



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2258

Introduced 2/15/2013, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

- 15 ILCS 405/30 new
- 35 ILCS 200/20-15
- 65 ILCS 5/8-8-3 from Ch. 24, par. 8-8-3
- 65 ILCS 5/8-8-3.5
- 65 ILCS 5/11-74.4-3 from Ch. 24, par. 11-74.4-3
- 65 ILCS 5/11-74.4-3.5
- 65 ILCS 5/11-74.4-4 from Ch. 24, par. 11-74.4-4
- 65 ILCS 5/11-74.4-5 from Ch. 24, par. 11-74.4-5
- 65 ILCS 5/11-74.6-15
- 65 ILCS 5/11-74.6-22

Amends the State Comptroller Act. Adds a provision allowing the Comptroller to establish and conduct a training and certification program for Tax Increment Finance administrators. Sets forth requirements of the program. Amends the Property Tax Code. Requires the name and identification number of a redevelopment project area where the property is located and a State Internet website address with information on tax increment financing to be printed on specified bills. Amends the Illinois Municipal Code. Provides that on and after January 1, 2014, the State Comptroller must post on its website specified information. Sets forth the requirements for the posting, daily charges for delinquent reports, times for filing reports, and extensions. Amends the Industrial Jobs Recovery Law of the Illinois Municipal Code. Provides that a municipality must electronically submit financial statements for each redevelopment project area. Further provides that, for each redevelopment project area, municipalities must also submit a list of all intergovernmental agreements in effect and an accounting of any moneys transferred or received by the municipality during that fiscal year pursuant to those intergovernmental agreements. Makes other changes. Effective January 1, 2014.

LRB098 04288 OMW 34315 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Comptroller Act is amended by adding
5 Section 30 as follows:

6 (15 ILCS 405/30 new)

7 Sec. 30. Tax Increment Finance administrator training.

8 (a) The Comptroller, in consultation with the State
9 Comptroller Local Government Advisory Board, shall establish
10 and cause to be conducted a training program for Tax Increment
11 Finance administrators. In the case of any administrator who
12 fails to satisfactorily complete the training program, the
13 Comptroller shall so notify the municipal clerk or other
14 elected official in the municipality in which that
15 administrator is employed who shall notify the corporate
16 authorities of the municipality within 30 days.

17 (b) The Comptroller shall establish a curriculum, which
18 must include, but is not limited to, State reporting
19 requirements, State law and regulation concerning the use of
20 prevailing wage in redevelopment project areas, and eligible
21 redevelopment project costs.

22 Section 10. The Property Tax Code is amended by changing

1 Section 20-15 as follows:

2 (35 ILCS 200/20-15)

3 Sec. 20-15. Information on bill or separate statement.
4 There shall be printed on each bill, or on a separate slip
5 which shall be mailed with the bill:

6 (a) a statement itemizing the rate at which taxes have
7 been extended for each of the taxing districts in the
8 county in whose district the property is located, and in
9 those counties utilizing electronic data processing
10 equipment the dollar amount of tax due from the person
11 assessed allocable to each of those taxing districts,
12 including a separate statement of the dollar amount of tax
13 due which is allocable to a tax levied under the Illinois
14 Local Library Act or to any other tax levied by a
15 municipality or township for public library purposes,

16 (b) a separate statement for each of the taxing
17 districts of the dollar amount of tax due which is
18 allocable to a tax levied under the Illinois Pension Code
19 or to any other tax levied by a municipality or township
20 for public pension or retirement purposes,

21 (c) the total tax rate,

22 (d) the total amount of tax due, ~~and~~

23 (e) the amount by which the total tax and the tax
24 allocable to each taxing district differs from the
25 taxpayer's last prior tax bill. ~~and~~

1 (f) the name and identification number of the
2 redevelopment project area where the property is located,
3 if applicable, and

4 (g) a State Internet website address where taxpayers
5 can access information about tax increment financing and
6 redevelopment project areas.

7 The county treasurer shall ensure that only those taxing
8 districts in which a parcel of property is located shall be
9 listed on the bill for that property.

10 In all counties the statement shall also provide:

11 (1) the property index number or other suitable
12 description,

13 (2) the assessment of the property,

14 (3) the equalization factors imposed by the county and
15 by the Department, and

16 (4) the equalized assessment resulting from the
17 application of the equalization factors to the basic
18 assessment.

19 In all counties which do not classify property for purposes
20 of taxation, for property on which a single family residence is
21 situated the statement shall also include a statement to
22 reflect the fair cash value determined for the property. In all
23 counties which classify property for purposes of taxation in
24 accordance with Section 4 of Article IX of the Illinois
25 Constitution, for parcels of residential property in the lowest
26 assessment classification the statement shall also include a

1 statement to reflect the fair cash value determined for the
2 property.

3 In all counties, the statement must include information
4 that certain taxpayers may be eligible for tax exemptions,
5 abatements, and other assistance programs and that, for more
6 information, taxpayers should consult with the office of their
7 township or county assessor and with the Illinois Department of
8 Revenue.

9 In all counties, the statement shall include information
10 that certain taxpayers may be eligible for the Senior Citizens
11 and Disabled Persons Property Tax Relief Act and that
12 applications are available from the Illinois Department on
13 Aging.

14 In counties which use the estimated or accelerated billing
15 methods, these statements shall only be provided with the final
16 installment of taxes due. The provisions of this Section create
17 a mandatory statutory duty. They are not merely directory or
18 discretionary. The failure or neglect of the collector to mail
19 the bill, or the failure of the taxpayer to receive the bill,
20 shall not affect the validity of any tax, or the liability for
21 the payment of any tax.

22 (Source: P.A. 97-689, eff. 6-14-12.)

23 Section 15. The Illinois Municipal Code is amended by
24 changing Sections 8-8-3, 8-8-3.5, 11-74.4-3, 11-74.4-3.5,
25 11-74.4-4, 11-74.4-5, 11-74.6-15, and 11-74.6-22 as follows:

1 (65 ILCS 5/8-8-3) (from Ch. 24, par. 8-8-3)

2 Sec. 8-8-3. Audit requirements.

3 (a) The corporate authorities of each municipality coming
4 under the provisions of this Division 8 shall cause an audit of
5 the funds and accounts of the municipality to be made by an
6 accountant or accountants employed by such municipality or by
7 an accountant or accountants retained by the Comptroller, as
8 hereinafter provided.

9 (b) The accounts and funds of each municipality having a
10 population of 800 or more or having a bonded debt or owning or
11 operating any type of public utility shall be audited annually.
12 The audit herein required shall include all of the accounts and
13 funds of the municipality. Such audit shall be begun as soon as
14 possible after the close of the fiscal year, and shall be
15 completed and the report submitted within 6 months after the
16 close of such fiscal year, unless an extension of time shall be
17 granted by the Comptroller in writing. The accountant or
18 accountants making the audit shall submit not less than 2
19 copies of the audit report to the corporate authorities of the
20 municipality being audited. Municipalities not operating
21 utilities may cause audits of the accounts of municipalities to
22 be made more often than herein provided, by an accountant or
23 accountants. The audit report of such audit when filed with the
24 Comptroller together with an audit report covering the
25 remainder of the period for which an audit is required to be

1 filed hereunder shall satisfy the requirements of this section.

2 (c) Municipalities of less than 800 population which do not
3 own or operate public utilities and do not have bonded debt,
4 shall file annually with the Comptroller a financial report
5 containing information required by the Comptroller. Such
6 annual financial report shall be on forms devised by the
7 Comptroller in such manner as to not require professional
8 accounting services for its preparation.

9 (d) In addition to any audit report required, all
10 municipalities, except municipalities of less than 800
11 population which do not own or operate public utilities and do
12 not have bonded debt, shall file annually with the Comptroller
13 a supplemental report on forms devised and approved by the
14 Comptroller.

15 (e) Notwithstanding any provision of law to the contrary,
16 if a municipality (i) has a population of less than 200, (ii)
17 has bonded debt in the amount of \$50,000 or less, and (iii)
18 owns or operates a public utility, then the municipality shall
19 cause an audit of the funds and accounts of the municipality to
20 be made by an accountant employed by the municipality or
21 retained by the Comptroller for fiscal year 2011 and every
22 fourth fiscal year thereafter or until the municipality has a
23 population of 200 or more, has bonded debt in excess of
24 \$50,000, or no longer owns or operates a public utility.
25 Nothing in this subsection shall be construed as limiting the
26 municipality's duty to file an annual financial report with the

1 Comptroller or to comply with the filing requirements
2 concerning the county clerk.

3 (f) All audits and reports to be filed with the Comptroller
4 under this Section must be submitted electronically and the
5 Comptroller must post the audits and reports on the Internet no
6 later than 45 days after they are received. If the municipality
7 provides the Comptroller's Office with sufficient evidence
8 that the audit or report cannot be filed electronically, the
9 Comptroller may waive this requirement. The Comptroller must
10 also post a list of municipalities that are not in compliance
11 with the reporting requirements set forth in this Section.

12 (g) Subsection (f) of this Section is a limitation under
13 subsection (i) of Section 6 of Article VII of the Illinois
14 Constitution on the concurrent exercise by home rule
15 municipalities of powers and functions exercised by the State.

16 (h) Any financial report under this Section shall include
17 the name of the purchasing agent who oversees all competitively
18 bid contracts. If there is no purchasing agent, the name of the
19 person responsible for oversight of all competitively bid
20 contracts shall be listed.

21 (i) On and after January 1, 2014, the State Comptroller
22 must post on the State Comptroller's official website the
23 information submitted by a municipality pursuant to
24 subsections (b) and (c) of this Section. The information must
25 be posted no later than 45 days after the State Comptroller
26 receives the information from the municipality. The State

1 Comptroller must also post a list of municipalities that are
2 not in compliance with the reporting requirements set forth in
3 subsections (b) and (c) of this Section.

4 (j) The State Comptroller has the authority to grant
5 extensions for delinquent audit reports. The Comptroller may
6 charge a municipality a fee for a delinquent audit of \$5 per
7 day for the first 15 days past due, \$10 per day for 16 through
8 30 days past due, \$15 per day for 31 through 45 days past due,
9 and \$20 per day for the 46th day and every day thereafter. All
10 fees collected pursuant to this subsection (j) shall be
11 deposited into the Comptroller's Administrative Fund.

12 (Source: P.A. 96-1309, eff. 7-27-10; 97-890, eff. 8-2-12;
13 97-932, eff. 8-10-12; 97-1142, eff. 12-28-12.)

14 (65 ILCS 5/8-8-3.5)

15 Sec. 8-8-3.5. Tax Increment Financing Report. The reports
16 filed under subsection (d) of Section 11-74.4-5 of the Tax
17 Increment Allocation Redevelopment Act and the reports filed
18 under subsection (d) of Section 11-74.6-22 of the Industrial
19 Jobs Recovery Law in the Illinois Municipal Code must be
20 separate from any other annual report filed with the
21 Comptroller. The Comptroller must, in cooperation with
22 reporting municipalities, create a format for the reporting of
23 information described in paragraphs (1.5) and (5) and in
24 subparagraph (G) of paragraph (7) of subsection (d) of Section
25 11-74.4-5 of the Tax Increment Allocation Redevelopment Act and

1 the information described in paragraphs (1.5) and (5) and in
2 subparagraph (G) of paragraph (7) of subsection (d) of Section
3 11-74.6-22 of the Industrial Jobs Recovery Law that facilitates
4 consistent reporting among the reporting municipalities. The
5 Comptroller may allow these reports to be filed electronically
6 and may display the report, or portions of the report,
7 electronically via the Internet. All reports filed under this
8 Section must be made available for examination and copying by
9 the public at all reasonable times. A Tax Increment Financing
10 Report must be filed with the Comptroller within 180 days after
11 the close of the municipal fiscal year or as soon thereafter as
12 the audit for the redevelopment project area for that fiscal
13 year becomes available. If the Tax Increment Finance
14 administrator provides the Comptroller's office with
15 sufficient evidence that the report is in the process of being
16 completed by an auditor, the Comptroller may grant an
17 extension. An additional copy of the report must be submitted
18 to the State Board of Education if the report identifies
19 amounts designated as surplus and distributed to taxing
20 districts as provided in Section 11-74.4-7 of the Tax Increment
21 Allocation Redevelopment Act. If the required report is not
22 filed within the time extended by the Comptroller, the
23 Comptroller may charge a municipality a fee of \$5 per day for
24 the first 15 days past due, \$10 per day for 16 through 30 days
25 past due, \$15 per day for 31 through 45 days past due, and \$20
26 per day for the 46th day and every day thereafter. All fees

1 collected pursuant to this Section shall be deposited into the
2 Comptroller's Administrative Fund.

3 (Source: P.A. 91-478, eff. 11-1-99; 91-900, eff. 7-6-00.)

4 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

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

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

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

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

1 improved part of the redevelopment project area:

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

9 (B) Obsolescence. The condition or process of
10 falling into disuse. Structures have become ill-suited
11 for the original use.

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

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

1 not including housing and property maintenance codes.

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

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

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

25 (H) Inadequate utilities. Underground and overhead
26 utilities such as storm sewers and storm drainage,

1 sanitary sewers, water lines, and gas, telephone, and
2 electrical services that are shown to be inadequate.
3 Inadequate utilities are those that are: (i) of
4 insufficient capacity to serve the uses in the
5 redevelopment project area, (ii) deteriorated,
6 antiquated, obsolete, or in disrepair, or (iii)
7 lacking within the redevelopment project area.

