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LRB094 07778 AJ0 45626 a

1 AMENDMENT TO SENATE BILL 1866

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1866, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Municipal Code is amended by  
6 changing Section 11-74.4-3 as follows:

7 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

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

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

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

21 (1) If improved, industrial, commercial, and  
22 residential buildings or improvements are detrimental to  
23 the public safety, health, or welfare because of a  
24 combination of 5 or more of the following factors, each of

1 which is (i) present, with that presence documented, to a  
2 meaningful extent so that a municipality may reasonably  
3 find that the factor is clearly present within the intent  
4 of the Act and (ii) reasonably distributed throughout the  
5 improved part of the redevelopment project area:

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

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

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

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

32 (E) Illegal use of individual structures. The use  
33 of structures in violation of applicable federal,  
34 State, or local laws, exclusive of those applicable to

1 the presence of structures below minimum code  
2 standards.

3 (F) Excessive vacancies. The presence of buildings  
4 that are unoccupied or under-utilized and that  
5 represent an adverse influence on the area because of  
6 the frequency, extent, or duration of the vacancies.

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

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

30 (I) Excessive land coverage and overcrowding of  
31 structures and community facilities. The  
32 over-intensive use of property and the crowding of  
33 buildings and accessory facilities onto a site.  
34 Examples of problem conditions warranting the

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

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

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

32 (L) Lack of community planning. The proposed  
33 redevelopment project area was developed prior to or  
34 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

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

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

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

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

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

28          (F) The total equalized assessed value of the  
29          proposed redevelopment project area has declined for 3  
30          of the last 5 calendar years prior to the year in which  
31          the redevelopment project area is designated or is  
32          increasing at an annual rate that is less than the  
33          balance of the municipality for 3 of the last 5  
34          calendar years for which information is available or is

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

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

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

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

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

28 (D) The area consists of an unused or illegal  
29 disposal site containing earth, stone, building  
30 debris, or similar materials that were removed from  
31 construction, demolition, excavation, or dredge sites.

32 (E) Prior to November 1, 1999, the area is not less  
33 than 50 nor more than 100 acres and 75% of which is  
34 vacant (notwithstanding that the area has been used for

1 commercial agricultural purposes within 5 years prior  
2 to the designation of the redevelopment project area),  
3 and the area meets at least one of the factors itemized  
4 in paragraph (1) of this subsection, the area has been  
5 designated as a town or village center by ordinance or  
6 comprehensive plan adopted prior to January 1, 1982,  
7 and the area has not been developed for that designated  
8 purpose.

9 (F) The area qualified as a blighted improved area  
10 immediately prior to becoming vacant, unless there has  
11 been substantial private investment in the immediately  
12 surrounding area.

13 (b) 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), "conservation area" shall have the meaning set forth  
17 in this Section prior to that date.

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

26 (1) Dilapidation. An advanced state of disrepair or  
27 neglect of necessary repairs to the primary structural  
28 components of buildings or improvements in such a  
29 combination that a documented building condition analysis  
30 determines that major repair is required or the defects are  
31 so serious and so extensive that the buildings must be  
32 removed.

33 (2) Obsolescence. The condition or process of falling  
34 into disuse. Structures have become ill-suited for the



1 original use.

2 (3) Deterioration. With respect to buildings, defects  
3 including, but not limited to, major defects in the  
4 secondary building components such as doors, windows,  
5 porches, gutters and downspouts, and fascia. With respect  
6 to surface improvements, that the condition of roadways,  
7 alleys, curbs, gutters, sidewalks, off-street parking, and  
8 surface storage areas evidence deterioration, including,  
9 but not limited to, surface cracking, crumbling, potholes,  
10 depressions, loose paving material, and weeds protruding  
11 through paved surfaces.

12 (4) Presence of structures below minimum code  
13 standards. All structures that do not meet the standards of  
14 zoning, subdivision, building, fire, and other  
15 governmental codes applicable to property, but not  
16 including housing and property maintenance codes.

17 (5) Illegal use of individual structures. The use of  
18 structures in violation of applicable federal, State, or  
19 local laws, exclusive of those applicable to the presence  
20 of structures below minimum code standards.

