



Sen. Heather A. Steans

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LRB099 03029 AWJ 34895 a

1 AMENDMENT TO SENATE BILL 277

2 AMENDMENT NO. _____. Amend Senate Bill 277 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-74.4-3, 11-74.4-3.5, 11-74.4-4, and
6 11-74.4-8 and by adding Section 11-74.4-3.3 as follows:

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

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

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

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

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

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

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

24 (C) Deterioration. With respect to buildings,
25 defects including, but not limited to, major defects in
26 the secondary building components such as doors,

1 windows, porches, gutters and downspouts, and fascia.
2 With respect to surface improvements, that the
3 condition of roadways, alleys, curbs, gutters,
4 sidewalks, off-street parking, and surface storage
5 areas evidence deterioration, including, but not
6 limited to, surface cracking, crumbling, potholes,
7 depressions, loose paving material, and weeds
8 protruding through paved surfaces.

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

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

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

23 (G) Lack of ventilation, light, or sanitary
24 facilities. The absence of adequate ventilation for
25 light or air circulation in spaces or rooms without
26 windows, or that require the removal of dust, odor,

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

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

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

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

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

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

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

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

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

1 agency for 3 of the last 5 calendar years prior to the
2 year in which the redevelopment project area is
3 designated.

4 (2) If vacant, the sound growth of the redevelopment
5 project area is impaired by a combination of 2 or more of
6 the following factors, each of which is (i) present, with
7 that presence documented, to a meaningful extent so that a
8 municipality may reasonably find that the factor is clearly
9 present within the intent of the Act and (ii) reasonably
10 distributed throughout the vacant part of the
11 redevelopment project area to which it pertains:

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

22 (B) Diversity of ownership of parcels of vacant
23 land sufficient in number to retard or impede the
24 ability to assemble the land for development.

25 (C) Tax and special assessment delinquencies exist
26 or the property has been the subject of tax sales under

1 the Property Tax Code within the last 5 years.

2 (D) Deterioration of structures or site
3 improvements in neighboring areas adjacent to the
4 vacant land.

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

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

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

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

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

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

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

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

1 construction, demolition, excavation, or dredge sites.

2 (E) Prior to November 1, 1999, the area is not less
3 than 50 nor more than 100 acres and 75% of which is
4 vacant (notwithstanding that the area has been used for
5 commercial agricultural purposes within 5 years prior
6 to the designation of the redevelopment project area),
7 and the area meets at least one of the factors itemized
8 in paragraph (1) of this subsection, the area has been
9 designated as a town or village center by ordinance or
10 comprehensive plan adopted prior to January 1, 1982,
11 and the area has not been developed for that designated
12 purpose.

13 (F) The area qualified as a blighted improved area
14 immediately prior to becoming vacant, unless there has
15 been substantial private investment in the immediately
16 surrounding area.

17 (4) A redevelopment project area within a transit
18 facility improvement area that has been designated under
19 Section 11-74.4-3.3 of this Code.

20 (b) For any redevelopment project area that has been
21 designated pursuant to this Section by an ordinance adopted
22 prior to November 1, 1999 (the effective date of Public Act
23 91-478), "conservation area" shall have the meaning set forth
24 in this Section prior to that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 development or redevelopment of the redevelopment project
2 area.

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

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

22 (d) "Industrial park conservation area" means an area
23 within the boundaries of a redevelopment project area located
24 within the territorial limits of a municipality that is a labor
25 surplus municipality or within 1 1/2 miles of the territorial
26 limits of a municipality that is a labor surplus municipality

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

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

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

25 (g) "Initial Sales Tax Amounts" means the amount of taxes
26 paid under the Retailers' Occupation Tax Act, Use Tax Act,

1 Service Use Tax Act, the Service Occupation Tax Act, the
2 Municipal Retailers' Occupation Tax Act, and the Municipal
3 Service Occupation Tax Act by retailers and servicemen on
4 transactions at places located in a State Sales Tax Boundary
5 during the calendar year 1985.

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

13 (h) "Municipal Sales Tax Increment" means an amount equal
14 to the increase in the aggregate amount of taxes paid to a
15 municipality from the Local Government Tax Fund arising from
16 sales by retailers and servicemen within the redevelopment
17 project area or State Sales Tax Boundary, as the case may be,
18 for as long as the redevelopment project area or State Sales
19 Tax Boundary, as the case may be, exist over and above the
20 aggregate amount of taxes as certified by the Illinois
21 Department of Revenue and paid under the Municipal Retailers'
22 Occupation Tax Act and the Municipal Service Occupation Tax Act
23 by retailers and servicemen, on transactions at places of
24 business located in the redevelopment project area or State
25 Sales Tax Boundary, as the case may be, during the base year
26 which shall be the calendar year immediately prior to the year

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

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

18 (i) "Net State Sales Tax Increment" means the sum of the
19 following: (a) 80% of the first \$100,000 of State Sales Tax
20 Increment annually generated within a State Sales Tax Boundary;
21 (b) 60% of the amount in excess of \$100,000 but not exceeding
22 \$500,000 of State Sales Tax Increment annually generated within
23 a State Sales Tax Boundary; and (c) 40% of all amounts in
24 excess of \$500,000 of State Sales Tax Increment annually
25 generated within a State Sales Tax Boundary. If, however, a
26 municipality established a tax increment financing district in

1 a county with a population in excess of 3,000,000 before
2 January 1, 1986, and the municipality entered into a contract
3 or issued bonds after January 1, 1986, but before December 31,
4 1986, to finance redevelopment project costs within a State
5 Sales Tax Boundary, then the Net State Sales Tax Increment
6 means, for the fiscal years beginning July 1, 1990, and July 1,
7 1991, 100% of the State Sales Tax Increment annually generated
8 within a State Sales Tax Boundary; and notwithstanding any
9 other provision of this Act, for those fiscal years the
10 Department of Revenue shall distribute to those municipalities
11 100% of their Net State Sales Tax Increment before any
12 distribution to any other municipality and regardless of
13 whether or not those other municipalities will receive 100% of
14 their Net State Sales Tax Increment. For Fiscal Year 1999, and
15 every year thereafter until the year 2007, for any municipality
16 that has not entered into a contract or has not issued bonds
17 prior to June 1, 1988 to finance redevelopment project costs
18 within a State Sales Tax Boundary, the Net State Sales Tax
19 Increment shall be calculated as follows: By multiplying the
20 Net State Sales Tax Increment by 90% in the State Fiscal Year
21 1999; 80% in the State Fiscal Year 2000; 70% in the State
22 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
23 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
24 in the State Fiscal Year 2005; 20% in the State Fiscal Year
25 2006; and 10% in the State Fiscal Year 2007. No payment shall
26 be made for State Fiscal Year 2008 and thereafter.