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

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

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

18 (L) Lack of community planning. The proposed
19 redevelopment project area was developed prior to or
20 without the benefit or guidance of a community plan.
21 This means that the development occurred prior to the
22 adoption by the municipality of a comprehensive or
23 other community plan or that the plan was not followed
24 at the time of the area's development. This factor must
25 be documented by evidence of adverse or incompatible
26 land-use relationships, inadequate street layout,

1 improper subdivision, parcels of inadequate shape and
2 size to meet contemporary development standards, or
3 other evidence demonstrating an absence of effective
4 community planning.

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

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

26 (A) Obsolete platting of vacant land that results

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

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

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

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

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

1 remediation costs constitute a material impediment to
2 the development or redevelopment of the redevelopment
3 project area.

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

17 (3) If vacant, the sound growth of the redevelopment
18 project area is impaired by one of the following factors
19 that (i) is present, with that presence documented, to a
20 meaningful extent so that a municipality may reasonably
21 find that the factor is clearly present within the intent
22 of the Act and (ii) is reasonably distributed throughout
23 the vacant part of the redevelopment project area to which
24 it pertains:

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

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

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

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

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

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

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

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

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

25 (2) Obsolescence. The condition or process of falling
26 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

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

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

20 (9) Excessive land coverage and overcrowding of
21 structures and community facilities. The over-intensive
22 use of property and the crowding of buildings and accessory
23 facilities onto a site. Examples of problem conditions
24 warranting the designation of an area as one exhibiting
25 excessive land coverage are: the presence of buildings
26 either improperly situated on parcels or located on parcels

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

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

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

1 contemporary development standards, or other evidence
2 demonstrating an absence of effective community planning.

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

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

24 (c) "Industrial park" means an area in a blighted or
25 conservation area suitable for use by any manufacturing,
26 industrial, research or transportation enterprise, of

1 facilities to include but not be limited to factories, mills,
2 processing plants, assembly plants, packing plants,
3 fabricating plants, industrial distribution centers,
4 warehouses, repair overhaul or service facilities, freight
5 terminals, research facilities, test facilities or railroad
6 facilities.

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

18 (e) "Labor surplus municipality" means a municipality in
19 which, at any time during the 6 months before the municipality
20 by ordinance designates an industrial park conservation area,
21 the unemployment rate was over 6% and was also 100% or more of
22 the national average unemployment rate for that same time as
23 published in the United States Department of Labor Bureau of
24 Labor Statistics publication entitled "The Employment
25 Situation" or its successor publication. For the purpose of
26 this subsection, if unemployment rate statistics for the

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

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

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

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

24 (h) "Municipal Sales Tax Increment" means an amount equal
25 to the increase in the aggregate amount of taxes paid to a
26 municipality from the Local Government Tax Fund arising from

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

1 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
2 Initial Sales Tax Amounts for the Municipal Retailers'
3 Occupation Tax Act and the Municipal Service Occupation Tax
4 Act. For the State Fiscal Year 1989, this calculation shall be
5 made by utilizing the calendar year 1987 to determine the tax
6 amounts received. For the State Fiscal Year 1990, this
7 calculation shall be made by utilizing the period from January
8 1, 1988, until September 30, 1988, to determine the tax amounts
9 received from retailers and servicemen pursuant to the
10 Municipal Retailers' Occupation Tax and the Municipal Service
11 Occupation Tax Act, which shall have deducted therefrom
12 nine-twelfths of the certified Initial Sales Tax Amounts, the
13 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
14 Tax Amounts as appropriate. For the State Fiscal Year 1991,
15 this calculation shall be made by utilizing the period from
16 October 1, 1988, to June 30, 1989, to determine the tax amounts
17 received from retailers and servicemen pursuant to the
18 Municipal Retailers' Occupation Tax and the Municipal Service
19 Occupation Tax Act which shall have deducted therefrom
20 nine-twelfths of the certified Initial Sales Tax Amounts,
21 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
22 Tax Amounts as appropriate. For every State Fiscal Year
23 thereafter, the applicable period shall be the 12 months
24 beginning July 1 and ending June 30 to determine the tax
25 amounts received which shall have deducted therefrom the
26 certified Initial Sales Tax Amounts, the Adjusted Initial Sales

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

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

1 that has not entered into a contract or has not issued bonds
2 prior to June 1, 1988 to finance redevelopment project costs
3 within a State Sales Tax Boundary, the Net State Sales Tax
4 Increment shall be calculated as follows: By multiplying the
5 Net State Sales Tax Increment by 90% in the State Fiscal Year
6 1999; 80% in the State Fiscal Year 2000; 70% in the State
7 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
8 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
9 in the State Fiscal Year 2005; 20% in the State Fiscal Year
10 2006; and 10% in the State Fiscal Year 2007. No payment shall
11 be made for State Fiscal Year 2008 and thereafter.

12 Municipalities that issued bonds in connection with a
13 redevelopment project in a redevelopment project area within
14 the State Sales Tax Boundary prior to July 29, 1991, or that
15 entered into contracts in connection with a redevelopment
16 project in a redevelopment project area before June 1, 1988,
17 shall continue to receive their proportional share of the
18 Illinois Tax Increment Fund distribution until the date on
19 which the redevelopment project is completed or terminated. If,
20 however, a municipality that issued bonds in connection with a
21 redevelopment project in a redevelopment project area within
22 the State Sales Tax Boundary prior to July 29, 1991 retires the
23 bonds prior to June 30, 2007 or a municipality that entered
24 into contracts in connection with a redevelopment project in a
25 redevelopment project area before June 1, 1988 completes the
26 contracts prior to June 30, 2007, then so long as the

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

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

24 (k) "Net State Utility Tax Increment" means the sum of the
25 following: (a) 80% of the first \$100,000 of State Utility Tax
26 Increment annually generated by a redevelopment project area;

1 (b) 60% of the amount in excess of \$100,000 but not exceeding
2 \$500,000 of the State Utility Tax Increment annually generated
3 by a redevelopment project area; and (c) 40% of all amounts in
4 excess of \$500,000 of State Utility Tax Increment annually
5 generated by a redevelopment project area. For the State Fiscal
6 Year 1999, and every year thereafter until the year 2007, for
7 any municipality that has not entered into a contract or has
8 not issued bonds prior to June 1, 1988 to finance redevelopment
9 project costs within a redevelopment project area, the Net
10 State Utility Tax Increment shall be calculated as follows: By
11 multiplying the Net State Utility Tax Increment by 90% in the
12 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
13 in the State Fiscal Year 2001; 60% in the State Fiscal Year
14 2002; 50% in the State Fiscal Year 2003; 40% in the State
15 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
16 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
17 No payment shall be made for the State Fiscal Year 2008 and
18 thereafter.

19 Municipalities that issue bonds in connection with the
20 redevelopment project during the period from June 1, 1988 until
21 3 years after the effective date of this Amendatory Act of 1988
22 shall receive the Net State Utility Tax Increment, subject to
23 appropriation, for 15 State Fiscal Years after the issuance of
24 such bonds. For the 16th through the 20th State Fiscal Years
25 after issuance of the bonds, the Net State Utility Tax
26 Increment shall be calculated as follows: By multiplying the

1 Net State Utility Tax Increment by 90% in year 16; 80% in year
2 17; 70% in year 18; 60% in year 19; and 50% in year 20.
3 Refunding of any bonds issued prior to June 1, 1988, shall not
4 alter the revised Net State Utility Tax Increment payments set
5 forth above.

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

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

22 (n) "Redevelopment plan" means the comprehensive program
23 of the municipality for development or redevelopment intended
24 by the payment of redevelopment project costs to reduce or
25 eliminate those conditions the existence of which qualified the
26 redevelopment project area as a "blighted area" or

1 "conservation area" or combination thereof or "industrial park
2 conservation area," and thereby to enhance the tax bases of the
3 taxing districts which extend into the redevelopment project
4 area. On and after November 1, 1999 (the effective date of
5 Public Act 91-478), no redevelopment plan may be approved or
6 amended that includes the development of vacant land (i) with a
7 golf course and related clubhouse and other facilities or (ii)
8 designated by federal, State, county, or municipal government
9 as public land for outdoor recreational activities or for
10 nature preserves and used for that purpose within 5 years prior
11 to the adoption of the redevelopment plan. For the purpose of
12 this subsection, "recreational activities" is limited to mean
13 camping and hunting. On and after January 1, 2014, no
14 redevelopment plan may be approved that allocates more than 40%
15 of the estimated redevelopment project costs to residential
16 developments, and no redevelopment plan shall be amended to
17 exceed that 40% limitation. The limitations on the allocation
18 of estimated redevelopment project costs to residential
19 developments imposed by this amendatory Act of the 98th General
20 Assembly do not apply to residential development projects that:
21 (i) include affordable housing for low-income and very
22 low-income households, as defined by the Illinois Affordable
23 Housing Act; (ii) are located in a municipality with a
24 population of less than 25,000 inhabitants; or (iii) are
25 subject to a contract between the municipality and a developer
26 in existence prior to the effective date of this amendatory Act

1 of the 98th General Assembly. Each redevelopment plan shall set
2 forth in writing the program to be undertaken to accomplish the
3 objectives and shall include but not be limited to:

4 (A) an itemized list of estimated redevelopment
5 project costs;

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

9 (C) an assessment of any financial impact of the
10 redevelopment project area on or any increased demand for
11 services from any taxing district affected by the plan and
12 any program to address such financial impact or increased
13 demand;

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

15 (E) the nature and term of the obligations to be
16 issued;

17 (F) the most recent equalized assessed valuation of the
18 redevelopment project area;

19 (G) an estimate as to the equalized assessed valuation
20 after redevelopment and the general land uses to apply in
21 the redevelopment project area;

22 (H) a commitment to fair employment practices and an
23 affirmative action plan;

24 (I) if it concerns an industrial park conservation
25 area, the plan shall also include a general description of
26 any proposed developer, user and tenant of any property, a

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

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

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

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

21 (2) The municipality finds that the redevelopment plan
22 and project conform to the comprehensive plan for the
23 development of the municipality as a whole, or, for
24 municipalities with a population of 100,000 or more,
25 regardless of when the redevelopment plan and project was
26 adopted, the redevelopment plan and project either: (i)

1 conforms to the strategic economic development or
2 redevelopment plan issued by the designated planning
3 authority of the municipality, or (ii) includes land uses
4 that have been approved by the planning commission of the
5 municipality.

6 (3) The redevelopment plan establishes the estimated
7 dates of completion of the redevelopment project and
8 retirement of obligations issued to finance redevelopment
9 project costs. Those dates may not be later than the dates
10 set forth under Section 11-74.4-3.5.

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

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

26 (4) If any incremental revenues are being utilized

1 under Section 8(a)(1) or 8(a)(2) of this Act in
2 redevelopment project areas approved by ordinance after
3 January 1, 1986, the municipality finds: (a) that the
4 redevelopment project area would not reasonably be
5 developed without the use of such incremental revenues, and
6 (b) that such incremental revenues will be exclusively
7 utilized for the development of the redevelopment project
8 area.

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

21 Part I of the housing impact study shall include (i)
22 data as to whether the residential units are single family
23 or multi-family units, (ii) the number and type of rooms
24 within the units, if that information is available, (iii)
25 whether the units are inhabited or uninhabited, as
26 determined not less than 45 days before the date that the

1 ordinance or resolution required by subsection (a) of
2 Section 11-74.4-5 is passed, and (iv) data as to the racial
3 and ethnic composition of the residents in the inhabited
4 residential units. The data requirement as to the racial
5 and ethnic composition of the residents in the inhabited
6 residential units shall be deemed to be fully satisfied by
7 data from the most recent federal census.

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

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

24 (7) On and after November 1, 1999, no redevelopment
25 plan shall be adopted, nor an existing plan amended, nor
26 shall residential housing that is occupied by households of

1 low-income and very low-income persons in currently
2 existing redevelopment project areas be removed after
3 November 1, 1999 unless the redevelopment plan provides,
4 with respect to inhabited housing units that are to be
5 removed for households of low-income and very low-income
6 persons, affordable housing and relocation assistance not
7 less than that which would be provided under the federal
8 Uniform Relocation Assistance and Real Property
9 Acquisition Policies Act of 1970 and the regulations under
10 that Act, including the eligibility criteria. Affordable
11 housing may be either existing or newly constructed
12 housing. For purposes of this paragraph (7), "low-income
13 households", "very low-income households", and "affordable
14 housing" have the meanings set forth in the Illinois
15 Affordable Housing Act. The municipality shall make a good
16 faith effort to ensure that this affordable housing is
17 located in or near the redevelopment project area within
18 the municipality.

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

26 (9) For redevelopment project areas designated prior

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

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

26 (p) "Redevelopment project area" means an area designated

1 by the municipality, which is not less in the aggregate than 1
2 1/2 acres and in respect to which the municipality has made a
3 finding that there exist conditions which cause the area to be
4 classified as an industrial park conservation area or a
5 blighted area or a conservation area, or a combination of both
6 blighted areas and conservation areas.

7 (p-1) Notwithstanding any provision of this Act to the
8 contrary, on and after August 25, 2009 (the effective date of
9 Public Act 96-680), a redevelopment project area may include
10 areas within a one-half mile radius of an existing or proposed
11 Regional Transportation Authority Suburban Transit Access
12 Route (STAR Line) station without a finding that the area is
13 classified as an industrial park conservation area, a blighted
14 area, a conservation area, or a combination thereof, but only
15 if the municipality receives unanimous consent from the joint
16 review board created to review the proposed redevelopment
17 project area.