21 (6) Excessive vacancies. The presence of buildings  
22 that are unoccupied or under-utilized and that represent an  
23 adverse influence on the area because of the frequency,  
24 extent, or duration of the vacancies.

25 (7) Lack of ventilation, light, or sanitary  
26 facilities. The absence of adequate ventilation for light  
27 or air circulation in spaces or rooms without windows, or  
28 that require the removal of dust, odor, gas, smoke, or  
29 other noxious airborne materials. Inadequate natural light  
30 and ventilation means the absence or inadequacy of  
31 skylights or windows for interior spaces or rooms and  
32 improper window sizes and amounts by room area to window  
33 area ratios. Inadequate sanitary facilities refers to the  
34 absence or inadequacy of garbage storage and enclosure,

1 bathroom facilities, hot water and kitchens, and  
2 structural inadequacies preventing ingress and egress to  
3 and from all rooms and units within a building.

4 (8) Inadequate utilities. Underground and overhead  
5 utilities such as storm sewers and storm drainage, sanitary  
6 sewers, water lines, and gas, telephone, and electrical  
7 services that are shown to be inadequate. Inadequate  
8 utilities are those that are: (i) of insufficient capacity  
9 to serve the uses in the redevelopment project area, (ii)  
10 deteriorated, antiquated, obsolete, or in disrepair, or  
11 (iii) lacking within the redevelopment project area.

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

30 (10) Deleterious land use or layout. The existence of  
31 incompatible land-use relationships, buildings occupied by  
32 inappropriate mixed-uses, or uses considered to be  
33 noxious, offensive, or unsuitable for the surrounding  
34 area.

1           (11) Lack of community planning. The proposed  
2 redevelopment project area was developed prior to or  
3 without the benefit or guidance of a community plan. This  
4 means that the development occurred prior to the adoption  
5 by the municipality of a comprehensive or other community  
6 plan or that the plan was not followed at the time of the  
7 area's development. This factor must be documented by  
8 evidence of adverse or incompatible land-use  
9 relationships, inadequate street layout, improper  
10 subdivision, parcels of inadequate shape and size to meet  
11 contemporary development standards, or other evidence  
12 demonstrating an absence of effective community planning.

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

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

34           (c) "Industrial park" means an area in a blighted or

1 conservation area suitable for use by any manufacturing,  
2 industrial, research or transportation enterprise, of  
3 facilities to include but not be limited to factories, mills,  
4 processing plants, assembly plants, packing plants,  
5 fabricating plants, industrial distribution centers,  
6 warehouses, repair overhaul or service facilities, freight  
7 terminals, research facilities, test facilities or railroad  
8 facilities.

9 (d) "Industrial park conservation area" means an area  
10 within the boundaries of a redevelopment project area located  
11 within the territorial limits of a municipality that is a labor  
12 surplus municipality or within 1 1/2 miles of the territorial  
13 limits of a municipality that is a labor surplus municipality  
14 if the area is annexed to the municipality; which area is zoned  
15 as industrial no later than at the time the municipality by  
16 ordinance designates the redevelopment project area, and which  
17 area includes both vacant land suitable for use as an  
18 industrial park and a blighted area or conservation area  
19 contiguous to such vacant land.

20 (e) "Labor surplus municipality" means a municipality in  
21 which, at any time during the 6 months before the municipality  
22 by ordinance designates an industrial park conservation area,  
23 the unemployment rate was over 6% and was also 100% or more of  
24 the national average unemployment rate for that same time as  
25 published in the United States Department of Labor Bureau of  
26 Labor Statistics publication entitled "The Employment  
27 Situation" or its successor publication. For the purpose of  
28 this subsection, if unemployment rate statistics for the  
29 municipality are not available, the unemployment rate in the  
30 municipality shall be deemed to be the same as the unemployment  
31 rate in the principal county in which the municipality is  
32 located.

33 (f) "Municipality" shall mean a city, village or  
34 incorporated town.

1 (g) "Initial Sales Tax Amounts" means the amount of taxes  
2 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
3 Service Use Tax Act, the Service Occupation Tax Act, the  
4 Municipal Retailers' Occupation Tax Act, and the Municipal  
5 Service Occupation Tax Act by retailers and servicemen on  
6 transactions at places located in a State Sales Tax Boundary  
7 during the calendar year 1985.