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

1 (j) "State Utility Tax Increment Amount" means an amount
2 equal to the aggregate increase in State electric and gas tax
3 charges imposed on owners and tenants, other than residential
4 customers, of properties located within the redevelopment
5 project area under Section 9-222 of the Public Utilities Act,
6 over and above the aggregate of such charges as certified by
7 the Department of Revenue and paid by owners and tenants, other
8 than residential customers, of properties within the
9 redevelopment project area during the base year, which shall be
10 the calendar year immediately prior to the year of the adoption
11 of the ordinance authorizing tax increment allocation
12 financing.

13 (k) "Net State Utility Tax Increment" means the sum of the
14 following: (a) 80% of the first \$100,000 of State Utility Tax
15 Increment annually generated by a redevelopment project area;
16 (b) 60% of the amount in excess of \$100,000 but not exceeding
17 \$500,000 of the State Utility Tax Increment annually generated
18 by a redevelopment project area; and (c) 40% of all amounts in
19 excess of \$500,000 of State Utility Tax Increment annually
20 generated by a redevelopment project area. For the State Fiscal
21 Year 1999, and every year thereafter until the year 2007, for
22 any municipality that has not entered into a contract or has
23 not issued bonds prior to June 1, 1988 to finance redevelopment
24 project costs within a redevelopment project area, the Net
25 State Utility Tax Increment shall be calculated as follows: By
26 multiplying the Net State Utility Tax Increment by 90% in the

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

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

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

25 (m) "Payment in lieu of taxes" means those estimated tax
26 revenues from real property in a redevelopment project area

1 derived from real property that has been acquired by a
2 municipality which according to the redevelopment project or
3 plan is to be used for a private use which taxing districts
4 would have received had a municipality not acquired the real
5 property and adopted tax increment allocation financing and
6 which would result from levies made after the time of the
7 adoption of tax increment allocation financing to the time the
8 current equalized value of real property in the redevelopment
9 project area exceeds the total initial equalized value of real
10 property in said area.

11 (n) "Redevelopment plan" means the comprehensive program
12 of the municipality for development or redevelopment intended
13 by the payment of redevelopment project costs to reduce or
14 eliminate those conditions the existence of which qualified the
15 redevelopment project area as a "blighted area" or
16 "conservation area" or combination thereof or "industrial park
17 conservation area," and thereby to enhance the tax bases of the
18 taxing districts which extend into the redevelopment project
19 area. On and after November 1, 1999 (the effective date of
20 Public Act 91-478), no redevelopment plan may be approved or
21 amended that includes the development of vacant land (i) with a
22 golf course and related clubhouse and other facilities or (ii)
23 designated by federal, State, county, or municipal government
24 as public land for outdoor recreational activities or for
25 nature preserves and used for that purpose within 5 years prior
26 to the adoption of the redevelopment plan. For the purpose of

1 this subsection, "recreational activities" is limited to mean
2 camping and hunting. Each redevelopment plan shall set forth in
3 writing the program to be undertaken to accomplish the
4 objectives and shall include but not be limited to:

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

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

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

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

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

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

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

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

25 (I) if it concerns an industrial park conservation
26 area, the plan shall also include a general description of

1 any proposed developer, user and tenant of any property, a
2 description of the type, structure and general character of
3 the facilities to be developed, a description of the type,
4 class and number of new employees to be employed in the
5 operation of the facilities to be developed; and

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

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

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

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

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

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

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

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

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

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

22 Part I of the housing impact study shall include (i)
23 data as to whether the residential units are single family
24 or multi-family units, (ii) the number and type of rooms
25 within the units, if that information is available, (iii)
26 whether the units are inhabited or uninhabited, as

1 determined not less than 45 days before the date that the
2 ordinance or resolution required by subsection (a) of
3 Section 11-74.4-5 is passed, and (iv) data as to the racial
4 and ethnic composition of the residents in the inhabited
5 residential units. The data requirement as to the racial
6 and ethnic composition of the residents in the inhabited
7 residential units shall be deemed to be fully satisfied by
8 data from the most recent federal census.

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

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

25 (7) On and after November 1, 1999, no redevelopment
26 plan shall be adopted, nor an existing plan amended, nor

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

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

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

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

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

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

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

26 (1) Costs of studies, surveys, development of plans,

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

1 by the consultant or advisor;

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

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

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

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

1 relating to Green Globes or LEED certified construction
2 elements or construction elements with an equivalent
3 certification;

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

26 (5) Costs of job training and retraining projects,

1 including the cost of "welfare to work" programs
2 implemented by businesses located within the redevelopment
3 project area;

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

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

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

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

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

26 (i) for unit school districts with a district

1 average 1995-96 Per Capita Tuition Charge of less
2 than \$5,900, no more than 25% of the total amount
3 of property tax increment revenue produced by
4 those housing units that have received tax
5 increment finance assistance under this Act;

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

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

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

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

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

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

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

1 assistance under this Act.

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

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

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

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

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

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

9 (7.7) For redevelopment project areas designated (or
10 redevelopment project areas amended to add or increase the
11 number of tax-increment-financing assisted housing units)
12 on or after January 1, 2005 (the effective date of Public
13 Act 93-961), a public library district's increased costs
14 attributable to assisted housing units located within the
15 redevelopment project area for which the developer or
16 redeveloper receives financial assistance through an
17 agreement with the municipality or because the
18 municipality incurs the cost of necessary infrastructure
19 improvements within the boundaries of the assisted housing
20 sites necessary for the completion of that housing as
21 authorized by this Act shall be paid to the library
22 district by the municipality from the Special Tax
23 Allocation Fund when the tax increment revenue is received
24 as a result of the assisted housing units. This paragraph
25 (7.7) applies only if (i) the library district is located
26 in a county that is subject to the Property Tax Extension

1 Limitation Law or (ii) the library district is not located
2 in a county that is subject to the Property Tax Extension
3 Limitation Law but the district is prohibited by any other
4 law from increasing its tax levy rate without a prior voter
5 referendum.

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

1 the Special Tax Allocation Fund.

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

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

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

1 subsection (n);

2 (9) Payment in lieu of taxes;

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

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

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

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

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

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

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

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

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

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

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

1 as long as tax increment revenue is being used to pay
2 for costs associated with the units or for the
3 retirement of bonds issued to finance the units or for
4 the life of the redevelopment project area, whichever
5 is later.