18 (q) "Redevelopment project costs", except for
19 redevelopment project areas created pursuant to subsection
20 (p-1), means and includes the sum total of all reasonable or
21 necessary costs incurred or estimated to be incurred, and any
22 such costs incidental to a redevelopment plan and a
23 redevelopment project. Such costs include, without limitation,
24 the following:

- 25 (1) Costs of studies, surveys, development of plans,
26 and specifications, implementation and administration of

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

1 (1.5) After July 1, 1999, annual administrative costs
2 shall not include general overhead or administrative costs
3 of the municipality that would still have been incurred by
4 the municipality if the municipality had not designated a
5 redevelopment project area or approved a redevelopment
6 plan;

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

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

18 (3) Costs of rehabilitation, reconstruction or repair
19 or remodeling of existing public or private buildings,
20 fixtures, and leasehold improvements; and the cost of
21 replacing an existing public building if pursuant to the
22 implementation of a redevelopment project the existing
23 public building is to be demolished to use the site for
24 private investment or devoted to a different use requiring
25 private investment; including any direct or indirect costs
26 relating to Green Globes or LEED certified construction

1 elements or construction elements with an equivalent
2 certification;

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

25 (5) Costs of job training and retraining projects,
26 including the cost of "welfare to work" programs

1 implemented by businesses located within the redevelopment
2 project area;

3 (6) Financing costs, including but not limited to all
4 necessary and incidental expenses related to the issuance
5 of obligations and which may include payment of interest on
6 any obligations issued hereunder including interest
7 accruing during the estimated period of construction of any
8 redevelopment project for which such obligations are
9 issued and for not exceeding 36 months thereafter and
10 including reasonable reserves related thereto;

11 (7) To the extent the municipality by written agreement
12 accepts and approves the same, all or a portion of a taxing
13 district's capital costs resulting from the redevelopment
14 project necessarily incurred or to be incurred within a
15 taxing district in furtherance of the objectives of the
16 redevelopment plan and project.

17 (7.5) For redevelopment project areas designated (or
18 redevelopment project areas amended to add or increase the
19 number of tax-increment-financing assisted housing units)
20 on or after November 1, 1999, an elementary, secondary, or
21 unit school district's increased costs attributable to
22 assisted housing units located within the redevelopment
23 project area for which the developer or redeveloper
24 receives financial assistance through an agreement with
25 the municipality or because the municipality incurs the
26 cost of necessary infrastructure improvements within the

1 boundaries of the assisted housing sites necessary for the
2 completion of that housing as authorized by this Act, and
3 which costs shall be paid by the municipality from the
4 Special Tax Allocation Fund when the tax increment revenue
5 is received as a result of the assisted housing units and
6 shall be calculated annually as follows:

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

25 (i) for unit school districts with a district
26 average 1995-96 Per Capita Tuition Charge of less

1 than \$5,900, no more than 25% of the total amount
2 of property tax increment revenue produced by
3 those housing units that have received tax
4 increment finance assistance under this Act;

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

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

17 (B) For alternate method districts, flat grant
18 districts, and foundation districts with a district
19 average 1995-96 Per Capita Tuition Charge equal to or
20 more than \$5,900, excluding any school district with a
21 population in excess of 1,000,000, by multiplying the
22 district's increase in attendance resulting from the
23 net increase in new students enrolled in that school
24 district who reside in housing units within the
25 redevelopment project area that have received
26 financial assistance through an agreement with the

1 municipality or because the municipality incurs the
2 cost of necessary infrastructure improvements within
3 the boundaries of the housing sites necessary for the
4 completion of that housing as authorized by this Act
5 since the designation of the redevelopment project
6 area by the most recently available per capita tuition
7 cost as defined in Section 10-20.12a of the School Code
8 less any increase in general state aid as defined in
9 Section 18-8.05 of the School Code attributable to
10 these added new students subject to the following
11 annual limitations:

12 (i) for unit school districts, no more than 40%
13 of the total amount of property tax increment
14 revenue produced by those housing units that have
15 received tax increment finance assistance under
16 this Act;

17 (ii) for elementary school districts, no more
18 than 27% of the total amount of property tax
19 increment revenue produced by those housing units
20 that have received tax increment finance
21 assistance under this Act; and

22 (iii) for secondary school districts, no more
23 than 13% of the total amount of property tax
24 increment revenue produced by those housing units
25 that have received tax increment finance
26 assistance under this Act.

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

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

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

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

18 Any school district seeking payment under this
19 paragraph (7.5) shall, after July 1 and before
20 September 30 of each year, provide the municipality
21 with reasonable evidence to support its claim for
22 reimbursement before the municipality shall be
23 required to approve or make the payment to the school
24 district. If the school district fails to provide the
25 information during this period in any year, it shall
26 forfeit any claim to reimbursement for that year.

1 School districts may adopt a resolution waiving the
2 right to all or a portion of the reimbursement
3 otherwise required by this paragraph (7.5). By
4 acceptance of this reimbursement the school district
5 waives the right to directly or indirectly set aside,
6 modify, or contest in any manner the establishment of
7 the redevelopment project area or projects;

8 (7.7) For redevelopment project areas designated (or
9 redevelopment project areas amended to add or increase the
10 number of tax-increment-financing assisted housing units)
11 on or after January 1, 2005 (the effective date of Public
12 Act 93-961), a public library district's increased costs
13 attributable to assisted housing units located within the
14 redevelopment project area for which the developer or
15 redeveloper receives financial assistance through an
16 agreement with the municipality or because the
17 municipality incurs the cost of necessary infrastructure
18 improvements within the boundaries of the assisted housing
19 sites necessary for the completion of that housing as
20 authorized by this Act shall be paid to the library
21 district by the municipality from the Special Tax
22 Allocation Fund when the tax increment revenue is received
23 as a result of the assisted housing units. This paragraph
24 (7.7) applies only if (i) the library district is located
25 in a county that is subject to the Property Tax Extension
26 Limitation Law or (ii) the library district is not located

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

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

1 A library district is not eligible for any payment
2 under this paragraph (7.7) unless the library district has
3 experienced an increase in the number of patrons from the
4 municipality that created the tax-increment-financing
5 district since the designation of the redevelopment
6 project area.

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

22 (8) Relocation costs to the extent that a municipality
23 determines that relocation costs shall be paid or is
24 required to make payment of relocation costs by federal or
25 State law or in order to satisfy subparagraph (7) of
26 subsection (n);

1 (9) Payment in lieu of taxes;

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

26 (11) Interest cost incurred by a redeveloper related to

1 the construction, renovation or rehabilitation of a
2 redevelopment project provided that:

3 (A) such costs are to be paid directly from the
4 special tax allocation fund established pursuant to
5 this Act;

6 (B) such payments in any one year may not exceed
7 30% of the annual interest costs incurred by the
8 redeveloper with regard to the redevelopment project
9 during that year;

10 (C) if there are not sufficient funds available in
11 the special tax allocation fund to make the payment
12 pursuant to this paragraph (11) then the amounts so due
13 shall accrue and be payable when sufficient funds are
14 available in the special tax allocation fund;

15 (D) the total of such interest payments paid
16 pursuant to this Act may not exceed 30% of the total
17 (i) cost paid or incurred by the redeveloper for the
18 redevelopment project plus (ii) redevelopment project
19 costs excluding any property assembly costs and any
20 relocation costs incurred by a municipality pursuant
21 to this Act; and

22 (E) the cost limits set forth in subparagraphs (B)
23 and (D) of paragraph (11) shall be modified for the
24 financing of rehabilitated or new housing units for
25 low-income households and very low-income households,
26 as defined in Section 3 of the Illinois Affordable

1 Housing Act. The percentage of 75% shall be substituted
2 for 30% in subparagraphs (B) and (D) of paragraph (11).

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

19 The eligible costs provided under this
20 subparagraph (F) of paragraph (11) shall be an eligible
21 cost for the construction, renovation, and
22 rehabilitation of all low and very low-income housing
23 units, as defined in Section 3 of the Illinois
24 Affordable Housing Act, within the redevelopment
25 project area. If the low and very low-income units are
26 part of a residential redevelopment project that

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

1 for costs associated with the units or for the
2 retirement of bonds issued to finance the units or for
3 the life of the redevelopment project area, whichever
4 is later.

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

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

24 (13) After November 1, 1999 (the effective date of
25 Public Act 91-478), none of the redevelopment project costs
26 enumerated in this subsection shall be eligible

1 redevelopment project costs if those costs would provide
2 direct financial support to a retail entity initiating
3 operations in the redevelopment project area while
4 terminating operations at another Illinois location within
5 10 miles of the redevelopment project area but outside the
6 boundaries of the redevelopment project area municipality.
7 For purposes of this paragraph, termination means a closing
8 of a retail operation that is directly related to the
9 opening of the same operation or like retail entity owned
10 or operated by more than 50% of the original ownership in a
11 redevelopment project area, but it does not mean closing an
12 operation for reasons beyond the control of the retail
13 entity, as documented by the retail entity, subject to a
14 reasonable finding by the municipality that the current
15 location contained inadequate space, had become
16 economically obsolete, or was no longer a viable location
17 for the retailer or serviceman.

18 (14) No cost shall be a redevelopment project cost in a
19 redevelopment project area if used to demolish, remove, or
20 substantially modify a historic resource, after August 26,
21 2008 (the effective date of Public Act 95-934), unless no
22 prudent and feasible alternative exists. "Historic
23 resource" for the purpose of this item (14) means (i) a
24 place or structure that is included or eligible for
25 inclusion on the National Register of Historic Places or
26 (ii) a contributing structure in a district on the National

1 Register of Historic Places. This item (14) does not apply
2 to a place or structure for which demolition, removal, or
3 modification is subject to review by the preservation
4 agency of a Certified Local Government designated as such
5 by the National Park Service of the United States
6 Department of the Interior.

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

14 (q-1) For redevelopment project areas created pursuant to
15 subsection (p-1), redevelopment project costs are limited to
16 those costs in paragraph (q) that are related to the existing
17 or proposed Regional Transportation Authority Suburban Transit
18 Access Route (STAR Line) station.

19 (r) "State Sales Tax Boundary" means the redevelopment
20 project area or the amended redevelopment project area
21 boundaries which are determined pursuant to subsection (9) of
22 Section 11-74.4-8a of this Act. The Department of Revenue shall
23 certify pursuant to subsection (9) of Section 11-74.4-8a the
24 appropriate boundaries eligible for the determination of State
25 Sales Tax Increment.

26 (s) "State Sales Tax Increment" means an amount equal to

1 the increase in the aggregate amount of taxes paid by retailers
2 and servicemen, other than retailers and servicemen subject to
3 the Public Utilities Act, on transactions at places of business
4 located within a State Sales Tax Boundary pursuant to the
5 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
6 Tax Act, and the Service Occupation Tax Act, except such
7 portion of such increase that is paid into the State and Local
8 Sales Tax Reform Fund, the Local Government Distributive Fund,
9 the Local Government Tax Fund and the County and Mass Transit
10 District Fund, for as long as State participation exists, over
11 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
12 Tax Amounts or the Revised Initial Sales Tax Amounts for such
13 taxes as certified by the Department of Revenue and paid under
14 those Acts by retailers and servicemen on transactions at
15 places of business located within the State Sales Tax Boundary
16 during the base year which shall be the calendar year
17 immediately prior to the year in which the municipality adopted
18 tax increment allocation financing, less 3.0% of such amounts
19 generated under the Retailers' Occupation Tax Act, Use Tax Act
20 and Service Use Tax Act and the Service Occupation Tax Act,
21 which sum shall be appropriated to the Department of Revenue to
22 cover its costs of administering and enforcing this Section.
23 For purposes of computing the aggregate amount of such taxes
24 for base years occurring prior to 1985, the Department of
25 Revenue shall compute the Initial Sales Tax Amount for such
26 taxes and deduct therefrom an amount equal to 4% of the

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

1 appropriate. For every State Fiscal Year thereafter, the
2 applicable period shall be the 12 months beginning July 1 and
3 ending on June 30, to determine the tax amounts received which
4 shall have deducted therefrom the certified Initial Sales Tax
5 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
6 Initial Sales Tax Amounts. Municipalities intending to receive
7 a distribution of State Sales Tax Increment must report a list
8 of retailers to the Department of Revenue by October 31, 1988
9 and by July 31, of each year thereafter.

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

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

20 (v) As used in subsection (a) of Section 11-74.4-3 of this
21 Act, "vacant land" means any parcel or combination of parcels
22 of real property without industrial, commercial, and
23 residential buildings which has not been used for commercial
24 agricultural purposes within 5 years prior to the designation
25 of the redevelopment project area, unless the parcel is
26 included in an industrial park conservation area or the parcel

1 has been subdivided; provided that if the parcel was part of a
2 larger tract that has been divided into 3 or more smaller
3 tracts that were accepted for recording during the period from
4 1950 to 1990, then the parcel shall be deemed to have been
5 subdivided, and all proceedings and actions of the municipality
6 taken in that connection with respect to any previously
7 approved or designated redevelopment project area or amended
8 redevelopment project area are hereby validated and hereby
9 declared to be legally sufficient for all purposes of this Act.
10 For purposes of this Section and only for land subject to the
11 subdivision requirements of the Plat Act, land is subdivided
12 when the original plat of the proposed Redevelopment Project
13 Area or relevant portion thereof has been properly certified,
14 acknowledged, approved, and recorded or filed in accordance
15 with the Plat Act and a preliminary plat, if any, for any
16 subsequent phases of the proposed Redevelopment Project Area or
17 relevant portion thereof has been properly approved and filed
18 in accordance with the applicable ordinance of the
19 municipality.