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

15 (h) "Municipal Sales Tax Increment" means an amount equal  
16 to the increase in the aggregate amount of taxes paid to a  
17 municipality from the Local Government Tax Fund arising from  
18 sales by retailers and servicemen within the redevelopment  
19 project area or State Sales Tax Boundary, as the case may be,  
20 for as long as the redevelopment project area or State Sales  
21 Tax Boundary, as the case may be, exist over and above the  
22 aggregate amount of taxes as certified by the Illinois  
23 Department of Revenue and paid under the Municipal Retailers'  
24 Occupation Tax Act and the Municipal Service Occupation Tax Act  
25 by retailers and servicemen, on transactions at places of  
26 business located in the redevelopment project area or State  
27 Sales Tax Boundary, as the case may be, during the base year  
28 which shall be the calendar year immediately prior to the year  
29 in which the municipality adopted tax increment allocation  
30 financing. For purposes of computing the aggregate amount of  
31 such taxes for base years occurring prior to 1985, the  
32 Department of Revenue shall determine the Initial Sales Tax  
33 Amounts for such taxes and deduct therefrom an amount equal to  
34 4% of the aggregate amount of taxes per year for each year the

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

1 certified Initial Sales Tax Amounts, the Adjusted Initial Sales  
2 Tax Amounts or the Revised Initial Sales Tax Amounts, as the  
3 case may be.

4 (i) "Net State Sales Tax Increment" means the sum of the  
5 following: (a) 80% of the first \$100,000 of State Sales Tax  
6 Increment annually generated within a State Sales Tax Boundary;  
7 (b) 60% of the amount in excess of \$100,000 but not exceeding  
8 \$500,000 of State Sales Tax Increment annually generated within  
9 a State Sales Tax Boundary; and (c) 40% of all amounts in  
10 excess of \$500,000 of State Sales Tax Increment annually  
11 generated within a State Sales Tax Boundary. If, however, a  
12 municipality established a tax increment financing district in  
13 a county with a population in excess of 3,000,000 before  
14 January 1, 1986, and the municipality entered into a contract  
15 or issued bonds after January 1, 1986, but before December 31,  
16 1986, to finance redevelopment project costs within a State  
17 Sales Tax Boundary, then the Net State Sales Tax Increment  
18 means, for the fiscal years beginning July 1, 1990, and July 1,  
19 1991, 100% of the State Sales Tax Increment annually generated  
20 within a State Sales Tax Boundary; and notwithstanding any  
21 other provision of this Act, for those fiscal years the  
22 Department of Revenue shall distribute to those municipalities  
23 100% of their Net State Sales Tax Increment before any  
24 distribution to any other municipality and regardless of  
25 whether or not those other municipalities will receive 100% of  
26 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
27 every year thereafter until the year 2007, for any municipality  
28 that has not entered into a contract or has not issued bonds  
29 prior to June 1, 1988 to finance redevelopment project costs  
30 within a State Sales Tax Boundary, the Net State Sales Tax  
31 Increment shall be calculated as follows: By multiplying the  
32 Net State Sales Tax Increment by 90% in the State Fiscal Year  
33 1999; 80% in the State Fiscal Year 2000; 70% in the State  
34 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the

1 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
2 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
3 2006; and 10% in the State Fiscal Year 2007. No payment shall  
4 be made for State Fiscal Year 2008 and thereafter.

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

31 (j) "State Utility Tax Increment Amount" means an amount  
32 equal to the aggregate increase in State electric and gas tax  
33 charges imposed on owners and tenants, other than residential  
34 customers, of properties located within the redevelopment



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

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

30 Municipalities that issue bonds in connection with the  
31 redevelopment project during the period from June 1, 1988 until  
32 3 years after the effective date of this Amendatory Act of 1988  
33 shall receive the Net State Utility Tax Increment, subject to  
34 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