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

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

25 (13) After November 1, 1999 (the effective date of
26 Public Act 91-478), none of the redevelopment project costs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shares of the Illinois Tax Increment Fund to be distributed to
2 each municipality.

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

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

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

13 (65 ILCS 5/11-74.4-3.3 new)

14 Sec. 11-74.4-3.3. Redevelopment project area within a
15 transit facility improvement area.

16 (a) As used in this Section:

17 "Transit" means any or more of the following transportation
18 services provided to passengers: bus rapid transit service;
19 inter-city passenger rail service; commuter rail service; and
20 urban mass transit rail service, whether elevated,
21 underground, or running at grade, and whether provided through
22 rolling stock generally referred to as heavy rail or light
23 rail.

24 "Transit facility" means an existing or proposed transit
25 passenger station, an existing or proposed transit

1 maintenance, storage or service facility, or an existing or
2 proposed right of way for use in providing commuter rail or
3 urban mass transit service.

4 "Transit facility improvement area" means an area whose
5 boundaries are no more than one-half mile in any direction from
6 the location of a mass transit facility; provided that the
7 length of any existing or proposed right of way included in any
8 transit facility improvement area shall not exceed 6 miles.

9 "Transit facility improvement area redevelopment project
10 costs" means those costs described in subsection (q) of Section
11 11-74.4-3 of this Act that are related to the construction,
12 reconstruction, rehabilitation, remodeling or repair of any
13 existing or proposed transit facility, whether publicly or
14 privately-owned.

15 (b) Notwithstanding any other provision of law to the
16 contrary, if the corporate authorities of a municipality
17 designate an area within the territorial limits of the
18 municipality as a transit facility improvement area, then that
19 municipality may establish a redevelopment project area within
20 that transit facility improvement area for the purpose of
21 developing new transit facilities, expanding or rehabilitating
22 existing transit facilities, or both.

23 (c) As used in this Section, a redevelopment project area
24 is limited to the Chicago Union Station Master Plan, the
25 Chicago Transit Authority's Red and Purple Modernization
26 Program, Chicago Transit Authority's Blue Line Modernization

1 and Extension, and the Chicago Transit Authority's Red Line
2 Extension.

3 (65 ILCS 5/11-74.4-3.5)

4 Sec. 11-74.4-3.5. Completion dates for redevelopment
5 projects.

6 (a) Unless otherwise stated in this Section, the estimated
7 dates of completion of the redevelopment project and retirement
8 of obligations issued to finance redevelopment project costs
9 (including refunding bonds under Section 11-74.4-7) may not be
10 later than December 31 of the year in which the payment to the
11 municipal treasurer, as provided in subsection (b) of Section
12 11-74.4-8 of this Act, is to be made with respect to ad valorem
13 taxes levied in the 23rd calendar year after the year in which
14 the ordinance approving the redevelopment project area was
15 adopted if the ordinance was adopted on or after January 15,
16 1981.

17 (a-5) The estimated dates of completion of the
18 redevelopment project and retirement of obligations issued to
19 finance redevelopment project costs (including refunding bonds
20 under Section 11-74.4-7) may not be later than December 31 of
21 the year in which the payment to the municipal treasurer, as
22 provided in subsection (b) of Section 11-74.4-8 of this
23 amendatory Act of the 99th General Assembly, is to be made with
24 respect to ad valorem taxes levied in the 50th calendar year
25 after the year in which the ordinance approving the

1 redevelopment project area was adopted if the redevelopment
2 project area is located within a transit facility improvement
3 area.

4 (a-7) A municipality may adopt tax increment financing for
5 a redevelopment project area located in a transit facility
6 improvement area that also includes real property located
7 within an existing redevelopment project area established
8 prior to the effective date of this amendatory Act of 99th
9 General Assembly. In such case: (i) the provisions of this
10 Division shall apply with respect to the previously established
11 redevelopment project area until the municipality adopts, as
12 required in accordance with applicable provisions of this
13 Division, an ordinance dissolving the special tax allocation
14 fund for such redevelopment project area and terminating the
15 designation of such redevelopment project area as a
16 redevelopment project area; and (ii) after the effective date
17 of the ordinance described in (i), the provisions of this
18 Division shall apply with respect to the subsequently
19 established redevelopment project area located in a transit
20 facility improvement area.

21 (b) The estimated dates of completion of the redevelopment
22 project and retirement of obligations issued to finance
23 redevelopment project costs (including refunding bonds under
24 Section 11-74.4-7) may not be later than December 31 of the
25 year in which the payment to the municipal treasurer as
26 provided in subsection (b) of Section 11-74.4-8 of this Act is

1 to be made with respect to ad valorem taxes levied in the 32nd
2 calendar year after the year in which the ordinance approving
3 the redevelopment project area was adopted if the ordinance was
4 adopted on September 9, 1999 by the Village of Downs.

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

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

25 (c) The estimated dates of completion of the redevelopment
26 project and retirement of obligations issued to finance

1 redevelopment project costs (including refunding bonds under
2 Section 11-74.4-7) may not be later than December 31 of the
3 year in which the payment to the municipal treasurer as
4 provided in subsection (b) of Section 11-74.4-8 of this Act is
5 to be made with respect to ad valorem taxes levied in the 35th
6 calendar year after the year in which the ordinance approving
7 the redevelopment project area was adopted:

8 (1) If ~~if~~ the ordinance was adopted before January 15,
9 1981.†

10 (2) If ~~if~~ the ordinance was adopted in December 1983,
11 April 1984, July 1985, or December 1989.†

12 (3) If ~~if~~ the ordinance was adopted in December 1987
13 and the redevelopment project is located within one mile of
14 Midway Airport.†

15 (4) If ~~if~~ the ordinance was adopted before January 1,
16 1987 by a municipality in Mason County.†

17 (5) If ~~if~~ the municipality is subject to the Local
18 Government Financial Planning and Supervision Act or the
19 Financially Distressed City Law.†

20 (6) If ~~if~~ the ordinance was adopted in December 1984 by
21 the Village of Rosemont.†

22 (7) If ~~if~~ the ordinance was adopted on December 31,
23 1986 by a municipality located in Clinton County for which
24 at least \$250,000 of tax increment bonds were authorized on
25 June 17, 1997, or if the ordinance was adopted on December
26 31, 1986 by a municipality with a population in 1990 of

1 less than 3,600 that is located in a county with a
2 population in 1990 of less than 34,000 and for which at
3 least \$250,000 of tax increment bonds were authorized on
4 June 17, 1997.†