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

1 each municipality.

2 (x) "LEED certified" means any certification level of
3 construction elements by a qualified Leadership in Energy and
4 Environmental Design Accredited Professional as determined by
5 the U.S. Green Building Council.

6 (y) "Green Globes certified" means any certification level
7 of construction elements by a qualified Green Globes
8 Professional as determined by the Green Building Initiative.

9 (Source: P.A. 96-328, eff. 8-11-09; 96-630, eff. 1-1-10;
10 96-680, eff. 8-25-09; 96-1000, eff. 7-2-10; 97-101, eff.
11 1-1-12.)

12 (65 ILCS 5/11-74.4-3.5)

13 Sec. 11-74.4-3.5. Completion dates for redevelopment
14 projects.

15 (a) Unless otherwise stated in this Section, the estimated
16 dates of completion of the redevelopment project and retirement
17 of obligations issued to finance redevelopment project costs
18 (including refunding bonds under Section 11-74.4-7) may not be
19 later than December 31 of the year in which the payment to the
20 municipal treasurer, as provided in subsection (b) of Section
21 11-74.4-8 of this Act, is to be made with respect to ad valorem
22 taxes levied in the 23rd calendar year after the year in which
23 the ordinance approving the redevelopment project area was
24 adopted if the ordinance was adopted on or after January 15,
25 1981.

1 (a-5) On and after January 1, 2014, the estimated date of
2 completion of a redevelopment project and retirement of
3 obligations issued to finance redevelopment project costs,
4 including, but not limited to, refunding bonds under Section
5 11-74.4-7, shall be no later than December 31 of the year in
6 which the payment to the municipal treasurer, as provided in
7 subsection (b) of Section 11-74.4-8, is to be made with respect
8 to ad valorem taxes levied in the 23rd calendar year after the
9 year in which the ordinance approving the redevelopment project
10 area was adopted unless all taxing districts serving on the
11 joint review board send documentation supporting a later
12 estimated date of completion to the State Comptroller and the
13 extension of the later estimated date of completion date is
14 authorized by a subsequent amendment to this Code. The State
15 Comptroller must post this documentation on the State
16 Comptroller's official website. This information must be
17 posted no later than 45 days after the State Comptroller
18 receives the information from the taxing districts.

19 (b) The estimated dates of completion of the redevelopment
20 project and retirement of obligations issued to finance
21 redevelopment project costs (including refunding bonds under
22 Section 11-74.4-7) may not be later than December 31 of the
23 year in which the payment to the municipal treasurer as
24 provided in subsection (b) of Section 11-74.4-8 of this Act is
25 to be made with respect to ad valorem taxes levied in the 32nd
26 calendar year after the year in which the ordinance approving

1 the redevelopment project area was adopted~~7~~ if the ordinance
2 was adopted on September 9, 1999 by the Village of Downs.

3 The estimated dates of completion of the redevelopment
4 project and retirement of obligations issued to finance
5 redevelopment project costs (including refunding bonds under
6 Section 11-74.4-7) may not be later than December 31 of the
7 year in which the payment to the municipal treasurer as
8 provided in subsection (b) of Section 11-74.4-8 of this Act is
9 to be made with respect to ad valorem taxes levied in the 33rd
10 calendar year after the year in which the ordinance approving
11 the redevelopment project area was adopted~~7~~ if the ordinance
12 was adopted on May 20, 1985 by the Village of Wheeling.

13 The estimated dates of completion of the redevelopment
14 project and retirement of obligations issued to finance
15 redevelopment project costs (including refunding bonds under
16 Section 11-74.4-7) may not be later than December 31 of the
17 year in which the payment to the municipal treasurer as
18 provided in subsection (b) of Section 11-74.4-8 of this Act is
19 to be made with respect to ad valorem taxes levied in the 28th
20 calendar year after the year in which the ordinance approving
21 the redevelopment project area was adopted~~7~~ if the ordinance
22 was adopted on October 12, 1989 by the City of Lawrenceville.

23 (c) The estimated dates of completion of the redevelopment
24 project and retirement of obligations issued to finance
25 redevelopment project costs (including refunding bonds under
26 Section 11-74.4-7) may not be later than December 31 of the

1 year in which the payment to the municipal treasurer as
2 provided in subsection (b) of Section 11-74.4-8 of this Act is
3 to be made with respect to ad valorem taxes levied in the 35th
4 calendar year after the year in which the ordinance approving
5 the redevelopment project area was adopted:

6 (1) if the ordinance was adopted before January 15,
7 1981;

8 (2) if the ordinance was adopted in December 1983,
9 April 1984, July 1985, or December 1989;

10 (3) if the ordinance was adopted in December 1987 and
11 the redevelopment project is located within one mile of
12 Midway Airport;

13 (4) if the ordinance was adopted before January 1, 1987
14 by a municipality in Mason County;

15 (5) if the municipality is subject to the Local
16 Government Financial Planning and Supervision Act or the
17 Financially Distressed City Law;

18 (6) if the ordinance was adopted in December 1984 by
19 the Village of Rosemont;

20 (7) if the ordinance was adopted on December 31, 1986
21 by a municipality located in Clinton County for which at
22 least \$250,000 of tax increment bonds were authorized on
23 June 17, 1997, or if the ordinance was adopted on December
24 31, 1986 by a municipality with a population in 1990 of
25 less than 3,600 that is located in a county with a
26 population in 1990 of less than 34,000 and for which at

1 least \$250,000 of tax increment bonds were authorized on
2 June 17, 1997;

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

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

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

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

12 (12) if the ordinance was adopted in September 1988 by
13 Sauk Village;

14 (13) if the ordinance was adopted in October 1993 by
15 Sauk Village;

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

18 (15) if the ordinance was adopted in March 1991 by the
19 City of Centreville;

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

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

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

26 (19) if the ordinance was adopted on September 6, 1994

1 by the City of Freeport;

2 (20) if the ordinance was adopted on December 22, 1986

3 by the City of Tuscola;

4 (21) if the ordinance was adopted on December 23, 1986

5 by the City of Sparta;

6 (22) if the ordinance was adopted on December 23, 1986

7 by the City of Beardstown;

8 (23) if the ordinance was adopted on April 27, 1981,

9 October 21, 1985, or December 30, 1986 by the City of

10 Belleville;

11 (24) if the ordinance was adopted on December 29, 1986

12 by the City of Collinsville;

13 (25) if the ordinance was adopted on September 14, 1994

14 by the City of Alton;

15 (26) if the ordinance was adopted on November 11, 1996

16 by the City of Lexington;

17 (27) if the ordinance was adopted on November 5, 1984

18 by the City of LeRoy;

19 (28) if the ordinance was adopted on April 3, 1991 or

20 June 3, 1992 by the City of Markham;

21 (29) if the ordinance was adopted on November 11, 1986

22 by the City of Pekin;

23 (30) if the ordinance was adopted on December 15, 1981

24 by the City of Champaign;

25 (31) if the ordinance was adopted on December 15, 1986

26 by the City of Urbana;

1 (32) if the ordinance was adopted on December 15, 1986
2 by the Village of Heyworth;

3 (33) if the ordinance was adopted on February 24, 1992
4 by the Village of Heyworth;

5 (34) if the ordinance was adopted on March 16, 1995 by
6 the Village of Heyworth;

7 (35) if the ordinance was adopted on December 23, 1986
8 by the Town of Cicero;

9 (36) if the ordinance was adopted on December 30, 1986
10 by the City of Effingham;

11 (37) if the ordinance was adopted on May 9, 1991 by the
12 Village of Tilton;

13 (38) if the ordinance was adopted on October 20, 1986
14 by the City of Elmhurst;

15 (39) if the ordinance was adopted on January 19, 1988
16 by the City of Waukegan;

17 (40) if the ordinance was adopted on September 21, 1998
18 by the City of Waukegan;

19 (41) if the ordinance was adopted on December 31, 1986
20 by the City of Sullivan;

21 (42) if the ordinance was adopted on December 23, 1991
22 by the City of Sullivan;

23 (43) if the ordinance was adopted on December 31, 1986
24 by the City of Oglesby;

25 (44) if the ordinance was adopted on July 28, 1987 by
26 the City of Marion;

1 (45) if the ordinance was adopted on April 23, 1990 by
2 the City of Marion;

3 (46) if the ordinance was adopted on August 20, 1985 by
4 the Village of Mount Prospect;

5 (47) if the ordinance was adopted on February 2, 1998
6 by the Village of Woodhull;

7 (48) if the ordinance was adopted on April 20, 1993 by
8 the Village of Princeville;

9 (49) if the ordinance was adopted on July 1, 1986 by
10 the City of Granite City;

11 (50) if the ordinance was adopted on February 2, 1989
12 by the Village of Lombard;

13 (51) if the ordinance was adopted on December 29, 1986
14 by the Village of Gardner;

15 (52) if the ordinance was adopted on July 14, 1999 by
16 the Village of Paw Paw;

17 (53) if the ordinance was adopted on November 17, 1986
18 by the Village of Franklin Park;

19 (54) if the ordinance was adopted on November 20, 1989
20 by the Village of South Holland;

21 (55) if the ordinance was adopted on July 14, 1992 by
22 the Village of Riverdale;

23 (56) if the ordinance was adopted on December 29, 1986
24 by the City of Galesburg;

25 (57) if the ordinance was adopted on April 1, 1985 by
26 the City of Galesburg;

1 (58) if the ordinance was adopted on May 21, 1990 by
2 the City of West Chicago;

3 (59) if the ordinance was adopted on December 16, 1986
4 by the City of Oak Forest;

5 (60) if the ordinance was adopted in 1999 by the City
6 of Villa Grove;

7 (61) if the ordinance was adopted on January 13, 1987
8 by the Village of Mt. Zion;

9 (62) if the ordinance was adopted on December 30, 1986
10 by the Village of Manteno;

11 (63) if the ordinance was adopted on April 3, 1989 by
12 the City of Chicago Heights;

13 (64) if the ordinance was adopted on January 6, 1999 by
14 the Village of Rosemont;

15 (65) if the ordinance was adopted on December 19, 2000
16 by the Village of Stone Park;

17 (66) if the ordinance was adopted on December 22, 1986
18 by the City of DeKalb;

19 (67) if the ordinance was adopted on December 2, 1986
20 by the City of Aurora;

21 (68) if the ordinance was adopted on December 31, 1986
22 by the Village of Milan;

23 (69) if the ordinance was adopted on September 8, 1994
24 by the City of West Frankfort;

25 (70) if the ordinance was adopted on December 23, 1986
26 by the Village of Libertyville;

1 (71) if the ordinance was adopted on December 22, 1986
2 by the Village of Hoffman Estates;

3 (72) if the ordinance was adopted on September 17, 1986
4 by the Village of Sherman;

5 (73) if the ordinance was adopted on December 16, 1986
6 by the City of Macomb;

7 (74) if the ordinance was adopted on June 11, 2002 by
8 the City of East Peoria to create the West Washington
9 Street TIF;

10 (75) if the ordinance was adopted on June 11, 2002 by
11 the City of East Peoria to create the Camp Street TIF;

12 (76) if the ordinance was adopted on August 7, 2000 by
13 the City of Des Plaines;

14 (77) if the ordinance was adopted on December 22, 1986
15 by the City of Washington to create the Washington Square
16 TIF #2;

17 (78) if the ordinance was adopted on December 29, 1986
18 by the City of Morris;

19 (79) if the ordinance was adopted on July 6, 1998 by
20 the Village of Steeleville;

21 (80) if the ordinance was adopted on December 29, 1986
22 by the City of Pontiac to create TIF I (the Main St TIF);

23 (81) if the ordinance was adopted on December 29, 1986
24 by the City of Pontiac to create TIF II (the Interstate
25 TIF);

26 (82) if the ordinance was adopted on November 6, 2002

1 by the City of Chicago to create the Madden/Wells TIF
2 District;

3 (83) if the ordinance was adopted on November 4, 1998
4 by the City of Chicago to create the Roosevelt/Racine TIF
5 District;

6 (84) if the ordinance was adopted on June 10, 1998 by
7 the City of Chicago to create the Stony Island
8 Commercial/Burnside Industrial Corridors TIF District;

9 (85) if the ordinance was adopted on November 29, 1989
10 by the City of Chicago to create the Englewood Mall TIF
11 District;

12 (86) if the ordinance was adopted on December 27, 1986
13 by the City of Mendota;

14 (87) if the ordinance was adopted on December 31, 1986
15 by the Village of Cahokia;

16 (88) if the ordinance was adopted on September 20, 1999
17 by the City of Belleville;

18 (89) if the ordinance was adopted on December 30, 1986
19 by the Village of Bellevue to create the Bellevue TIF
20 District 1;

21 (90) if the ordinance was adopted on December 13, 1993
22 by the Village of Crete;

23 (91) if the ordinance was adopted on February 12, 2001
24 by the Village of Crete;

25 (92) if the ordinance was adopted on April 23, 2001 by
26 the Village of Crete;

1 (93) if the ordinance was adopted on December 16, 1986
2 by the City of Champaign;

3 (94) if the ordinance was adopted on December 20, 1986
4 by the City of Charleston;

5 (95) if the ordinance was adopted on June 6, 1989 by
6 the Village of Romeoville;

7 (96) if the ordinance was adopted on October 14, 1993
8 and amended on August 2, 2010 by the City of Venice;

9 (97) if the ordinance was adopted on June 1, 1994 by
10 the City of Markham;

11 (98) if the ordinance was adopted on May 19, 1998 by
12 the Village of Bensenville;

13 (99) if the ordinance was adopted on November 12, 1987
14 by the City of Dixon;

15 (100) if the ordinance was adopted on December 20, 1988
16 by the Village of Lansing;

17 (101) if the ordinance was adopted on October 27, 1998
18 by the City of Moline; ~~or~~

19 (102) if the ordinance was adopted on May 21, 1991 by
20 the Village of Glenwood; ~~or~~

21 (103) ~~(102)~~ if the ordinance was adopted on January 28,
22 1992 by the City of East Peoria; or

23 (104) ~~(103)~~ if the ordinance was adopted on December
24 14, 1998 by the City of Carlyle.