1 amended that includes the development of vacant land (i) with a  
2 golf course and related clubhouse and other facilities or (ii)  
3 designated by federal, State, county, or municipal government  
4 as public land for outdoor recreational activities or for  
5 nature preserves and used for that purpose within 5 years prior  
6 to the adoption of the redevelopment plan. For the purpose of  
7 this subsection, "recreational activities" is limited to mean  
8 camping and hunting. Each redevelopment plan shall set forth in  
9 writing the program to be undertaken to accomplish the  
10 objectives and shall include but not be limited to:

11 (A) an itemized list of estimated redevelopment  
12 project costs;

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

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

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

22 (E) the nature and term of the obligations to be  
23 issued;

24 (F) the most recent equalized assessed valuation of the  
25 redevelopment project area;

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

29 (H) a commitment to fair employment practices and an  
30 affirmative action plan;

31 (I) if it concerns an industrial park conservation  
32 area, the plan shall also include a general description of  
33 any proposed developer, user and tenant of any property, a  
34 description of the type, structure and general character of

1 the facilities to be developed, a description of the type,  
2 class and number of new employees to be employed in the  
3 operation of the facilities to be developed; and

4 (J) if property is to be annexed to the municipality,  
5 the plan shall include the terms of the annexation  
6 agreement.

7 The provisions of items (B) and (C) of this subsection (n)  
8 shall not apply to a municipality that before March 14, 1994  
9 (the effective date of Public Act 88-537) had fixed, either by  
10 its corporate authorities or by a commission designated under  
11 subsection (k) of Section 11-74.4-4, a time and place for a  
12 public hearing as required by subsection (a) of Section  
13 11-74.4-5. No redevelopment plan shall be adopted unless a  
14 municipality complies with all of the following requirements:

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

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

31 (3) The redevelopment plan establishes the estimated  
32 dates of completion of the redevelopment project and  
33 retirement of obligations issued to finance redevelopment  
34 project costs. Those dates shall not be later than December

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

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

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

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

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

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

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

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

1 34,000 and for which at least \$250,000 of tax increment  
2 bonds were authorized on June 17, 1997, or

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

6 (I) if the ordinance was adopted on November 12,  
7 1991 by the Village of Sauget, or

8 (J) if the ordinance was adopted on February 11,  
9 1985 by the City of Rock Island, or

10 (K) if the ordinance was adopted before December  
11 18, 1986 by the City of Moline, or

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

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

16 (N) if the ordinance was adopted on December 29,  
17 1986 by the City of Galva, or

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

20 (P) if the ordinance was adopted on January 23,  
21 1991 by the City of East St. Louis, or

22 (Q) if the ordinance was adopted on December 22,  
23 1986 by the City of Aledo, or

24 (R) if the ordinance was adopted on February 5,  
25 1990 by the City of Clinton, or

26 (S) if the ordinance was adopted on September 6,  
27 1994 by the City of Freeport, or

28 (T) if the ordinance was adopted on December 22,  
29 1986 by the City of Tuscola, or

30 (U) if the ordinance was adopted on December 23,  
31 1986 by the City of Sparta, or

32 (V) if the ordinance was adopted on December 23,  
33 1986 by the City of Beardstown, or

34 (W) if the ordinance was adopted on April 27, 1981,

1           October 21, 1985, or December 30, 1986 by the City of  
2           Belleville, or

3           (X) if the ordinance was adopted on December 29,  
4           1986 by the City of Collinsville, or

5           (Y) if the ordinance was adopted on September 14,  
6           1994 by the City of Alton, or

7           (Z) if the ordinance was adopted on November 11,  
8           1996 by the City of Lexington, or

9           (AA) if the ordinance was adopted on November 5,  
10          1984 by the City of LeRoy, or

11          (BB) if the ordinance was adopted on April 3, 1991  
12          or June 3, 1992 by the City of Markham, or

13          (CC) if the ordinance was adopted on November 11,  
14          1986 by the City of Pekin, or

15          (DD) ~~(CC)~~ if the ordinance was adopted on December  
16          15, 1981 by the City of Champaign, or

17          (EE) ~~(CC)~~ if the ordinance was adopted on December  
18          15, 1986 by the City of Urbana, or

19          (FF) ~~(CC)~~ if the ordinance was adopted on December  
20          15, 1986 by the Village of Heyworth, or

21          (GG) ~~(CC)~~ if the ordinance was adopted on February  
22          24, 1992 by the Village of Heyworth, or