5 (8) If ~~if~~ the ordinance was adopted on October 5, 1982
6 by the City of Kankakee, or if the ordinance was adopted on
7 December 29, 1986 by East St. Louis.†

8 (9) If ~~if~~ the ordinance was adopted on November 12,
9 1991 by the Village of Sauget.†

10 (10) If ~~if~~ the ordinance was adopted on February 11,
11 1985 by the City of Rock Island.†

12 (11) If ~~if~~ the ordinance was adopted before December
13 18, 1986 by the City of Moline.†

14 (12) If ~~if~~ the ordinance was adopted in September 1988
15 by Sauk Village.†

16 (13) If ~~if~~ the ordinance was adopted in October 1993 by
17 Sauk Village.†

18 (14) If ~~if~~ the ordinance was adopted on December 29,
19 1986 by the City of Galva.†

20 (15) If ~~if~~ the ordinance was adopted in March 1991 by
21 the City of Centreville.†

22 (16) If ~~if~~ the ordinance was adopted on January 23,
23 1991 by the City of East St. Louis.†

24 (17) If ~~if~~ the ordinance was adopted on December 22,
25 1986 by the City of Aledo.†

26 (18) If ~~if~~ the ordinance was adopted on February 5,

1 1990 by the City of Clinton.†

2 (19) If ~~if~~ the ordinance was adopted on September 6,
3 1994 by the City of Freeport.†

4 (20) If ~~if~~ the ordinance was adopted on December 22,
5 1986 by the City of Tuscola.†

6 (21) If ~~if~~ the ordinance was adopted on December 23,
7 1986 by the City of Sparta.†

8 (22) If ~~if~~ the ordinance was adopted on December 23,
9 1986 by the City of Beardstown.†

10 (23) If ~~if~~ the ordinance was adopted on April 27, 1981,
11 October 21, 1985, or December 30, 1986 by the City of
12 Belleville.†

13 (24) If ~~if~~ the ordinance was adopted on December 29,
14 1986 by the City of Collinsville.†

15 (25) If ~~if~~ the ordinance was adopted on September 14,
16 1994 by the City of Alton.†

17 (26) If ~~if~~ the ordinance was adopted on November 11,
18 1996 by the City of Lexington.†

19 (27) If ~~if~~ the ordinance was adopted on November 5,
20 1984 by the City of LeRoy.†

21 (28) If ~~if~~ the ordinance was adopted on April 3, 1991
22 or June 3, 1992 by the City of Markham.†

23 (29) If ~~if~~ the ordinance was adopted on November 11,
24 1986 by the City of Pekin.†

25 (30) If ~~if~~ the ordinance was adopted on December 15,
26 1981 by the City of Champaign.†

1 (31) If ~~if~~ the ordinance was adopted on December 15,
2 1986 by the City of Urbana.†

3 (32) If ~~if~~ the ordinance was adopted on December 15,
4 1986 by the Village of Heyworth.†

5 (33) If ~~if~~ the ordinance was adopted on February 24,
6 1992 by the Village of Heyworth.†

7 (34) If ~~if~~ the ordinance was adopted on March 16, 1995
8 by the Village of Heyworth.†

9 (35) If ~~if~~ the ordinance was adopted on December 23,
10 1986 by the Town of Cicero.†

11 (36) If ~~if~~ the ordinance was adopted on December 30,
12 1986 by the City of Effingham.†

13 (37) If ~~if~~ the ordinance was adopted on May 9, 1991 by
14 the Village of Tilton.†

15 (38) If ~~if~~ the ordinance was adopted on October 20,
16 1986 by the City of Elmhurst.†

17 (39) If ~~if~~ the ordinance was adopted on January 19,
18 1988 by the City of Waukegan.†

19 (40) If ~~if~~ the ordinance was adopted on September 21,
20 1998 by the City of Waukegan.†

21 (41) If ~~if~~ the ordinance was adopted on December 31,
22 1986 by the City of Sullivan.†

23 (42) If ~~if~~ the ordinance was adopted on December 23,
24 1991 by the City of Sullivan.†

25 (43) If ~~if~~ the ordinance was adopted on December 31,
26 1986 by the City of Oglesby.†

1 (44) If ~~if~~ the ordinance was adopted on July 28, 1987
2 by the City of Marion.†

3 (45) If ~~if~~ the ordinance was adopted on April 23, 1990
4 by the City of Marion.†

5 (46) If ~~if~~ the ordinance was adopted on August 20, 1985
6 by the Village of Mount Prospect.†

7 (47) If ~~if~~ the ordinance was adopted on February 2,
8 1998 by the Village of Woodhull.†

9 (48) If ~~if~~ the ordinance was adopted on April 20, 1993
10 by the Village of Princeville.†

11 (49) If ~~if~~ the ordinance was adopted on July 1, 1986 by
12 the City of Granite City.†

13 (50) If ~~if~~ the ordinance was adopted on February 2,
14 1989 by the Village of Lombard.†

15 (51) If ~~if~~ the ordinance was adopted on December 29,
16 1986 by the Village of Gardner.†

17 (52) If ~~if~~ the ordinance was adopted on July 14, 1999
18 by the Village of Paw Paw.†

19 (53) If ~~if~~ the ordinance was adopted on November 17,
20 1986 by the Village of Franklin Park.†

21 (54) If ~~if~~ the ordinance was adopted on November 20,
22 1989 by the Village of South Holland.†

23 (55) If ~~if~~ the ordinance was adopted on July 14, 1992
24 by the Village of Riverdale.†

25 (56) If ~~if~~ the ordinance was adopted on December 29,
26 1986 by the City of Galesburg.†

1 (57) If ~~if~~ the ordinance was adopted on April 1, 1985
2 by the City of Galesburg.†

3 (58) If ~~if~~ the ordinance was adopted on May 21, 1990 by
4 the City of West Chicago.†

5 (59) If ~~if~~ the ordinance was adopted on December 16,
6 1986 by the City of Oak Forest.†

7 (60) If ~~if~~ the ordinance was adopted in 1999 by the
8 City of Villa Grove.†

9 (61) If ~~if~~ the ordinance was adopted on January 13,
10 1987 by the Village of Mt. Zion.†

11 (62) If ~~if~~ the ordinance was adopted on December 30,
12 1986 by the Village of Manteno.†

13 (63) If ~~if~~ the ordinance was adopted on April 3, 1989
14 by the City of Chicago Heights.†

15 (64) If ~~if~~ the ordinance was adopted on January 6, 1999
16 by the Village of Rosemont.†

17 (65) If ~~if~~ the ordinance was adopted on December 19,
18 2000 by the Village of Stone Park.†