25 (d) For redevelopment project areas for which bonds were
26 issued before July 29, 1991, or for which contracts were

1 entered into before June 1, 1988, in connection with a
2 redevelopment project in the area within the State Sales Tax
3 Boundary, the estimated dates of completion of the
4 redevelopment project and retirement of obligations to finance
5 redevelopment project costs (including refunding bonds under
6 Section 11-74.4-7) may be extended by municipal ordinance to
7 December 31, 2013. The termination procedures of subsection (b)
8 of Section 11-74.4-8 are not required for these redevelopment
9 project areas in 2009 but are required in 2013. The extension
10 allowed by Public Act 87-1272 shall not apply to real property
11 tax increment allocation financing under Section 11-74.4-8.

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

24 (f) Those dates, for purposes of real property tax
25 increment allocation financing pursuant to Section 11-74.4-8
26 only, shall be not more than 35 years for redevelopment project

1 areas that were established on or after December 1, 1981 but
2 before January 1, 1982 and for which at least \$1,500,000 worth
3 of tax increment revenue bonds were authorized on or after
4 September 30, 1990 but before July 1, 1991; provided that the
5 municipality elects to extend the life of the redevelopment
6 project area to 35 years by the adoption of an ordinance after
7 at least 14 but not more than 30 days' written notice to the
8 taxing bodies, that would otherwise constitute the joint review
9 board for the redevelopment project area, before the adoption
10 of the ordinance.

11 (g) In consolidating the material relating to completion
12 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
13 it is not the intent of the General Assembly to make any
14 substantive change in the law, except for the extension of the
15 completion dates for the City of Aurora, the Village of Milan,
16 the City of West Frankfort, the Village of Libertyville, and
17 the Village of Hoffman Estates set forth under items (67),
18 (68), (69), (70), and (71) of subsection (c) of this Section.

19 (Source: P.A. 96-127, eff. 8-4-09; 96-182, eff. 8-10-09;
20 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff.
21 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439,
22 eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09;
23 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff.
24 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10;
25 96-1494, eff. 12-30-10; 96-1514, eff. 2-4-11; 96-1552, eff.
26 3-10-11; 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600, eff.

1 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11; 97-807,
2 eff. 7-13-12; 97-1114, eff. 8-27-12; revised 9-20-12.)

3 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

4 Sec. 11-74.4-4. Municipal powers and duties; redevelopment
5 project areas. The changes made by this amendatory Act of the
6 91st General Assembly do not apply to a municipality that, (i)
7 before the effective date of this amendatory Act of the 91st
8 General Assembly, has adopted an ordinance or resolution fixing
9 a time and place for a public hearing under Section 11-74.4-5
10 or (ii) before July 1, 1999, has adopted an ordinance or
11 resolution providing for a feasibility study under Section
12 11-74.4-4.1, but has not yet adopted an ordinance approving
13 redevelopment plans and redevelopment projects or designating
14 redevelopment project areas under this Section, until after
15 that municipality adopts an ordinance approving redevelopment
16 plans and redevelopment projects or designating redevelopment
17 project areas under this Section; thereafter the changes made
18 by this amendatory Act of the 91st General Assembly apply to
19 the same extent that they apply to redevelopment plans and
20 redevelopment projects that were approved and redevelopment
21 projects that were designated before the effective date of this
22 amendatory Act of the 91st General Assembly.

23 A municipality may:

24 (a) By ordinance introduced in the governing body of the
25 municipality within 14 to 90 days from the completion of the

1 hearing specified in Section 11-74.4-5 approve redevelopment
2 plans and redevelopment projects, and designate redevelopment
3 project areas pursuant to notice and hearing required by this
4 Act. No redevelopment project area shall be designated unless a
5 plan and project are approved prior to the designation of such
6 area and such area shall include only those contiguous parcels
7 of real property and improvements thereon substantially
8 benefited by the proposed redevelopment project improvements.
9 Upon adoption of the ordinances, the municipality shall
10 forthwith transmit to the Department of Commerce and Economic
11 Opportunity, the State Comptroller, and the county clerk of the
12 county or counties within which the redevelopment project area
13 is located a certified copy of the ordinances, a legal
14 description of the redevelopment project area, a map of the
15 redevelopment project area, identification of the year that the
16 county clerk shall use for determining the total initial
17 equalized assessed value of the redevelopment project area
18 consistent with subsection (a) of Section 11-74.4-9, and a list
19 of the parcel or tax identification number of each parcel of
20 property included in the redevelopment project area. On and
21 after January 1, 2014, the State Comptroller must post this
22 documentation on the State Comptroller's official website.
23 This information must be posted no later than 45 days after the
24 State Comptroller receives it from the municipality.
25 Notwithstanding any other provision of law, in a municipality
26 with a population exceeding 25,000 inhabitants, no

1 redevelopment project area may be designated on or after
2 January 1, 2014 if, as of the anticipated effective date of the
3 designation, the equalized assessed value of all property in
4 the redevelopment project area plus the total current equalized
5 assessed value of all property located in the municipality and
6 subject to tax increment financing under this Division exceeds
7 35% of the total equalized assessed value of all property
8 located in the municipality.

9 (b) Make and enter into all contracts with property owners,
10 developers, tenants, overlapping taxing bodies, and others
11 necessary or incidental to the implementation and furtherance
12 of its redevelopment plan and project. Contract provisions
13 concerning loan repayment obligations in contracts entered
14 into on or after the effective date of this amendatory Act of
15 the 93rd General Assembly shall terminate no later than the
16 last to occur of the estimated dates of completion of the
17 redevelopment project and retirement of the obligations issued
18 to finance redevelopment project costs as required by item (3)
19 of subsection (n) of Section 11-74.4-3. Payments received under
20 contracts entered into by the municipality prior to the
21 effective date of this amendatory Act of the 93rd General
22 Assembly that are received after the redevelopment project area
23 has been terminated by municipal ordinance shall be deposited
24 into a special fund of the municipality to be used for other
25 community redevelopment needs within the redevelopment project
26 area.

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

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

23 (e) Within a redevelopment project area, renovate or
24 rehabilitate or construct any structure or building, as
25 permitted under this Act.

26 (f) Install, repair, construct, reconstruct or relocate

1 streets, utilities and site improvements essential to the
2 preparation of the redevelopment area for use in accordance
3 with a redevelopment plan.

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

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

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

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

1 (k) Create a commission of not less than 5 or more than 15
2 persons to be appointed by the mayor or president of the
3 municipality with the consent of the majority of the governing
4 board of the municipality. Members of a commission appointed
5 after the effective date of this amendatory Act of 1987 shall
6 be appointed for initial terms of 1, 2, 3, 4 and 5 years,
7 respectively, in such numbers as to provide that the terms of
8 not more than 1/3 of all such members shall expire in any one
9 year. Their successors shall be appointed for a term of 5
10 years. The commission, subject to approval of the corporate
11 authorities may exercise the powers enumerated in this Section.
12 The commission shall also have the power to hold the public
13 hearings required by this division and make recommendations to
14 the corporate authorities concerning the adoption of
15 redevelopment plans, redevelopment projects and designation of
16 redevelopment project areas.

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

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

26 (n) If any member of the corporate authority, a member of a

1 commission established pursuant to Section 11-74.4-4(k) of
2 this Act, or an employee or consultant of the municipality
3 involved in the planning and preparation of a redevelopment
4 plan, or project for a redevelopment project area or proposed
5 redevelopment project area, as defined in Sections
6 11-74.4-3(i) through (k) of this Act, owns or controls an
7 interest, direct or indirect, in any property included in any
8 redevelopment area, or proposed redevelopment area, he or she
9 shall disclose the same in writing to the clerk of the
10 municipality, and shall also so disclose the dates and terms
11 and conditions of any disposition of any such interest, which
12 disclosures shall be acknowledged by the corporate authorities
13 and entered upon the minute books of the corporate authorities.
14 If an individual holds such an interest then that individual
15 shall refrain from any further official involvement in regard
16 to such redevelopment plan, project or area, from voting on any
17 matter pertaining to such redevelopment plan, project or area,
18 or communicating with other members concerning corporate
19 authorities, commission or employees concerning any matter
20 pertaining to said redevelopment plan, project or area.
21 Furthermore, no such member or employee shall acquire of any
22 interest direct, or indirect, in any property in a
23 redevelopment area or proposed redevelopment area after either
24 (a) such individual obtains knowledge of such plan, project or
25 area or (b) first public notice of such plan, project or area
26 pursuant to Section 11-74.4-6 of this Division, whichever

1 occurs first. For the purposes of this subsection, a property
2 interest acquired in a single parcel of property by a member of
3 the corporate authority, which property is used exclusively as
4 the member's primary residence, shall not be deemed to
5 constitute an interest in any property included in a
6 redevelopment area or proposed redevelopment area that was
7 established before December 31, 1989, but the member must
8 disclose the acquisition to the municipal clerk under the
9 provisions of this subsection. A single property interest
10 acquired within one year after the effective date of this
11 amendatory Act of the 94th General Assembly or 2 years after
12 the effective date of this amendatory Act of the 95th General
13 Assembly by a member of the corporate authority does not
14 constitute an interest in any property included in any
15 redevelopment area or proposed redevelopment area, regardless
16 of when the redevelopment area was established, if (i) the
17 property is used exclusively as the member's primary residence,
18 (ii) the member discloses the acquisition to the municipal
19 clerk under the provisions of this subsection, (iii) the
20 acquisition is for fair market value, (iv) the member acquires
21 the property as a result of the property being publicly
22 advertised for sale, and (v) the member refrains from voting
23 on, and communicating with other members concerning, any matter
24 when the benefits to the redevelopment project or area would be
25 significantly greater than the benefits to the municipality as
26 a whole. For the purposes of this subsection, a month-to-month

1 leasehold interest in a single parcel of property by a member
2 of the corporate authority shall not be deemed to constitute an
3 interest in any property included in any redevelopment area or
4 proposed redevelopment area, but the member must disclose the
5 interest to the municipal clerk under the provisions of this
6 subsection.

7 (o) Create a Tax Increment Economic Development Advisory
8 Committee to be appointed by the Mayor or President of the
9 municipality with the consent of the majority of the governing
10 board of the municipality, the members of which Committee shall
11 be appointed for initial terms of 1, 2, 3, 4 and 5 years
12 respectively, in such numbers as to provide that the terms of
13 not more than 1/3 of all such members shall expire in any one
14 year. Their successors shall be appointed for a term of 5
15 years. The Committee shall have none of the powers enumerated
16 in this Section. The Committee shall serve in an advisory
17 capacity only. The Committee may advise the governing Board of
18 the municipality and other municipal officials regarding
19 development issues and opportunities within the redevelopment
20 project area or the area within the State Sales Tax Boundary.
21 The Committee may also promote and publicize development
22 opportunities in the redevelopment project area or the area
23 within the State Sales Tax Boundary.

24 (p) Municipalities may jointly undertake and perform
25 redevelopment plans and projects and utilize the provisions of
26 the Act wherever they have contiguous redevelopment project

1 areas or they determine to adopt tax increment financing with
2 respect to a redevelopment project area which includes
3 contiguous real property within the boundaries of the
4 municipalities, and in doing so, they may, by agreement between
5 municipalities, issue obligations, separately or jointly, and
6 expend revenues received under the Act for eligible expenses
7 anywhere within contiguous redevelopment project areas or as
8 otherwise permitted in the Act.

9 (q) Utilize revenues, other than State sales tax increment
10 revenues, received under this Act from one redevelopment
11 project area for eligible costs in another redevelopment
12 project area that is:

13 (i) contiguous to the redevelopment project area from
14 which the revenues are received;

15 (ii) separated only by a public right of way from the
16 redevelopment project area from which the revenues are
17 received; or

18 (iii) separated only by forest preserve property from
19 the redevelopment project area from which the revenues are
20 received if the closest boundaries of the redevelopment
21 project areas that are separated by the forest preserve
22 property are less than one mile apart.