23          (HH) ~~(CC)~~ if the ordinance was adopted on March 16,  
24          1995 by the Village of Heyworth, or

25          (II) ~~(CC)~~ if the ordinance was adopted on December  
26          23, 1986 by the Town of Cicero, or

27          (JJ) ~~(CC)~~ if the ordinance was adopted on December  
28          30, 1986 by the City of Effingham, or

29          (KK) ~~(CC)~~ if the ordinance was adopted on May 9,  
30          1991 by the Village of Tilton, or

31          (LL) ~~(CC)~~ if the ordinance was adopted on October  
32          20, 1986 by the City of Elmhurst, or

33          (MM) ~~(CC)~~ if the ordinance was adopted on January  
34          19, 1988 by the City of Waukegan, or

1            (NN) ~~(DD)~~ if the ordinance was adopted on September  
2            21, 1998 by the City of Waukegan.

3            However, for redevelopment project areas for which  
4            bonds were issued before July 29, 1991, or for which  
5            contracts were entered into before June 1, 1988, in  
6            connection with a redevelopment project in the area within  
7            the State Sales Tax Boundary, the estimated dates of  
8            completion of the redevelopment project and retirement of  
9            obligations to finance redevelopment project costs may be  
10           extended by municipal ordinance to December 31, 2013. The  
11           termination procedures of subsection (b) of Section  
12           11-74.4-8 are not required for these redevelopment project  
13           areas in 2009 but are required in 2013. The extension  
14           allowed by this amendatory Act of 1993 shall not apply to  
15           real property tax increment allocation financing under  
16           Section 11-74.4-8.

17           A municipality may by municipal ordinance amend an  
18           existing redevelopment plan to conform to this paragraph  
19           (3) as amended by Public Act 91-478, which municipal  
20           ordinance may be adopted without further hearing or notice  
21           and without complying with the procedures provided in this  
22           Act pertaining to an amendment to or the initial approval  
23           of a redevelopment plan and project and designation of a  
24           redevelopment project area.

25           Those dates, for purposes of real property tax  
26           increment allocation financing pursuant to Section  
27           11-74.4-8 only, shall be not more than 35 years for  
28           redevelopment project areas that were adopted on or after  
29           December 16, 1986 and for which at least \$8 million worth  
30           of municipal bonds were authorized on or after December 19,  
31           1989 but before January 1, 1990; provided that the  
32           municipality elects to extend the life of the redevelopment  
33           project area to 35 years by the adoption of an ordinance  
34           after at least 14 but not more than 30 days' written notice



1 to the taxing bodies, that would otherwise constitute the  
2 joint review board for the redevelopment project area,  
3 before the adoption of the ordinance.

4 Those dates, for purposes of real property tax  
5 increment allocation financing pursuant to Section  
6 11-74.4-8 only, shall be not more than 35 years for  
7 redevelopment project areas that were established on or  
8 after December 1, 1981 but before January 1, 1982 and for  
9 which at least \$1,500,000 worth of tax increment revenue  
10 bonds were authorized on or after September 30, 1990 but  
11 before July 1, 1991; provided that the municipality elects  
12 to extend the life of the redevelopment project area to 35  
13 years by the adoption of an ordinance after at least 14 but  
14 not more than 30 days' written notice to the taxing bodies,  
15 that would otherwise constitute the joint review board for  
16 the redevelopment project area, before the adoption of the  
17 ordinance.

18 (3.5) The municipality finds, in the case of an  
19 industrial park conservation area, also that the  
20 municipality is a labor surplus municipality and that the  
21 implementation of the redevelopment plan will reduce  
22 unemployment, create new jobs and by the provision of new  
23 facilities enhance the tax base of the taxing districts  
24 that extend into the redevelopment project area.

25 (4) If any incremental revenues are being utilized  
26 under Section 8(a)(1) or 8(a)(2) of this Act in  
27 redevelopment project areas approved by ordinance after  
28 January 1, 1986, the municipality finds: (a) that the  
29 redevelopment project area would not reasonably be  
30 developed without the use of such incremental revenues, and  
31 (b) that such incremental revenues will be exclusively  
32 utilized for the development of the redevelopment project  
33 area.