19 (66) If ~~if~~ the ordinance was adopted on December 22,
20 1986 by the City of DeKalb.†

21 (67) If ~~if~~ the ordinance was adopted on December 2,
22 1986 by the City of Aurora.†

23 (68) If ~~if~~ the ordinance was adopted on December 31,
24 1986 by the Village of Milan.†

25 (69) If ~~if~~ the ordinance was adopted on September 8,
26 1994 by the City of West Frankfort.†

1 (70) If ~~if~~ the ordinance was adopted on December 23,
2 1986 by the Village of Libertyville.†

3 (71) If ~~if~~ the ordinance was adopted on December 22,
4 1986 by the Village of Hoffman Estates.†

5 (72) If ~~if~~ the ordinance was adopted on September 17,
6 1986 by the Village of Sherman.†

7 (73) If ~~if~~ the ordinance was adopted on December 16,
8 1986 by the City of Macomb.†

9 (74) If ~~if~~ the ordinance was adopted on June 11, 2002
10 by the City of East Peoria to create the West Washington
11 Street TIF.†

12 (75) If ~~if~~ the ordinance was adopted on June 11, 2002
13 by the City of East Peoria to create the Camp Street TIF.†

14 (76) If ~~if~~ the ordinance was adopted on August 7, 2000
15 by the City of Des Plaines.†

16 (77) If ~~if~~ the ordinance was adopted on December 22,
17 1986 by the City of Washington to create the Washington
18 Square TIF #2.†

19 (78) If ~~if~~ the ordinance was adopted on December 29,
20 1986 by the City of Morris.†

21 (79) If ~~if~~ the ordinance was adopted on July 6, 1998 by
22 the Village of Steeleville.†

23 (80) If ~~if~~ the ordinance was adopted on December 29,
24 1986 by the City of Pontiac to create TIF I (the Main St
25 TIF).†

26 (81) If ~~if~~ the ordinance was adopted on December 29,

1 1986 by the City of Pontiac to create TIF II (the
2 Interstate TIF).~~†~~

3 (82) If ~~if~~ the ordinance was adopted on November 6,
4 2002 by the City of Chicago to create the Madden/Wells TIF
5 District.~~†~~

6 (83) If ~~if~~ the ordinance was adopted on November 4,
7 1998 by the City of Chicago to create the Roosevelt/Racine
8 TIF District.~~†~~

9 (84) If ~~if~~ the ordinance was adopted on June 10, 1998
10 by the City of Chicago to create the Stony Island
11 Commercial/Burnside Industrial Corridors TIF District.~~†~~

12 (85) If ~~if~~ the ordinance was adopted on November 29,
13 1989 by the City of Chicago to create the Englewood Mall
14 TIF District.~~†~~

15 (86) If ~~if~~ the ordinance was adopted on December 27,
16 1986 by the City of Mendota.~~†~~

17 (87) If ~~if~~ the ordinance was adopted on December 31,
18 1986 by the Village of Cahokia.~~†~~

19 (88) If ~~if~~ the ordinance was adopted on September 20,
20 1999 by the City of Belleville.~~†~~

21 (89) If ~~if~~ the ordinance was adopted on December 30,
22 1986 by the Village of Bellevue to create the Bellevue TIF
23 District 1.~~†~~

24 (90) If ~~if~~ the ordinance was adopted on December 13,
25 1993 by the Village of Crete.~~†~~

26 (91) If ~~if~~ the ordinance was adopted on February 12,

1 2001 by the Village of Crete.†

2 (92) If ~~if~~ the ordinance was adopted on April 23, 2001
3 by the Village of Crete.†

4 (93) If ~~if~~ the ordinance was adopted on December 16,
5 1986 by the City of Champaign.†

6 (94) If ~~if~~ the ordinance was adopted on December 20,
7 1986 by the City of Charleston.†

8 (95) If ~~if~~ the ordinance was adopted on June 6, 1989 by
9 the Village of Romeoville.†

10 (96) If ~~if~~ the ordinance was adopted on October 14,
11 1993 and amended on August 2, 2010 by the City of Venice.†

12 (97) If ~~if~~ the ordinance was adopted on June 1, 1994 by
13 the City of Markham.†

14 (98) If ~~if~~ the ordinance was adopted on May 19, 1998 by
15 the Village of Bensenville.†

16 (99) If ~~if~~ the ordinance was adopted on November 12,
17 1987 by the City of Dixon.†

18 (100) If ~~if~~ the ordinance was adopted on December 20,
19 1988 by the Village of Lansing.†

20 (101) If ~~if~~ the ordinance was adopted on October 27,
21 1998 by the City of Moline.†

22 (102) If ~~if~~ the ordinance was adopted on May 21, 1991
23 by the Village of Glenwood.†

24 (103) If ~~if~~ the ordinance was adopted on January 28,
25 1992 by the City of East Peoria.†

26 (104) If ~~if~~ the ordinance was adopted on December 14,

1 1998 by the City of Carlyle.†

2 (105) If ~~if~~ the ordinance was adopted on May 17, 2000,
3 as subsequently amended, by the City of Chicago to create
4 the Midwest Redevelopment TIF District.†

5 (106) If ~~if~~ the ordinance was adopted on September 13,
6 1989 by the City of Chicago to create the Michigan/Cermak
7 Area TIF District.†

8 (107) If ~~if~~ the ordinance was adopted on March 30, 1992
9 by the Village of Ohio.†

10 (108) If ~~if~~ the ordinance was adopted on July 6, 1998
11 by the Village of Orangeville.†

12 (109) If ~~if~~ the ordinance was adopted on December 16,
13 1997 by the Village of Germantown.†

14 (110) If ~~if~~ the ordinance was adopted on April 28, 2003
15 by Gibson City.†

16 (111) If ~~if~~ the ordinance was adopted on December 18,
17 1990 by the Village of Washington Park, but only after the
18 Village of Washington Park becomes compliant with the
19 reporting requirements under subsection (d) of Section
20 11-74.4-5, and after the State Comptroller's certification
21 of such compliance.†

22 (112) If ~~if~~ the ordinance was adopted on February 28,
23 2000 by the City of Harvey.†~~or~~

24 (113) If ~~if~~ the ordinance was adopted on January 11,
25 1991 by the City of Chicago to create the Read/Dunning TIF
26 District.†

1 (114) If ~~if~~ the ordinance was adopted on July 24, 1991
2 by the City of Chicago to create the Sanitary and Ship
3 Canal TIF District.†

4 (115) If ~~if~~ the ordinance was adopted on December 4,
5 2007 by the City of Naperville.†

6 (116) If ~~if~~ the ordinance was adopted on July 1, 2002
7 by the Village of Arlington Heights.†

8 (117) If ~~if~~ the ordinance was adopted on February 11,
9 1991 by the Village of Machesney Park.†

10 (118) If ~~if~~ the ordinance was adopted on December 29,
11 1993 by the City of Ottawa.†~~†~~

12 (119) If ~~if~~ the ordinance was adopted on June 4, 1991
13 by the Village of Lansing.