23 Utilize tax increment revenues for eligible costs that are
24 received from a redevelopment project area created under the
25 Industrial Jobs Recovery Law that is either contiguous to, or
26 is separated only by a public right of way from, the

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

22 (r) If no redevelopment project has been initiated in a
23 redevelopment project area within 7 years after the area was
24 designated by ordinance under subsection (a), the municipality
25 shall adopt an ordinance repealing the area's designation as a
26 redevelopment project area; provided, however, that if an area

1 received its designation more than 3 years before the effective
2 date of this amendatory Act of 1994 and no redevelopment
3 project has been initiated within 4 years after the effective
4 date of this amendatory Act of 1994, the municipality shall
5 adopt an ordinance repealing its designation as a redevelopment
6 project area. Initiation of a redevelopment project shall be
7 evidenced by either a signed redevelopment agreement or
8 expenditures on eligible redevelopment project costs
9 associated with a redevelopment project.

10 Notwithstanding any other provision of this Section to the
11 contrary, with respect to a redevelopment project area
12 designated by an ordinance that was adopted on July 29, 1998 by
13 the City of Chicago, the City of Chicago shall adopt an
14 ordinance repealing the area's designation as a redevelopment
15 project area if no redevelopment project has been initiated in
16 the redevelopment project area within 15 years after the
17 designation of the area. The City of Chicago may retroactively
18 repeal any ordinance adopted by the City of Chicago, pursuant
19 to this subsection (r), that repealed the designation of a
20 redevelopment project area designated by an ordinance that was
21 adopted by the City of Chicago on July 29, 1998. The City of
22 Chicago has 90 days after the effective date of this amendatory
23 Act to repeal the ordinance. The changes to this Section made
24 by this amendatory Act of the 96th General Assembly apply
25 retroactively to July 27, 2005.

26 (Source: P.A. 96-1555, eff. 3-18-11; 97-333, eff. 8-12-11.)

1 (65 ILCS 5/11-74.4-5) (from Ch. 24, par. 11-74.4-5)

2 Sec. 11-74.4-5. Public hearing; joint review board.

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

22 Prior to the adoption of an ordinance proposing the
23 designation of a redevelopment project area, or approving a
24 redevelopment plan or redevelopment project, the municipality
25 by its corporate authorities, or as it may determine by any

1 commission designated under subsection (k) of Section
2 11-74.4-4 shall adopt an ordinance or resolution fixing a time
3 and place for public hearing. At least 10 days prior to the
4 adoption of the ordinance or resolution establishing the time
5 and place for the public hearing, the municipality shall make
6 available for public inspection a redevelopment plan or a
7 separate report that provides in reasonable detail the basis
8 for the eligibility of the redevelopment project area. The
9 report along with the name of a person to contact for further
10 information shall be sent within a reasonable time after the
11 adoption of such ordinance or resolution to the affected taxing
12 districts by certified mail. On and after the effective date of
13 this amendatory Act of the 91st General Assembly, the
14 municipality shall print in a newspaper of general circulation
15 within the municipality a notice that interested persons may
16 register with the municipality in order to receive information
17 on the proposed designation of a redevelopment project area or
18 the approval of a redevelopment plan. The notice shall state
19 the place of registration and the operating hours of that
20 place. The municipality shall have adopted reasonable rules to
21 implement this registration process under Section 11-74.4-4.2.
22 The municipality shall provide notice of the availability of
23 the redevelopment plan and eligibility report, including how to
24 obtain this information, by mail within a reasonable time after
25 the adoption of the ordinance or resolution, to all residential
26 addresses that, after a good faith effort, the municipality

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

26 At the public hearing any interested person or affected

1 taxing district may file with the municipal clerk written
2 objections to and may be heard orally in respect to any issues
3 embodied in the notice. The municipality shall hear all
4 protests and objections at the hearing, granting each witness a
5 reasonable amount of time for testimony, and the hearing may be
6 adjourned to another date without further notice other than a
7 motion to be entered upon the minutes fixing the time and place
8 of the subsequent hearing. At the public hearing or at any time
9 prior to the adoption by the municipality of an ordinance
10 approving a redevelopment plan, the municipality may make
11 changes in the redevelopment plan. Changes which (1) add
12 additional parcels of property to the proposed redevelopment
13 project area, other than parcels to be removed from a
14 redevelopment project area for the purpose of inclusion in
15 another redevelopment project area, (2) substantially affect
16 the general land uses proposed in the redevelopment plan, (3)
17 substantially change the nature of or extend the life of the
18 redevelopment project, or (4) increase the number of inhabited
19 residential units to be displaced from the redevelopment
20 project area, as measured from the time of creation of the
21 redevelopment project area, to a total of more than 10, shall
22 be made only after the municipality gives notice, convenes a
23 joint review board, and conducts a public hearing pursuant to
24 the procedures set forth in this Section and in Section
25 11-74.4-6 of this Act. Changes which do not (1) add additional
26 parcels of property to the proposed redevelopment project area,

1 other than parcels to be removed from a redevelopment project
2 area for the purpose of inclusion in another redevelopment
3 project area, (2) substantially affect the general land uses
4 proposed in the redevelopment plan, (3) substantially change
5 the nature of or extend the life of the redevelopment project,
6 or (4) increase the number of inhabited residential units to be
7 displaced from the redevelopment project area, as measured from
8 the time of creation of the redevelopment project area, to a
9 total of more than 10, may be made without further hearing,
10 provided that the municipality shall give notice of any such
11 changes by mail to each affected taxing district and registrant
12 on the interested parties registry, provided for under Section
13 11-74.4-4.2, and by publication in a newspaper of general
14 circulation within the affected taxing district. Such notice by
15 mail and by publication shall each occur not later than 10 days
16 following the adoption by ordinance of such changes. Hearings
17 with regard to a redevelopment project area, project or plan
18 may be held simultaneously.

19 (b) Prior to holding a public hearing to approve or amend a
20 redevelopment plan or to designate or add additional parcels of
21 property to a redevelopment project area, the municipality
22 shall convene a joint review board. The board shall consist of
23 a representative selected by each community college district,
24 local elementary school district and high school district or
25 each local community unit school district, park district,
26 library district, township, fire protection district, and

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

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

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

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

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

1 redevelopment project area shall provide administrative
2 support to the board.

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

19 The board shall base its recommendation to approve or
20 disapprove the redevelopment plan and the designation of the
21 redevelopment project area or the amendment of the
22 redevelopment plan or addition of parcels of property to the
23 redevelopment project area on the basis of the redevelopment
24 project area and redevelopment plan satisfying the plan
25 requirements, the eligibility criteria defined in Section
26 11-74.4-3, and the objectives of this Act.

1 The board shall issue a written report describing why the
2 redevelopment plan and project area or the amendment thereof
3 meets or fails to meet one or more of the objectives of this
4 Act and both the plan requirements and the eligibility criteria
5 defined in Section 11-74.4-3. In the event the Board does not
6 file a report it shall be presumed that these taxing bodies
7 find the redevelopment project area and redevelopment plan
8 satisfy the objectives of this Act and the plan requirements
9 and eligibility criteria.

10 If the board recommends rejection of the matters before it,
11 the municipality will have 30 days within which to resubmit the
12 plan or amendment. During this period, the municipality will
13 meet and confer with the board and attempt to resolve those
14 issues set forth in the board's written report that led to the
15 rejection of the plan or amendment.

16 Notwithstanding the resubmission set forth above, the
17 municipality may commence the scheduled public hearing and
18 either adjourn the public hearing or continue the public
19 hearing until a date certain. Prior to continuing any public
20 hearing to a date certain, the municipality shall announce
21 during the public hearing the time, date, and location for the
22 reconvening of the public hearing. Any changes to the
23 redevelopment plan necessary to satisfy the issues set forth in
24 the joint review board report shall be the subject of a public
25 hearing before the hearing is adjourned if the changes would
26 (1) substantially affect the general land uses proposed in the

1 redevelopment plan, (2) substantially change the nature of or
2 extend the life of the redevelopment project, or (3) increase
3 the number of inhabited residential units to be displaced from
4 the redevelopment project area, as measured from the time of
5 creation of the redevelopment project area, to a total of more
6 than 10. Changes to the redevelopment plan necessary to satisfy
7 the issues set forth in the joint review board report shall not
8 require any further notice or convening of a joint review board
9 meeting, except that any changes to the redevelopment plan that
10 would add additional parcels of property to the proposed
11 redevelopment project area shall be subject to the notice,
12 public hearing, and joint review board meeting requirements
13 established for such changes by subsection (a) of Section
14 11-74.4-5.

15 Before January 1, 2014, in ~~in~~ the event that the
16 municipality and the board are unable to resolve these
17 differences, or in the event that the resubmitted plan or
18 amendment is rejected by the board, the municipality may
19 proceed with the plan or amendment, but only upon a
20 three-fifths vote of the corporate authority responsible for
21 approval of the plan or amendment, excluding positions of
22 members that are vacant and those members that are ineligible
23 to vote because of conflicts of interest.

24 On and after January 1, 2014, in the event that a
25 resubmitted plan or amendment is rejected at the reconvened
26 joint review board meeting by a three-fifths vote of all taxing

1 districts and the public members, if elected, that constitute
2 the joint review board, with each member having an equal vote,
3 the municipality may not proceed with the plan or amendment.
4 Each taxing district voting to reject a plan or amendment shall
5 send documentation explaining its opposition to the State
6 Comptroller. The State Comptroller must post this
7 documentation on the State Comptroller's official website.
8 This information must be posted no later than 45 days after the
9 State Comptroller receives the information from the taxing
10 districts.

11 (c) After a municipality has by ordinance approved a
12 redevelopment plan and designated a redevelopment project
13 area, the plan may be amended and additional properties may be
14 added to the redevelopment project area only as herein
15 provided. Amendments which (1) add additional parcels of
16 property to the proposed redevelopment project area, (2)
17 substantially affect the general land uses proposed in the
18 redevelopment plan, (3) substantially change the nature of the
19 redevelopment project, (4) increase the total estimated
20 redevelopment project costs set out in the redevelopment plan
21 by more than 5% after adjustment for inflation from the date
22 the plan was adopted, (5) add additional redevelopment project
23 costs to the itemized list of redevelopment project costs set
24 out in the redevelopment plan, or (6) increase the number of
25 inhabited residential units to be displaced from the
26 redevelopment project area, as measured from the time of

1 creation of the redevelopment project area, to a total of more
2 than 10, shall be made only after the municipality gives
3 notice, convenes a joint review board, and conducts a public
4 hearing pursuant to the procedures set forth in this Section
5 and in Section 11-74.4-6 of this Act. Changes which do not (1)
6 add additional parcels of property to the proposed
7 redevelopment project area, (2) substantially affect the
8 general land uses proposed in the redevelopment plan, (3)
9 substantially change the nature of the redevelopment project,
10 (4) increase the total estimated redevelopment project cost set
11 out in the redevelopment plan by more than 5% after adjustment
12 for inflation from the date the plan was adopted, (5) add
13 additional redevelopment project costs to the itemized list of
14 redevelopment project costs set out in the redevelopment plan,
15 or (6) increase the number of inhabited residential units to be
16 displaced from the redevelopment project area, as measured from
17 the time of creation of the redevelopment project area, to a
18 total of more than 10, may be made without further public
19 hearing and related notices and procedures including the
20 convening of a joint review board as set forth in Section
21 11-74.4-6 of this Act, provided that the municipality shall
22 give notice of any such changes by mail to each affected taxing
23 district and registrant on the interested parties registry,
24 provided for under Section 11-74.4-4.2, and by publication in a
25 newspaper of general circulation within the affected taxing
26 district. Such notice by mail and by publication shall each

1 occur not later than 10 days following the adoption by
2 ordinance of such changes.

3 (d) After the effective date of this amendatory Act of the
4 91st General Assembly, a municipality shall submit in an
5 electronic format the following information for each
6 redevelopment project area (i) to the State Comptroller under
7 Section 8-8-3.5 of the Illinois Municipal Code and (ii) to all
8 taxing districts overlapping the redevelopment project area no
9 later than 180 days after the close of each municipal fiscal
10 year or as soon thereafter as the audited financial statements
11 become available and, in any case, shall be submitted before
12 the annual meeting of the Joint Review Board to each of the
13 taxing districts that overlap the redevelopment project area:

14 (1) Any amendments to the redevelopment plan, the
15 redevelopment project area, or the State Sales Tax
16 Boundary.

17 (1.5) A list of the redevelopment project areas
18 administered by the municipality and, if applicable, the
19 date each redevelopment project area was designated or
20 terminated by the municipality.

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

24 (3) Certification of the Chief Executive Officer of the
25 municipality that the municipality has complied with all of
26 the requirements of this Act during the preceding fiscal

1 year.

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

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

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

8 (B) all amounts deposited in the special tax
9 allocation fund by source, including any amounts
10 received from another redevelopment project area;

11 (C) an itemized list of all expenditures from the
12 special tax allocation fund by category of permissible
13 redevelopment project cost, including any amounts
14 transferred to another redevelopment project area; and

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

1 forth in Section 11-74.4-7 hereof.

2 (6) A description of all property purchased by the
3 municipality within the redevelopment project area
4 including:

5 (A) Street address.

6 (B) Approximate size or description of property.

7 (C) Purchase price.

8 (D) Seller of property.

9 (7) A statement setting forth all activities
10 undertaken in furtherance of the objectives of the
11 redevelopment plan, including:

12 (A) Any project implemented in the preceding
13 fiscal year.

14 (B) A description of the redevelopment activities
15 undertaken.

16 (C) A description of any agreements entered into by
17 the municipality with regard to the disposition or
18 redevelopment of any property within the redevelopment
19 project area or the area within the State Sales Tax
20 Boundary.