34 (5) If the redevelopment plan will not result in

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

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

25 Part II of the housing impact study shall identify the  
26 inhabited residential units in the proposed redevelopment  
27 project area that are to be or may be removed. If inhabited  
28 residential units are to be removed, then the housing  
29 impact study shall identify (i) the number and location of  
30 those units that will or may be removed, (ii) the  
31 municipality's plans for relocation assistance for those  
32 residents in the proposed redevelopment project area whose  
33 residences are to be removed, (iii) the availability of  
34 replacement housing for those residents whose residences

1 are to be removed, and shall identify the type, location,  
2 and cost of the housing, and (iv) the type and extent of  
3 relocation assistance to be provided.

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

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

28 (8) On and after November 1, 1999, if, after the  
29 adoption of the redevelopment plan for the redevelopment  
30 project area, any municipality desires to amend its  
31 redevelopment plan to remove more inhabited residential  
32 units than specified in its original redevelopment plan,  
33 that change shall be made in accordance with the procedures  
34 in subsection (c) of Section 11-74.4-5.

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

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

27          (p) "Redevelopment project area" means an area designated  
28          by the municipality, which is not less in the aggregate than 1  
29          1/2 acres and in respect to which the municipality has made a  
30          finding that there exist conditions which cause the area to be  
31          classified as an industrial park conservation area or a  
32          blighted area or a conservation area, or a combination of both  
33          blighted areas and conservation areas.

34          (q) "Redevelopment project costs" mean and include the sum

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

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

33 (1.5) After July 1, 1999, annual administrative costs  
34 shall not include general overhead or administrative costs

1 of the municipality that would still have been incurred by  
2 the municipality if the municipality had not designated a  
3 redevelopment project area or approved a redevelopment  
4 plan;

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

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

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

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

1 project that was included in a redevelopment plan that was  
2 adopted by the municipality prior to November 1, 1999 or  
3 (ii) the municipality makes a reasonable determination in  
4 the redevelopment plan, supported by information that  
5 provides the basis for that determination, that the new  
6 municipal building is required to meet an increase in the  
7 need for public safety purposes anticipated to result from  
8 the implementation of the redevelopment plan;

9 (4.1) Costs of and associated with transit oriented  
10 developments.

11 (5) Costs of job training and retraining projects,  
12 including the cost of "welfare to work" programs  
13 implemented by businesses located within the redevelopment  
14 project area;

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

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

29 (7.5) For redevelopment project areas designated (or  
30 redevelopment project areas amended to add or increase the  
31 number of tax-increment-financing assisted housing units)  
32 on or after November 1, 1999, an elementary, secondary, or  
33 unit school district's increased costs attributable to  
34 assisted housing units located within the redevelopment

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

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

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



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

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

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

34               (i) for unit school districts, no more than 40%

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

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

10 (iii) for secondary school districts, no more  
11 than 13% of the total amount of property tax  
12 increment revenue produced by those housing units  
13 that have received tax increment finance  
14 assistance under this Act.

15 (C) For any school district in a municipality with  
16 a population in excess of 1,000,000, the following  
17 restrictions shall apply to the reimbursement of  
18 increased costs under this paragraph (7.5):

19 (i) no increased costs shall be reimbursed  
20 unless the school district certifies that each of  
21 the schools affected by the assisted housing  
22 project is at or over its student capacity;

23 (ii) the amount reimbursable shall be reduced  
24 by the value of any land donated to the school  
25 district by the municipality or developer, and by  
26 the value of any physical improvements made to the  
27 schools by the municipality or developer; and

28 (iii) the amount reimbursed may not affect  
29 amounts otherwise obligated by the terms of any  
30 bonds, notes, or other funding instruments, or the  
31 terms of any redevelopment agreement.

