 10. Changes to the redevelopment plan necessary to satisfy  
18 the issues set forth in the joint review board report shall not  
19 require any further notice or convening of a joint review board  
20 meeting, except that any changes to the redevelopment plan that  
21 would add additional parcels of property to the proposed  
22 redevelopment project area shall be subject to the notice,  
23 public hearing, and joint review board meeting requirements  
24 established for such changes by subsection (a) of Section  
25 11-74.4-5.

26           In the event that the municipality and the board are unable  
27 to resolve these differences, or in the event that the  
28 resubmitted plan or amendment is rejected by the board, the  
29 municipality may proceed with the plan or amendment, but only  
30 upon a three-fifths vote of the corporate authority responsible  
31 for approval of the plan or amendment, excluding positions of  
32 members that are vacant and those members that are ineligible  
33 to vote because of conflicts of interest.

34           (c) After a municipality has by ordinance approved a



1 redevelopment plan and designated a redevelopment project  
2 area, the plan may be amended and additional properties may be  
3 added to the redevelopment project area only as herein  
4 provided. Amendments which (1) add additional parcels of  
5 property to the proposed redevelopment project area, (2)  
6 substantially affect the general land uses proposed in the  
7 redevelopment plan, (3) substantially change the nature of the  
8 redevelopment project, (4) increase the total estimated  
9 redevelopment project costs set out in the redevelopment plan  
10 by more than 5% after adjustment for inflation from the date  
11 the plan was adopted, (5) add additional redevelopment project  
12 costs to the itemized list of redevelopment project costs set  
13 out in the redevelopment plan, or (6) increase the number of  
14 inhabited residential units to be displaced from the  
15 redevelopment project area, as measured from the time of  
16 creation of the redevelopment project area, to a total of more  
17 than 10, shall be made only after the municipality gives  
18 notice, convenes a joint review board, and conducts a public  
19 hearing pursuant to the procedures set forth in this Section  
20 and in Section 11-74.4-6 of this Act. Changes which do not (1)  
21 add additional parcels of property to the proposed  
22 redevelopment project area, (2) substantially affect the  
23 general land uses proposed in the redevelopment plan, (3)  
24 substantially change the nature of the redevelopment project,  
25 (4) increase the total estimated redevelopment project cost set  
26 out in the redevelopment plan by more than 5% after adjustment  
27 for inflation from the date the plan was adopted, (5) add  
28 additional redevelopment project costs to the itemized list of  
29 redevelopment project costs set out in the redevelopment plan,  
30 or (6) increase the number of inhabited residential units to be  
31 displaced from the redevelopment project area, as measured from  
32 the time of creation of the redevelopment project area, to a  
33 total of more than 10, may be made without further public  
34 hearing and related notices and procedures including the

1 convening of a joint review board as set forth in Section  
2 11-74.4-6 of this Act, provided that the municipality shall  
3 give notice of any such changes by mail to each affected taxing  
4 district and registrant on the interested parties registry,  
5 provided for under Section 11-74.4-4.2, and by publication in a  
6 newspaper of general circulation within the affected taxing  
7 district. Such notice by mail and by publication shall each  
8 occur not later than 10 days following the adoption by  
9 ordinance of such changes.

10 (d) After the effective date of this amendatory Act of the  
11 91st General Assembly, a municipality shall submit the  
12 following information for each redevelopment project area (i)  
13 to the State Comptroller under Section 8-8-3.5 of the Illinois  
14 Municipal Code and (ii) to all taxing districts overlapping the  
15 redevelopment project area no later than 180 days after the  
16 close of each municipal fiscal year or as soon thereafter as  
17 the audited financial statements become available and, in any  
18 case, shall be submitted before the annual meeting of the Joint  
19 Review Board to each of the taxing districts that overlap the  
20 redevelopment project area:

21 (1) Any amendments to the redevelopment plan, the  
22 redevelopment project area, or the State Sales Tax  
23 Boundary.