21 (D) Additional information on the use of all funds
22 received under this Division and steps taken by the
23 municipality to achieve the objectives of the
24 redevelopment plan.

25 (E) Information regarding contracts that the
26 municipality's tax increment advisors or consultants

1 have entered into with entities or persons that have
2 received, or are receiving, payments financed by tax
3 increment revenues produced by the same redevelopment
4 project area.

5 (F) Any reports submitted to the municipality by
6 the joint review board.

7 (G) A review of public and, to the extent possible,
8 private investment actually undertaken to date after
9 the effective date of this amendatory Act of the 91st
10 General Assembly and estimated to be undertaken during
11 the following year. This review shall, on a
12 project-by-project basis, set forth the estimated
13 amounts of public and private investment incurred
14 after the effective date of this amendatory Act of the
15 91st General Assembly and provide the ratio of private
16 investment to public investment to the date of the
17 report and as estimated to the completion of the
18 redevelopment project.

19 (8) With regard to any obligations issued by the
20 municipality:

21 (A) copies of any official statements; and

22 (B) an analysis prepared by financial advisor or
23 underwriter setting forth: (i) nature and term of
24 obligation; and (ii) projected debt service including
25 required reserves and debt coverage.

26 (9) For special tax allocation funds that have

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

26 (10) A list of all intergovernmental agreements in

1 effect during the fiscal year to which the municipality is
2 a party and an accounting of any moneys transferred or
3 received by the municipality during that fiscal year
4 pursuant to those intergovernmental agreements.

5 (11) A detailed list of jobs created or retained during
6 the fiscal year, both temporary and permanent, along with a
7 description of whether the jobs are in the public or
8 private sector, to the extent that the information is
9 required to be reported to the municipality pursuant to a
10 redevelopment agreement or other written agreement.

11 (d-1) Prior to the effective date of this amendatory Act of
12 the 91st General Assembly, municipalities with populations of
13 over 1,000,000 shall, after adoption of a redevelopment plan or
14 project, make available upon request to any taxing district in
15 which the redevelopment project area is located the following
16 information:

17 (1) Any amendments to the redevelopment plan, the
18 redevelopment project area, or the State Sales Tax
19 Boundary; and

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

25 (e) The joint review board shall meet annually 180 days
26 after the close of the municipal fiscal year or as soon as the

1 redevelopment project audit for that fiscal year becomes
2 available to review the effectiveness and status of the
3 redevelopment project area up to that date.

4 (f) (Blank).

5 (g) In the event that a municipality has held a public
6 hearing under this Section prior to March 14, 1994 (the
7 effective date of Public Act 88-537), the requirements imposed
8 by Public Act 88-537 relating to the method of fixing the time
9 and place for public hearing, the materials and information
10 required to be made available for public inspection, and the
11 information required to be sent after adoption of an ordinance
12 or resolution fixing a time and place for public hearing shall
13 not be applicable.

14 (h) On and after the effective date of this amendatory Act
15 of the 96th General Assembly, the State Comptroller must post
16 on the State Comptroller's official website the information
17 submitted by a municipality pursuant to subsection (d) of this
18 Section. The information must be posted no later than 45 days
19 after the State Comptroller receives the information from the
20 municipality. The State Comptroller must also post a list of
21 the municipalities not in compliance with the reporting
22 requirements set forth in subsection (d) of this Section.

23 (i) No later than 10 years after the corporate authorities
24 of a municipality adopt an ordinance to establish a
25 redevelopment project area, the municipality must compile a
26 status report concerning the redevelopment project area. The

1 status report must detail without limitation the following: (i)
2 the amount of revenue generated within the redevelopment
3 project area, (ii) any expenditures made by the municipality
4 for the redevelopment project area including without
5 limitation expenditures from the special tax allocation fund,
6 (iii) the status of planned activities, goals, and objectives
7 set forth in the redevelopment plan including details on new or
8 planned construction within the redevelopment project area,
9 (iv) the amount of private and public investment within the
10 redevelopment project area, and (v) any other relevant
11 evaluation or performance data. Within 30 days after the
12 municipality compiles the status report, the municipality must
13 hold at least one public hearing concerning the report. The
14 municipality must provide 20 days' public notice of the
15 hearing.

16 (j) Beginning in fiscal year 2011 and in each fiscal year
17 thereafter, a municipality must detail in its annual budget (i)
18 the revenues generated from redevelopment project areas by
19 source and (ii) the expenditures made by the municipality for
20 redevelopment project areas.

21 (k) The State Comptroller may charge a municipality an
22 annual fee for the Comptroller's costs related to the
23 requirements of this Act. The aggregate total of fees charged
24 to any municipality in any year under this subsection shall not
25 exceed \$5,000 for a municipality with a population in excess of
26 2,000,000 inhabitants, \$1,000 for a municipality with a

1 population in excess of 100,000 inhabitants but not more than
2 2,000,000 inhabitants, \$500 for a municipality with a
3 population in excess of 50,000 inhabitants but not more than
4 100,000 inhabitants, and \$250 for a municipality with a
5 population of not more than 50,000 inhabitants. All fees
6 collected under this subsection shall be deposited into the
7 Comptroller's Administrative Fund.

8 (Source: P.A. 96-1335, eff. 7-27-10.)

9 (65 ILCS 5/11-74.6-15)

10 Sec. 11-74.6-15. Municipal Powers and Duties. A
11 municipality may:

12 (a) By ordinance introduced in the governing body of the
13 municipality within 14 to 90 days from the final adjournment of
14 the hearing specified in Section 11-74.6-22, approve
15 redevelopment plans and redevelopment projects, and designate
16 redevelopment planning areas and redevelopment project areas
17 pursuant to notice and hearing required by this Act. No
18 redevelopment planning area or redevelopment project area
19 shall be designated unless a plan and project are approved
20 before the designation of the area and the area shall include
21 only those parcels of real property and improvements on those
22 parcels substantially benefited by the proposed redevelopment
23 project improvements. Upon adoption of the ordinances, the
24 municipality shall forthwith transmit to the Department of
25 Commerce and Economic Opportunity, the State Comptroller, and

1 the county clerk of the county or counties within which the
2 redevelopment project area is located a certified copy of the
3 ordinances, a legal description of the redevelopment project
4 area, a map of the redevelopment project area, identification
5 of the year that the county clerk shall use for determining the
6 total initial equalized assessed value of the redevelopment
7 project area consistent with subsection (a) of Section
8 11-74.6-40, and a list of the parcel or tax identification
9 number of each parcel of property included in the redevelopment
10 project area. On or after January 1, 2014, the State
11 Comptroller must post this documentation on the State
12 Comptroller's official website. This information must be
13 posted no later than 45 days after the State Comptroller
14 receives it from the municipality. Notwithstanding any other
15 provision of law, in a municipality with a population exceeding
16 25,000 inhabitants, no redevelopment project area may be
17 designated on or after January 1, 2014 if, as of the effective
18 date of the designation, the equalized assessed value of all
19 property in the redevelopment project area plus the total
20 current equalized assessed value of all property located in the
21 municipality and subject to tax increment financing under this
22 Division exceeds 35% of the total equalized assessed value of
23 all property located in the municipality.

24 (b) Make and enter into all contracts necessary or
25 incidental to the implementation and furtherance of its
26 redevelopment plan and project.

1 (c) Within a redevelopment project area, acquire by
2 purchase, donation, lease or eminent domain; own, convey,
3 lease, mortgage or dispose of land and other property, real or
4 personal, or rights or interests therein, and grant or acquire
5 licenses, easements and options with respect to that property,
6 all in the manner and at a price that the municipality
7 determines is reasonably necessary to achieve the objectives of
8 the redevelopment plan and project. No conveyance, lease,
9 mortgage, disposition of land or other property owned by a
10 municipality, or agreement relating to the development of the
11 municipal property shall be made or executed except pursuant to
12 prior official action of the corporate authorities of the
13 municipality. No conveyance, lease, mortgage, or other
14 disposition of land owned by a municipality, and no agreement
15 relating to the development of the municipal property, shall be
16 made without making public disclosure of the terms and the
17 disposition of all bids and proposals submitted to the
18 municipality in connection therewith. The procedures for
19 obtaining the bids and proposals shall provide reasonable
20 opportunity for any person to submit alternative proposals or
21 bids.

22 (d) Within a redevelopment project area, clear any area by
23 demolition or removal of any existing buildings, structures,
24 fixtures, utilities or improvements, and to clear and grade
25 land.

26 (e) Within a redevelopment project area, renovate or

1 rehabilitate or construct any structure or building, as
2 permitted under this Law.

3 (f) Within or without a redevelopment project area,
4 install, repair, construct, reconstruct or relocate streets,
5 utilities and site improvements essential to the preparation of
6 the redevelopment area for use in accordance with a
7 redevelopment plan.

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

11 (h) Issue obligations as provided in this Act.

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

15 (j) Acquire and construct public facilities within a
16 redevelopment project area, as permitted under this Law.

17 (k) Incur, pay or cause to be paid redevelopment project
18 costs; provided, however, that on and after the effective date
19 of this amendatory Act of the 91st General Assembly, no
20 municipality shall incur redevelopment project costs (except
21 for planning and other eligible costs authorized by municipal
22 ordinance or resolution that are subsequently included in the
23 redevelopment plan for the area and are incurred after the
24 ordinance or resolution is adopted) that are not consistent
25 with the program for accomplishing the objectives of the
26 redevelopment plan as included in that plan and approved by the

1 municipality until the municipality has amended the
2 redevelopment plan as provided elsewhere in this Law. Any
3 payments to be made by the municipality to redevelopers or
4 other nongovernmental persons for redevelopment project costs
5 incurred by such redeveloper or other nongovernmental person
6 shall be made only pursuant to the prior official action of the
7 municipality evidencing an intent to pay or cause to be paid
8 such redevelopment project costs. A municipality is not
9 required to obtain any right, title or interest in any real or
10 personal property in order to pay redevelopment project costs
11 associated with such property. The municipality shall adopt
12 such accounting procedures as may be necessary to determine
13 that such redevelopment project costs are properly paid.

14 (1) Create a commission of not less than 5 or more than 15
15 persons to be appointed by the mayor or president of the
16 municipality with the consent of the majority of the governing
17 board of the municipality. Members of a commission appointed
18 after the effective date of this Law shall be appointed for
19 initial terms of 1, 2, 3, 4 and 5 years, respectively, in
20 numbers so that the terms of not more than 1/3 of all members
21 expire in any one year. Their successors shall be appointed for
22 a term of 5 years. The commission, subject to approval of the
23 corporate authorities of the municipality, may exercise the
24 powers enumerated in this Section. The commission shall also
25 have the power to hold the public hearings required by this Act
26 and make recommendations to the corporate authorities

1 concerning the adoption of redevelopment plans, redevelopment
2 projects and designation of redevelopment project areas.

3 (m) Make payment in lieu of all or a portion of real
4 property taxes due to taxing districts. If payments in lieu of
5 all or a portion of taxes are made to taxing districts, those
6 payments shall be made to all districts within a redevelopment
7 project area on a basis that is proportional to the current
8 collection of revenue which each taxing district receives from
9 real property in the redevelopment project area.

10 (n) Exercise any and all other powers necessary to
11 effectuate the purposes of this Act.

12 (o) In conjunction with other municipalities, undertake
13 and perform redevelopment plans and projects and utilize the
14 provisions of the Act wherever they have contiguous
15 redevelopment project areas or they determine to adopt tax
16 increment allocation financing with respect to a redevelopment
17 project area that includes contiguous real property within the
18 boundaries of the municipalities, and, by agreement between
19 participating municipalities, to issue obligations, separately
20 or jointly, and expend revenues received under this Act for
21 eligible expenses anywhere within contiguous redevelopment
22 project areas or as otherwise permitted in the Act. Two or more
23 municipalities may designate a joint redevelopment project
24 area under this subsection (o) for a single Industrial Park
25 Conservation Area comprising of property within or near the
26 boundaries of each municipality if: (i) both municipalities are

1 located within the same Metropolitan Statistical Area, as
2 defined by the United States Office of Management and Budget,
3 (ii) the 4-year average unemployment rate for that Metropolitan
4 Statistical Area was at least 11.3%, and (iii) at least one
5 participating municipality demonstrates that it has made
6 commitments to acquire capital assets to commence the project
7 and that the acquisition will occur on or before December 31,
8 2011. The joint redevelopment project area must encompass an
9 interstate highway exchange for access and be located, in part,
10 adjacent to a landfill or other solid waste disposal facility.

11 (p) Create an Industrial Jobs Recovery Advisory Committee
12 of not more than 15 members to be appointed by the mayor or
13 president of the municipality with the consent of the majority
14 of the governing board of the municipality. The members of that
15 Committee shall be appointed for initial terms of 1, 2, and 3
16 years respectively, in numbers so that the terms of not more
17 than 1/3 of all members expire in any one year. Their
18 successors shall be appointed for a term of 3 years. The
19 Committee shall have none of the powers enumerated in this
20 Section. The Committee shall serve in an advisory capacity
21 only. The Committee may advise the governing board of the
22 municipality and other municipal officials regarding
23 development issues and opportunities within the redevelopment
24 project area. The Committee may also promote and publicize
25 development opportunities in the redevelopment project area.