14 (120) If ~~(119) if~~ the ordinance was adopted on February
15 10, 2004 by the Village of Fox Lake.†

16 (121) If ~~(120) if~~ the ordinance was adopted on December
17 22, 1992 by the City of Fairfield.†~~†~~

18 (122) If ~~(121) if~~ the ordinance was adopted on February
19 10, 1992 by the City of Mt. Sterling.

20 (123) If ~~(113) if~~ the ordinance was adopted on March
21 15, 2004 by the City of Batavia.

22 (124) If ~~(119) if~~ the ordinance was adopted on March
23 18, 2002 by the Village of Lake Zurich.

24 (d) For redevelopment project areas for which bonds were
25 issued before July 29, 1991, or for which contracts were
26 entered into before June 1, 1988, in connection with a

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

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

23 (f) Those dates, for purposes of real property tax
24 increment allocation financing pursuant to Section 11-74.4-8
25 only, shall be not more than 35 years for redevelopment project
26 areas that were established on or after December 1, 1981 but

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

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

18 (Source: P.A. 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600,
19 eff. 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11;
20 97-807, eff. 7-13-12; 97-1114, eff. 8-27-12; 98-109, eff.
21 7-25-13; 98-135, eff. 8-2-13; 98-230, eff. 8-9-13; 98-463, eff.
22 8-16-13; 98-614, eff. 12-27-13; 98-667, eff. 6-25-14; 98-889,
23 eff. 8-15-14; 98-893, eff. 8-15-14; 98-1064, eff. 8-26-14;
24 98-1136, eff. 12-29-14; 98-1153, eff. 1-9-15; 98-1157, eff.
25 1-9-15; 98-1159, eff. 1-9-15; revised 3-19-15.)

1 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

2 Sec. 11-74.4-4. Municipal powers and duties; redevelopment
3 project areas. The changes made by this amendatory Act of the
4 91st 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 Section 11-74.4-5
8 or (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 this Section, until after
13 that municipality adopts an ordinance approving redevelopment
14 plans and redevelopment projects or designating redevelopment
15 project areas under this Section; thereafter the changes made
16 by this amendatory Act of the 91st General Assembly apply to
17 the same extent that they apply to redevelopment plans and
18 redevelopment projects that were approved and redevelopment
19 projects that were designated before the effective date of this
20 amendatory Act of the 91st General Assembly.

21 A municipality may:

22 (a) By ordinance introduced in the governing body of the
23 municipality within 14 to 90 days from the completion of the
24 hearing specified in Section 11-74.4-5 approve redevelopment
25 plans and redevelopment projects, and designate redevelopment
26 project areas pursuant to notice and hearing required by this

1 Act. No redevelopment project area shall be designated unless a
2 plan and project are approved prior to the designation of such
3 area and such area shall include only those contiguous parcels
4 of real property and improvements thereon substantially
5 benefited by the proposed redevelopment project improvements.
6 Upon adoption of the ordinances, the municipality shall
7 forthwith transmit to the county clerk of the county or
8 counties within which the redevelopment project area is located
9 a certified copy of the ordinances, a legal description of the
10 redevelopment project area, a map of the redevelopment project
11 area, identification of the year that the county clerk shall
12 use for determining the total initial equalized assessed value
13 of the redevelopment project area consistent with subsection
14 (a) of Section 11-74.4-9, and a list of the parcel or tax
15 identification number of each parcel of property included in
16 the redevelopment project area.

17 (b) Make and enter into all contracts with property owners,
18 developers, tenants, overlapping taxing bodies, and others
19 necessary or incidental to the implementation and furtherance
20 of its redevelopment plan and project. Contract provisions
21 concerning loan repayment obligations in contracts entered
22 into on or after the effective date of this amendatory Act of
23 the 93rd General Assembly shall terminate no later than the
24 last to occur of the estimated dates of completion of the
25 redevelopment project and retirement of the obligations issued
26 to finance redevelopment project costs as required by item (3)

1 of subsection (n) of Section 11-74.4-3. Payments received under
2 contracts entered into by the municipality prior to the
3 effective date of this amendatory Act of the 93rd General
4 Assembly that are received after the redevelopment project area
5 has been terminated by municipal ordinance shall be deposited
6 into a special fund of the municipality to be used for other
7 community redevelopment needs within the redevelopment project
8 area.

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

1 and proposals shall provide reasonable opportunity for any
2 person to submit alternative proposals or bids.

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

5 (e) Within a redevelopment project area, renovate or
6 rehabilitate or construct any structure or building, as
7 permitted under this Act.

8 (f) Install, repair, construct, reconstruct or relocate
9 streets, utilities and site improvements essential to the
10 preparation of the redevelopment area for use in accordance
11 with a redevelopment plan.

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

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

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

21 (j) Incur project redevelopment costs and reimburse
22 developers who incur redevelopment project costs authorized by
23 a redevelopment agreement; provided, however, that on and after
24 the effective date of this amendatory Act of the 91st General
25 Assembly, no municipality shall incur redevelopment project
26 costs (except for planning costs and any other eligible costs

1 authorized by municipal ordinance or resolution that are
2 subsequently included in the redevelopment plan for the area
3 and are incurred by the municipality after the ordinance or
4 resolution is adopted) that are not consistent with the program
5 for accomplishing the objectives of the redevelopment plan as
6 included in that plan and approved by the municipality until
7 the municipality has amended the redevelopment plan as provided
8 elsewhere in this Act.

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

25 (l) Make payment in lieu of taxes or a portion thereof to
26 taxing districts. If payments in lieu of taxes or a portion

1 thereof are made to taxing districts, those payments shall be
2 made to all districts within a project redevelopment area on a
3 basis which is proportional to the current collections of
4 revenue which each taxing district receives from real property
5 in the redevelopment project area.