32 Any school district seeking payment under this  
33 paragraph (7.5) shall, after July 1 and before  
34 September 30 of each year, provide the municipality

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

14 (7.7) For redevelopment project areas designated (or  
15 redevelopment project areas amended to add or increase the  
16 number of tax-increment-financing assisted housing units)  
17 on or after January 1, 2005 (the effective date of Public  
18 Act 93-961) ~~this amendatory Act of the 93rd General~~  
19 ~~Assembly~~, a public library district's increased costs  
20 attributable to assisted housing units located within the  
21 redevelopment project area for which the developer or  
22 redeveloper receives financial assistance through an  
23 agreement with the municipality or because the  
24 municipality incurs the cost of necessary infrastructure  
25 improvements within the boundaries of the assisted housing  
26 sites necessary for the completion of that housing as  
27 authorized by this Act shall be paid to the library  
28 district by the municipality from the Special Tax  
29 Allocation Fund when the tax increment revenue is received  
30 as a result of the assisted housing units. This paragraph  
31 (7.7) applies only if (i) the library district is located  
32 in a county that is subject to the Property Tax Extension  
33 Limitation Law or (ii) the library district is not located  
34 in a county that is subject to the Property Tax Extension

1 Limitation Law but the district is prohibited by any other  
2 law from increasing its tax levy rate without a prior voter  
3 referendum.

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

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

33 Any library district seeking payment under this  
34 paragraph (7.7) shall, after July 1 and before September 30

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

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

19 (9) Payment in lieu of taxes;

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

1 description of the training and services to be provided,  
2 the number and type of positions available or to be  
3 available, itemized costs of the program and sources of  
4 funds to pay for the same, and the term of the agreement.  
5 Such costs include, specifically, the payment by community  
6 college districts of costs pursuant to Sections 3-37, 3-38,  
7 3-40 and 3-40.1 of the Public Community College Act and by  
8 school districts of costs pursuant to Sections 10-22.20a  
9 and 10-23.3a of The School Code;

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

13 (A) such costs are to be paid directly from the  
14 special tax allocation fund established pursuant to  
15 this Act;

16 (B) such payments in any one year may not exceed  
17 30% of the annual interest costs incurred by the  
18 redeveloper with regard to the redevelopment project  
19 during that year;

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

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

32 (E) the cost limits set forth in subparagraphs (B)  
33 and (D) of paragraph (11) shall be modified for the  
34 financing of rehabilitated or new housing units for

1 low-income households and very low-income households,  
2 as defined in Section 3 of the Illinois Affordable  
3 Housing Act. The percentage of 75% shall be substituted  
4 for 30% in subparagraphs (B) and (D) of paragraph (11).

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

21 The eligible costs provided under this  
22 subparagraph (F) of paragraph (11) shall be an eligible  
23 cost for the construction, renovation, and  
24 rehabilitation of all low and very low-income housing  
25 units, as defined in Section 3 of the Illinois  
26 Affordable Housing Act, within the redevelopment  
27 project area. If the low and very low-income units are  
28 part of a residential redevelopment project that  
29 includes units not affordable to low and very  
30 low-income households, only the low and very  
31 low-income units shall be eligible for benefits under  
32 subparagraph (F) of paragraph (11). The standards for  
33 maintaining the occupancy by low-income households and  
34 very low-income households, as defined in Section 3 of

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

25 (11.5) If the redevelopment project area is located  
26 within a municipality with a population of more than  
27 100,000, the cost of day care services for children of  
28 employees from low-income families working for businesses  
29 located within the redevelopment project area and all or a  
30 portion of the cost of operation of day care centers  
31 established by redevelopment project area businesses to  
32 serve employees from low-income families working in  
33 businesses located in the redevelopment project area. For  
34 the purposes of this paragraph, "low-income families"



1 means families whose annual income does not exceed 80% of  
2 the municipal, county, or regional median income, adjusted  
3 for family size, as the annual income and municipal,  
4 county, or regional median income are determined from time  
5 to time by the United States Department of Housing and  
6 Urban Development.

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

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

30 If a special service area has been established pursuant to  
31 the Special Service Area Tax Act or Special Service Area Tax  
32 Law, then any tax increment revenues derived from the tax  
33 imposed pursuant to the Special Service Area Tax Act or Special  
34 Service Area Tax Law may be used within the redevelopment

1 project area for the purposes permitted by that Act or Law as  
2 well as the purposes permitted by this Act.