26 (q) If a redevelopment project has not been initiated in a

1 redevelopment project area within 5 years after the area was
2 designated by ordinance under subsection (a), the municipality
3 shall adopt an ordinance repealing the area's designation as a
4 redevelopment project area. Initiation of a redevelopment
5 project shall be evidenced by either a signed redevelopment
6 agreement or expenditures on eligible redevelopment project
7 costs associated with a redevelopment project.

8 (r) Within a redevelopment planning area, transfer or loan
9 tax increment revenues from one redevelopment project area to
10 another redevelopment project area for expenditure on eligible
11 costs in the receiving area.

12 (s) Use tax increment revenue produced in a redevelopment
13 project area created under this Law by transferring or loaning
14 such revenues to a redevelopment project area created under the
15 Tax Increment Allocation Redevelopment Act that is either
16 contiguous to, or separated only by a public right of way from,
17 the redevelopment project area that initially produced and
18 received those revenues.

19 (Source: P.A. 97-591, eff. 8-26-11.)

20 (65 ILCS 5/11-74.6-22)

21 Sec. 11-74.6-22. Adoption of ordinance; requirements;
22 changes.

23 (a) Before adoption of an ordinance proposing the
24 designation of a redevelopment planning area or a redevelopment
25 project area, or both, or approving a redevelopment plan or

1 redevelopment project, the municipality or commission
2 designated pursuant to subsection (1) of Section 11-74.6-15
3 shall fix by ordinance or resolution a time and place for
4 public hearing. Prior to the adoption of the ordinance or
5 resolution establishing the time and place for the public
6 hearing, the municipality shall make available for public
7 inspection a redevelopment plan or a report that provides in
8 sufficient detail, the basis for the eligibility of the
9 redevelopment project area. The report along with the name of a
10 person to contact for further information shall be sent to the
11 affected taxing district by certified mail within a reasonable
12 time following the adoption of the ordinance or resolution
13 establishing the time and place for the public hearing.

14 At the public hearing any interested person or affected
15 taxing district may file with the municipal clerk written
16 objections to the ordinance and may be heard orally on any
17 issues that are the subject of the hearing. The municipality
18 shall hear and determine all alternate proposals or bids for
19 any proposed conveyance, lease, mortgage or other disposition
20 of land and all protests and objections at the hearing and the
21 hearing may be adjourned to another date without further notice
22 other than a motion to be entered upon the minutes fixing the
23 time and place of the later hearing. At the public hearing or
24 at any time prior to the adoption by the municipality of an
25 ordinance approving a redevelopment plan, the municipality may
26 make changes in the redevelopment plan. Changes which (1) add

1 additional parcels of property to the proposed redevelopment
2 project area, other than parcels to be removed from a
3 redevelopment project area for the purpose of inclusion in
4 another redevelopment project area, (2) substantially affect
5 the general land uses proposed in the redevelopment plan, or
6 (3) substantially change the nature of or extend the life of
7 the redevelopment project shall be made only after the
8 municipality gives notice, convenes a joint review board, and
9 conducts a public hearing pursuant to the procedures set forth
10 in this Section and in Section 11-74.6-25. Changes which do not
11 (1) add additional parcels of property to the proposed
12 redevelopment project area, other than parcels to be removed
13 from a redevelopment project area for the purpose of inclusion
14 in another redevelopment project area, (2) substantially
15 affect the general land uses proposed in the redevelopment
16 plan, or (3) substantially change the nature of or extend the
17 life of the redevelopment project may be made without further
18 hearing, provided that the municipality shall give notice of
19 any such changes by mail to each affected taxing district and
20 by publication once in a newspaper of general circulation
21 within the affected taxing district. Such notice by mail and by
22 publication shall each occur not later than 10 days following
23 the adoption by ordinance of such changes.

24 (b) Before adoption of an ordinance proposing the
25 designation of a redevelopment planning area or a redevelopment
26 project area, or both, or amending the boundaries of an

1 existing redevelopment project area or redevelopment planning
2 area, or both, the municipality shall convene a joint review
3 board to consider the proposal. The board shall consist of a
4 representative selected by each taxing district that has
5 authority to levy real property taxes on the property within
6 the proposed redevelopment project area and that has at least
7 5% of its total equalized assessed value located within the
8 proposed redevelopment project area, a representative selected
9 by the municipality and a public member. The public member and
10 the board's chairperson shall be selected by a majority of
11 other board members.

12 All board members shall be appointed and the first board
13 meeting held within 14 days following the notice by the
14 municipality to all the taxing districts as required by
15 subsection (c) of Section 11-74.6-25. The notice shall also
16 advise the taxing bodies represented on the joint review board
17 of the time and place of the first meeting of the board.
18 Additional meetings of the board shall be held upon the call of
19 any 2 members. The municipality seeking designation of the
20 redevelopment project area may provide administrative support
21 to the board.

22 The board shall review the public record, planning
23 documents and proposed ordinances approving the redevelopment
24 plan and project to be adopted by the municipality. As part of
25 its deliberations, the board may hold additional hearings on
26 the proposal. A board's recommendation, if any, shall be a

1 written recommendation adopted by a majority vote of the board
2 and submitted to the municipality within 30 days after the
3 board convenes. A board's recommendation shall be binding upon
4 the municipality. Failure of the board to submit its
5 recommendation on a timely basis shall not be cause to delay
6 the public hearing or the process of establishing or amending
7 the redevelopment project area. The board's recommendation on
8 the proposal shall be based upon the area satisfying the
9 applicable eligibility criteria defined in Section 11-74.6-10
10 and whether there is a basis for the municipal findings set
11 forth in the redevelopment plan as required by this Act. If the
12 board does not file a recommendation it shall be presumed that
13 the board has found that the redevelopment project area
14 satisfies the eligibility criteria.

15 (c) After a municipality has by ordinance approved a
16 redevelopment plan and designated a redevelopment planning
17 area or a redevelopment project area, or both, the plan may be
18 amended and additional properties may be added to the
19 redevelopment project area only as herein provided. Amendments
20 which (1) add additional parcels of property to the proposed
21 redevelopment project area, (2) substantially affect the
22 general land uses proposed in the redevelopment plan, (3)
23 substantially change the nature of the redevelopment project,
24 (4) increase the total estimated redevelopment project costs
25 set out in the redevelopment plan by more than 5% after
26 adjustment for inflation from the date the plan was adopted, or

1 (5) add additional redevelopment project costs to the itemized
2 list of redevelopment project costs set out in the
3 redevelopment plan shall be made only after the municipality
4 gives notice, convenes a joint review board, and conducts a
5 public hearing pursuant to the procedures set forth in this
6 Section and in Section 11-74.6-25. Changes which do not (1) add
7 additional parcels of property to the proposed redevelopment
8 project area, (2) substantially affect the general land uses
9 proposed in the redevelopment plan, (3) substantially change
10 the nature of the redevelopment project, (4) increase the total
11 estimated redevelopment project cost set out in the
12 redevelopment plan by more than 5% after adjustment for
13 inflation from the date the plan was adopted, or (5) add
14 additional redevelopment project costs to the itemized list of
15 redevelopment project costs set out in the redevelopment plan
16 may be made without further hearing, provided that the
17 municipality shall give notice of any such changes by mail to
18 each affected taxing district and by publication once in a
19 newspaper of general circulation within the affected taxing
20 district. Such notice by mail and by publication shall each
21 occur not later than 10 days following the adoption by
22 ordinance of such changes.

23 (d) After the effective date of this amendatory Act of the
24 91st General Assembly, a municipality shall submit in an
25 electronic format the following information for each
26 redevelopment project area (i) to the State Comptroller under

1 Section 8-8-3.5 of the Illinois Municipal Code and (ii) to all
2 taxing districts overlapping the redevelopment project area no
3 later than 180 days after the close of each municipal fiscal
4 year or as soon thereafter as the audited financial statements
5 become available and, in any case, shall be submitted before
6 the annual meeting of the joint review board to each of the
7 taxing districts that overlap the redevelopment project area:

8 (1) Any amendments to the redevelopment plan, or the
9 redevelopment project area.

10 (1.5) A list of the redevelopment project areas
11 administered by the municipality and, if applicable, the
12 date each redevelopment project area was designated or
13 terminated by the municipality.

14 (2) Audited financial statements of the special tax
15 allocation fund once a cumulative total of \$100,000 of tax
16 increment revenues has been deposited in the fund.

17 (3) Certification of the Chief Executive Officer of the
18 municipality that the municipality has complied with all of
19 the requirements of this Act during the preceding fiscal
20 year.

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

23 (5) An analysis of the special tax allocation fund
24 which sets forth:

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

1 (B) all amounts deposited in the special tax
2 allocation fund by source, including any amounts
3 received from another redevelopment project area;

4 (C) an itemized list of all expenditures from the
5 special tax allocation fund by category of permissible
6 redevelopment project cost, including any amounts
7 transferred to another redevelopment project area; and

8 (D) the balance in the special tax allocation fund
9 at the end of the fiscal year including a breakdown of
10 that balance by source and a breakdown of that balance
11 identifying any portion of the balance that is
12 required, pledged, earmarked, or otherwise designated
13 for payment of or securing of obligations and
14 anticipated redevelopment project costs. Any portion
15 of such ending balance that has not been identified or
16 is not identified as being required, pledged,
17 earmarked, or otherwise designated for payment of or
18 securing of obligations or anticipated redevelopment
19 project costs shall be designated as surplus as set
20 forth in Section 11-74.6-30 hereof.

21 (6) A description of all property purchased by the
22 municipality within the redevelopment project area
23 including:

24 (A) Street address.

25 (B) Approximate size or description of property.

26 (C) Purchase price.

1 (D) Seller of property.

2 (7) A statement setting forth all activities
3 undertaken in furtherance of the objectives of the
4 redevelopment plan, including:

5 (A) Any project implemented in the preceding
6 fiscal year.

7 (B) A description of the redevelopment activities
8 undertaken.

9 (C) A description of any agreements entered into by
10 the municipality with regard to the disposition or
11 redevelopment of any property within the redevelopment
12 project area.

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

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

23 (F) Any reports submitted to the municipality by
24 the joint review board.

25 (G) A review of public and, to the extent possible,
26 private investment actually undertaken to date after

1 the effective date of this amendatory Act of the 91st
2 General Assembly and estimated to be undertaken during
3 the following year. This review shall, on a
4 project-by-project basis, set forth the estimated
5 amounts of public and private investment incurred
6 after the effective date of this amendatory Act of the
7 91st General Assembly and provide the ratio of private
8 investment to public investment to the date of the
9 report and as estimated to the completion of the
10 redevelopment project.

11 (8) With regard to any obligations issued by the
12 municipality:

13 (A) copies of any official statements; and

14 (B) an analysis prepared by financial advisor or
15 underwriter setting forth: (i) nature and term of
16 obligation; and (ii) projected debt service including
17 required reserves and debt coverage.

18 (9) For special tax allocation funds that have received
19 cumulative deposits of incremental tax revenues of
20 \$100,000 or more, a certified audit report reviewing
21 compliance with this Act performed by an independent public
22 accountant certified and licensed by the authority of the
23 State of Illinois. The financial portion of the audit must
24 be conducted in accordance with Standards for Audits of
25 Governmental Organizations, Programs, Activities, and
26 Functions adopted by the Comptroller General of the United

1 States (1981), as amended, or the standards specified by
2 Section 8-8-5 of the Illinois Municipal Auditing Law of the
3 Illinois Municipal Code. The audit report shall contain a
4 letter from the independent certified public accountant
5 indicating compliance or noncompliance with the
6 requirements of subsection (o) of Section 11-74.6-10.

7 (10) A list of all intergovernmental agreements
8 relating to the redevelopment project area in effect during
9 the fiscal year to which the municipality is a party and an
10 accounting of any moneys transferred or received by the
11 municipality during that fiscal year pursuant to those
12 intergovernmental agreements.

13 (11) A detailed list of jobs created or retained during
14 the fiscal year, both temporary and permanent, along with a
15 description of whether the jobs are in the public or
16 private sector, to the extent that the information is
17 required to be reported to the municipality pursuant to a
18 redemption agreement or other written agreement.

19 (e) The joint review board shall meet annually 180 days
20 after the close of the municipal fiscal year or as soon as the
21 redevelopment project audit for that fiscal year becomes
22 available to review the effectiveness and status of the
23 redevelopment project area up to that date.

24 (f) On and after January 1, 2014, the State Comptroller
25 must post on the State Comptroller's official website the
26 information submitted by a municipality pursuant to subsection

1 (d) of this Section. The information must be posted no later
2 than 45 days after the State Comptroller receives the
3 information from the municipality. The State Comptroller must
4 also post a list of the municipalities not in compliance with
5 the reporting requirements set forth in subsection (d) of this
6 Section.

7 (g) The State Comptroller may charge a municipality an
8 annual fee for the Comptroller's costs related to the
9 requirements of this Act. The aggregate total of fees charged
10 to any municipality in any year under this subsection shall not
11 exceed \$5,000 for a municipality with a population in excess of
12 2,000,000 inhabitants, \$1,000 for a municipality with a
13 population in excess of 100,000 inhabitants but not more than
14 2,000,000 inhabitants, \$500 for a municipality with a
15 population in excess of 50,000 inhabitants but not more than
16 100,000 inhabitants, and \$250 for a municipality with a
17 population of not more than 50,000 inhabitants. All fees
18 collected under this subsection shall be deposited into the
19 Comptroller's Administrative Fund.

20 (Source: P.A. 97-146, eff. 1-1-12.)

21 Section 99. Effective date. This Act takes effect January
22 1, 2014.