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

8 (n) If any member of the corporate authority, a member of a
9 commission established pursuant to Section 11-74.4-4(k) of
10 this Act, or an employee or consultant of the municipality
11 involved in the planning and preparation of a redevelopment
12 plan, or project for a redevelopment project area or proposed
13 redevelopment project area, as defined in Sections
14 11-74.4-3(i) through (k) of this Act, owns or controls an
15 interest, direct or indirect, in any property included in any
16 redevelopment area, or proposed redevelopment area, he or she
17 shall disclose the same in writing to the clerk of the
18 municipality, and shall also so disclose the dates and terms
19 and conditions of any disposition of any such interest, which
20 disclosures shall be acknowledged by the corporate authorities
21 and entered upon the minute books of the corporate authorities.
22 If an individual holds such an interest then that individual
23 shall refrain from any further official involvement in regard
24 to such redevelopment plan, project or area, from voting on any
25 matter pertaining to such redevelopment plan, project or area,
26 or communicating with other members concerning corporate

1 authorities, commission or employees concerning any matter
2 pertaining to said redevelopment plan, project or area.
3 Furthermore, no such member or employee shall acquire of any
4 interest direct, or indirect, in any property in a
5 redevelopment area or proposed redevelopment area after either
6 (a) such individual obtains knowledge of such plan, project or
7 area or (b) first public notice of such plan, project or area
8 pursuant to Section 11-74.4-6 of this Division, whichever
9 occurs first. For the purposes of this subsection, a property
10 interest acquired in a single parcel of property by a member of
11 the corporate authority, which property is used exclusively as
12 the member's primary residence, shall not be deemed to
13 constitute an interest in any property included in a
14 redevelopment area or proposed redevelopment area that was
15 established before December 31, 1989, but the member must
16 disclose the acquisition to the municipal clerk under the
17 provisions of this subsection. A single property interest
18 acquired within one year after the effective date of this
19 amendatory Act of the 94th General Assembly or 2 years after
20 the effective date of this amendatory Act of the 95th General
21 Assembly by a member of the corporate authority does not
22 constitute an interest in any property included in any
23 redevelopment area or proposed redevelopment area, regardless
24 of when the redevelopment area was established, if (i) the
25 property is used exclusively as the member's primary residence,
26 (ii) the member discloses the acquisition to the municipal

1 clerk under the provisions of this subsection, (iii) the
2 acquisition is for fair market value, (iv) the member acquires
3 the property as a result of the property being publicly
4 advertised for sale, and (v) the member refrains from voting
5 on, and communicating with other members concerning, any matter
6 when the benefits to the redevelopment project or area would be
7 significantly greater than the benefits to the municipality as
8 a whole. For the purposes of this subsection, a month-to-month
9 leasehold interest in a single parcel of property by a member
10 of the corporate authority shall not be deemed to constitute an
11 interest in any property included in any redevelopment area or
12 proposed redevelopment area, but the member must disclose the
13 interest to the municipal clerk under the provisions of this
14 subsection.

15 (o) Create a Tax Increment Economic Development Advisory
16 Committee to be appointed by the Mayor or President of the
17 municipality with the consent of the majority of the governing
18 board of the municipality, the members of which Committee shall
19 be appointed for initial terms of 1, 2, 3, 4 and 5 years
20 respectively, in such numbers as to provide that the terms of
21 not more than 1/3 of all such members shall expire in any one
22 year. Their successors shall be appointed for a term of 5
23 years. The Committee shall have none of the powers enumerated
24 in this Section. The Committee shall serve in an advisory
25 capacity only. The Committee may advise the governing Board of
26 the municipality and other municipal officials regarding

1 development issues and opportunities within the redevelopment
2 project area or the area within the State Sales Tax Boundary.
3 The Committee may also promote and publicize development
4 opportunities in the redevelopment project area or the area
5 within the State Sales Tax Boundary.

6 (p) Municipalities may jointly undertake and perform
7 redevelopment plans and projects and utilize the provisions of
8 the Act wherever they have contiguous redevelopment project
9 areas or they determine to adopt tax increment financing with
10 respect to a redevelopment project area which includes
11 contiguous real property within the boundaries of the
12 municipalities, and in doing so, they may, by agreement between
13 municipalities, issue obligations, separately or jointly, and
14 expend revenues received under the Act for eligible expenses
15 anywhere within contiguous redevelopment project areas or as
16 otherwise permitted in the Act. With respect to redevelopment
17 project areas that are established within a transit facility
18 improvement area, the provisions of this subsection apply only
19 with respect to such redevelopment project areas that are
20 contiguous to each other.

21 (q) Utilize revenues, other than State sales tax increment
22 revenues, received under this Act from one redevelopment
23 project area for eligible costs in another redevelopment
24 project area that is:

25 (i) contiguous to the redevelopment project area from
26 which the revenues are received;

1 (ii) separated only by a public right of way from the
2 redevelopment project area from which the revenues are
3 received; or

4 (iii) separated only by forest preserve property from
5 the redevelopment project area from which the revenues are
6 received if the closest boundaries of the redevelopment
7 project areas that are separated by the forest preserve
8 property are less than one mile apart.

9 Utilize tax increment revenues for eligible costs that are
10 received from a redevelopment project area created under the
11 Industrial Jobs Recovery Law that is either contiguous to, or
12 is separated only by a public right of way from, the
13 redevelopment project area created under this Act which
14 initially receives these revenues. Utilize revenues, other
15 than State sales tax increment revenues, by transferring or
16 loaning such revenues to a redevelopment project area created
17 under the Industrial Jobs Recovery Law that is either
18 contiguous to, or separated only by a public right of way from
19 the redevelopment project area that initially produced and
20 received those revenues; and, if the redevelopment project area
21 (i) was established before the effective date of this
22 amendatory Act of the 91st General Assembly and (ii) is located
23 within a municipality with a population of more than 100,000,
24 utilize revenues or proceeds of obligations authorized by
25 Section 11-74.4-7 of this Act, other than use or occupation tax
26 revenues, to pay for any redevelopment project costs as defined

1 by subsection (q) of Section 11-74.4-3 to the extent that the
2 redevelopment project costs involve public property that is
3 either contiguous to, or separated only by a public right of
4 way from, a redevelopment project area whether or not
5 redevelopment project costs or the source of payment for the
6 costs are specifically set forth in the redevelopment plan for
7 the redevelopment project area.

8 (r) If no redevelopment project has been initiated in a
9 redevelopment project area within 7 years after the area was
10 designated by ordinance under subsection (a), the municipality
11 shall adopt an ordinance repealing the area's designation as a
12 redevelopment project area; provided, however, that if an area
13 received its designation more than 3 years before the effective
14 date of this amendatory Act of 1994 and no redevelopment
15 project has been initiated within 4 years after the effective
16 date of this amendatory Act of 1994, the municipality shall
17 adopt an ordinance repealing its designation as a redevelopment
18 project area. Initiation of a redevelopment project shall be
19 evidenced by either a signed redevelopment agreement or
20 expenditures on eligible redevelopment project costs
21 associated with a redevelopment project.