3 (r) "State Sales Tax Boundary" means the redevelopment  
4 project area or the amended redevelopment project area  
5 boundaries which are determined pursuant to subsection (9) of  
6 Section 11-74.4-8a of this Act. The Department of Revenue shall  
7 certify pursuant to subsection (9) of Section 11-74.4-8a the  
8 appropriate boundaries eligible for the determination of State  
9 Sales Tax Increment.

10 (s) "State Sales Tax Increment" means an amount equal to  
11 the increase in the aggregate amount of taxes paid by retailers  
12 and servicemen, other than retailers and servicemen subject to  
13 the Public Utilities Act, on transactions at places of business  
14 located within a State Sales Tax Boundary pursuant to the  
15 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use  
16 Tax Act, and the Service Occupation Tax Act, except such  
17 portion of such increase that is paid into the State and Local  
18 Sales Tax Reform Fund, the Local Government Distributive Fund,  
19 the Local Government Tax Fund and the County and Mass Transit  
20 District Fund, for as long as State participation exists, over  
21 and above the Initial Sales Tax Amounts, Adjusted Initial Sales  
22 Tax Amounts or the Revised Initial Sales Tax Amounts for such  
23 taxes as certified by the Department of Revenue and paid under  
24 those Acts by retailers and servicemen on transactions at  
25 places of business located within the State Sales Tax Boundary  
26 during the base year which shall be the calendar year  
27 immediately prior to the year in which the municipality adopted  
28 tax increment allocation financing, less 3.0% of such amounts  
29 generated under the Retailers' Occupation Tax Act, Use Tax Act  
30 and Service Use Tax Act and the Service Occupation Tax Act,  
31 which sum shall be appropriated to the Department of Revenue to  
32 cover its costs of administering and enforcing this Section.  
33 For purposes of computing the aggregate amount of such taxes  
34 for base years occurring prior to 1985, the Department of

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

1 a distribution of State Sales Tax Increment must report a list  
2 of retailers to the Department of Revenue by October 31, 1988  
3 and by July 31, of each year thereafter.

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

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

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

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

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

14 (x) "Transit oriented development" means a compact area of  
15 development, located within a one-half mile radius of an  
16 existing or proposed rail or motor bus station, or an  
17 inter-modal or multi-modal passenger facility, that is part of  
18 a "public mass transportation system" (as defined in the Local  
19 Mass Transit District Act (70 ILCS 3610/)) with significant or  
20 potentially significant bus or rail passenger volume, and  
21 characterized, whether the area is improved or vacant, by at  
22 least 2 of the following 3 factors:

23 (1) Inadequate utilities or transportation or parking  
24 infrastructures. At grade, underground, or overhead  
25 utilities such as storm sewers, storm drainage, sanitary  
26 sewers, water lines, gas lines, telephone or electrical  
27 services, or transportation or parking infrastructures  
28 such as roadways, streets, alleys, sidewalks, signals,  
29 signage, parking facilities, or bicycle facilities that  
30 are shown to be inadequate for the existing or proposed  
31 mass transit facility because those utilities or  
32 transportation or parking infrastructures are:

33 (A) of insufficient capacity to serve the uses in  
34 the redevelopment project area;

1           (B) deteriorated, antiquated, obsolete, or in  
2           disrepair; or

3           (C) lacking within the redevelopment project area.

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

10          (3) Lack of transit oriented development planning.  
11          Inadequate transit oriented development planning because  
12          the proposed redevelopment project area was developed  
13          prior to or without the benefit or guidance of an adequate  
14          transit oriented development plan, and which redevelopment  
15          project area is now being designed to support transit  
16          operations by encouraging new or increased transit  
17          ridership through:

18               (A) the provision of public improvements necessary  
19               to provide or improve access to an existing or proposed  
20               mass transit facility, including, but not limited to,  
21               roadways, streets, alleys, sidewalks, signals,  
22               signage, parking facilities, bicycle facilities, and  
23               necessary utilities; and

24               (B) the construction of a mix of development  
25               products, including, but not limited to, commercial,  
26               retail, office, and housing at a greater density than  
27               would normally occur in the redevelopment project area  
28               absent the presence of a mass transit facility and  
29               transit oriented development planning.

30          (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624,  
31          eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03;  
32          93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff.  
33          8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984,  
34          eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04;

1 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff.  
2 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)".