24 (1.5) A list of the redevelopment project areas  
25 administered by the municipality and, if applicable, the  
26 date each redevelopment project area was designated or  
27 terminated by the municipality.

28 (2) Audited financial statements of the special tax  
29 allocation fund once a cumulative total of \$100,000 has  
30 been deposited in the fund.

31 (3) Certification of the Chief Executive Officer of the  
32 municipality that the municipality has complied with all of  
33 the requirements of this Act during the preceding fiscal  
34 year.

1           (4) An opinion of legal counsel that the municipality  
2 is in compliance with this Act.

3           (5) An analysis of the special tax allocation fund  
4 which sets forth:

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

7                 (B) all amounts deposited in the special tax  
8 allocation fund by source;

9                 (C) an itemized list of all expenditures from the  
10 special tax allocation fund by category of permissible  
11 redevelopment project cost; and

12                 (D) the balance in the special tax allocation fund  
13 at the end of the fiscal year including a breakdown of  
14 that balance by source and a breakdown of that balance  
15 identifying any portion of the balance that is  
16 required, pledged, earmarked, or otherwise designated  
17 for payment of or securing of obligations and  
18 anticipated redevelopment project costs. Any portion  
19 of such ending balance that has not been identified or  
20 is not identified as being required, pledged,  
21 earmarked, or otherwise designated for payment of or  
22 securing of obligations or anticipated redevelopment  
23 projects costs shall be designated as surplus as set  
24 forth in Section 11-74.4-7 hereof.

25           (6) A description of all property purchased by the  
26 municipality within the redevelopment project area  
27 including:

28                 (A) Street address.

29                 (B) Approximate size or description of property.

30                 (C) Purchase price.

31                 (D) Seller of property.

32           (7) A statement setting forth all activities  
33 undertaken in furtherance of the objectives of the  
34 redevelopment plan, including:

1           (A) Any project implemented in the preceding  
2 fiscal year.

3           (B) A description of the redevelopment activities  
4 undertaken.

5           (C) A description of any agreements entered into by  
6 the municipality with regard to the disposition or  
7 redevelopment of any property within the redevelopment  
8 project area or the area within the State Sales Tax  
9 Boundary.

10          (D) Additional information on the use of all funds  
11 received under this Division and steps taken by the  
12 municipality to achieve the objectives of the  
13 redevelopment plan.

14          (E) Information regarding contracts that the  
15 municipality's tax increment advisors or consultants  
16 have entered into with entities or persons that have  
17 received, or are receiving, payments financed by tax  
18 increment revenues produced by the same redevelopment  
19 project area.

20          (F) Any reports submitted to the municipality by  
21 the joint review board.

22          (G) A review of public and, to the extent possible,  
23 private investment actually undertaken to date after  
24 the effective date of this amendatory Act of the 91st  
25 General Assembly and estimated to be undertaken during  
26 the following year. This review shall, on a  
27 project-by-project basis, set forth the estimated  
28 amounts of public and private investment incurred  
29 after the effective date of this amendatory Act of the  
30 91st General Assembly and provide the ratio of private  
31 investment to public investment to the date of the  
32 report and as estimated to the completion of the  
33 redevelopment project.

34          (8) With regard to any obligations issued by the

1 municipality:

2 (A) copies of any official statements; and

3 (B) an analysis prepared by financial advisor or  
4 underwriter setting forth: (i) nature and term of  
5 obligation; and (ii) projected debt service including  
6 required reserves and debt coverage.

7 (9) For special tax allocation funds that have  
8 experienced cumulative deposits of incremental tax  
9 revenues of \$100,000 or more, a certified audit report  
10 reviewing compliance with this Act performed by an  
11 independent public accountant certified and licensed by  
12 the authority of the State of Illinois. The financial  
13 portion of the audit must be conducted in accordance with  
14 Standards for Audits of Governmental Organizations,  
15 Programs, Activities, and Functions adopted by the  
16 Comptroller General of the United States (1981), as  
17 amended, or the standards specified by Section 8-8-5 of the  
18 Illinois Municipal Auditing Law of the Illinois Municipal  
19 Code. The audit report shall contain a letter from the  
20 independent certified public accountant indicating  
21 compliance or noncompliance with the requirements of  
22 subsection (q) of Section 11-74.4-3. For redevelopment  
23 plans or projects that would result in the displacement of  
24 residents from 10 or more inhabited residential units or  
25 that contain 75 or more inhabited residential units, notice  
26 of the availability of the information, including how to  
27 obtain the report, required in this subsection shall also  
28 be sent by mail to all residents or organizations that  
29 operate in the municipality that register with the  
30 municipality for that information according to  
31 registration procedures adopted under Section 11-74.4-4.2.  
32 All municipalities are subject to this provision.

33 (d-1) Prior to the effective date of this amendatory Act of  
34 the 91st General Assembly, municipalities with populations of

1 over 1,000,000 shall, after adoption of a redevelopment plan or  
2 project, make available upon request to any taxing district in  
3 which the redevelopment project area is located the following  
4 information:

5 (1) Any amendments to the redevelopment plan, the  
6 redevelopment project area, or the State Sales Tax  
7 Boundary; and

8 (2) In connection with any redevelopment project area  
9 for which the municipality has outstanding obligations  
10 issued to provide for redevelopment project costs pursuant  
11 to Section 11-74.4-7, audited financial statements of the  
12 special tax allocation fund.

13 (e) The joint review board shall meet annually 180 days  
14 after the close of the municipal fiscal year or as soon as the  
15 redevelopment project audit for that fiscal year becomes  
16 available to review the effectiveness and status of the  
17 redevelopment project area up to that date.

18 (f) (Blank).

19 (g) In the event that a municipality has held a public  
20 hearing under this Section prior to March 14, 1994 (the  
21 effective date of Public Act 88-537), the requirements imposed  
22 by Public Act 88-537 relating to the method of fixing the time  
23 and place for public hearing, the materials and information  
24 required to be made available for public inspection, and the  
25 information required to be sent after adoption of an ordinance  
26 or resolution fixing a time and place for public hearing shall  
27 not be applicable.

28 (Source: P.A. 91-357, eff. 7-29-99; 91-478, eff. 11-1-99;  
29 91-900, eff. 7-6-00; 92-263, eff. 8-7-01; 92-624, eff.  
30 7-11-02.)

31 (65 ILCS 5/11-74.4-5.5 new)

32 Sec. 11-74.4-5.5. Referenda for certain redevelopment  
33 plans.

1       (a) A municipality may not approve or amend a redevelopment  
2 plan if that plan includes the construction or rehabilitation  
3 of a residential housing unit until the question of whether the  
4 redevelopment plan should be adopted or amended has been  
5 submitted to the electors of the municipality at a regular  
6 election following the public hearing required by Sections  
7 11-74.4-5 and 11-74.4-6 and approved by a majority of the  
8 electors voting on the question. The corporate authorities must  
9 certify the question to the proper election authority, which  
10 must submit the question at an election in accordance with the  
11 Election Code.

12       (b) The election authority must submit the question in  
13 substantially the following form:

14               Shall the (corporate authorities of the municipality)  
15 be authorized to (adopt or amend) the (identify the  
16 redevelopment plan), which includes the construction or  
17 rehabilitation of a residential housing unit?

18 The election authority must record the votes as "Yes" or "No".

19       (c) If a majority of the electors voting on the question  
20 vote in the affirmative, then the corporate authorities may  
21 adopt or amend the redevelopment plan in accordance with the  
22 provisions set forth in this Division 74.4.

23       (d) This Section applies to any redevelopment plan that is  
24 adopted or amended after the effective date of this amendatory  
25 Act of the 94th General Assembly.

26       Section 99. Effective date. This Act takes effect upon  
27 becoming law."