22 Notwithstanding any other provision of this Section to the
23 contrary, with respect to a redevelopment project area
24 designated by an ordinance that was adopted on July 29, 1998 by
25 the City of Chicago, the City of Chicago shall adopt an
26 ordinance repealing the area's designation as a redevelopment

1 project area if no redevelopment project has been initiated in
2 the redevelopment project area within 15 years after the
3 designation of the area. The City of Chicago may retroactively
4 repeal any ordinance adopted by the City of Chicago, pursuant
5 to this subsection (r), that repealed the designation of a
6 redevelopment project area designated by an ordinance that was
7 adopted by the City of Chicago on July 29, 1998. The City of
8 Chicago has 90 days after the effective date of this amendatory
9 Act to repeal the ordinance. The changes to this Section made
10 by this amendatory Act of the 96th General Assembly apply
11 retroactively to July 27, 2005.

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

13 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

14 Sec. 11-74.4-8. Tax increment allocation financing. A
15 municipality may not adopt tax increment financing in a
16 redevelopment project area after the effective date of this
17 amendatory Act of 1997 that will encompass an area that is
18 currently included in an enterprise zone created under the
19 Illinois Enterprise Zone Act unless that municipality,
20 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
21 amends the enterprise zone designating ordinance to limit the
22 eligibility for tax abatements as provided in Section 5.4.1 of
23 the Illinois Enterprise Zone Act. A municipality, at the time a
24 redevelopment project area is designated, may adopt tax
25 increment allocation financing by passing an ordinance

1 providing that the ad valorem taxes, if any, arising from the
2 levies upon taxable real property in such redevelopment project
3 area by taxing districts and tax rates determined in the manner
4 provided in paragraph (c) of Section 11-74.4-9 each year after
5 the effective date of the ordinance until redevelopment project
6 costs and all municipal obligations financing redevelopment
7 project costs incurred under this Division have been paid shall
8 be divided as follows, provided, however, that with respect to
9 any redevelopment project area located within a transit
10 facility improvement area established pursuant to Section
11 11-74.4-3.3 in a municipality with a population of 1,000,000 or
12 more, ad valorem taxes, if any, arising from the levies upon
13 taxable real property in such redevelopment project area shall
14 be allocated as specifically provided in this Section:

15 (a) That portion of taxes levied upon each taxable lot,
16 block, tract or parcel of real property which is attributable
17 to the lower of the current equalized assessed value or the
18 initial equalized assessed value of each such taxable lot,
19 block, tract or parcel of real property in the redevelopment
20 project area shall be allocated to and when collected shall be
21 paid by the county collector to the respective affected taxing
22 districts in the manner required by law in the absence of the
23 adoption of tax increment allocation financing.

24 (b) Except from a tax levied by a township to retire bonds
25 issued to satisfy court-ordered damages, that portion, if any,
26 of such taxes which is attributable to the increase in the

1 current equalized assessed valuation of each taxable lot,
2 block, tract or parcel of real property in the redevelopment
3 project area over and above the initial equalized assessed
4 value of each property in the project area shall be allocated
5 to and when collected shall be paid to the municipal treasurer
6 who shall deposit said taxes into a special fund called the
7 special tax allocation fund of the municipality for the purpose
8 of paying redevelopment project costs and obligations incurred
9 in the payment thereof. In any county with a population of
10 3,000,000 or more that has adopted a procedure for collecting
11 taxes that provides for one or more of the installments of the
12 taxes to be billed and collected on an estimated basis, the
13 municipal treasurer shall be paid for deposit in the special
14 tax allocation fund of the municipality, from the taxes
15 collected from estimated bills issued for property in the
16 redevelopment project area, the difference between the amount
17 actually collected from each taxable lot, block, tract, or
18 parcel of real property within the redevelopment project area
19 and an amount determined by multiplying the rate at which taxes
20 were last extended against the taxable lot, block, track, or
21 parcel of real property in the manner provided in subsection
22 (c) of Section 11-74.4-9 by the initial equalized assessed
23 value of the property divided by the number of installments in
24 which real estate taxes are billed and collected within the
25 county; provided that the payments on or before December 31,
26 1999 to a municipal treasurer shall be made only if each of the

1 following conditions are met:

2 (1) The total equalized assessed value of the
3 redevelopment project area as last determined was not less
4 than 175% of the total initial equalized assessed value.

5 (2) Not more than 50% of the total equalized assessed
6 value of the redevelopment project area as last determined
7 is attributable to a piece of property assigned a single
8 real estate index number.

9 (3) The municipal clerk has certified to the county
10 clerk that the municipality has issued its obligations to
11 which there has been pledged the incremental property taxes
12 of the redevelopment project area or taxes levied and
13 collected on any or all property in the municipality or the
14 full faith and credit of the municipality to pay or secure
15 payment for all or a portion of the redevelopment project
16 costs. The certification shall be filed annually no later
17 than September 1 for the estimated taxes to be distributed
18 in the following year; however, for the year 1992 the
19 certification shall be made at any time on or before March
20 31, 1992.

21 (4) The municipality has not requested that the total
22 initial equalized assessed value of real property be
23 adjusted as provided in subsection (b) of Section
24 11-74.4-9.

25 The conditions of paragraphs (1) through (4) do not apply
26 after December 31, 1999 to payments to a municipal treasurer

1 made by a county with 3,000,000 or more inhabitants that has
2 adopted an estimated billing procedure for collecting taxes. If
3 a county that has adopted the estimated billing procedure makes
4 an erroneous overpayment of tax revenue to the municipal
5 treasurer, then the county may seek a refund of that
6 overpayment. The county shall send the municipal treasurer a
7 notice of liability for the overpayment on or before the
8 mailing date of the next real estate tax bill within the
9 county. The refund shall be limited to the amount of the
10 overpayment.

11 It is the intent of this Division that after the effective
12 date of this amendatory Act of 1988 a municipality's own ad
13 valorem tax arising from levies on taxable real property be
14 included in the determination of incremental revenue in the
15 manner provided in paragraph (c) of Section 11-74.4-9. If the
16 municipality does not extend such a tax, it shall annually
17 deposit in the municipality's Special Tax Increment Fund an
18 amount equal to 10% of the total contributions to the fund from
19 all other taxing districts in that year. The annual 10% deposit
20 required by this paragraph shall be limited to the actual
21 amount of municipally produced incremental tax revenues
22 available to the municipality from taxpayers located in the
23 redevelopment project area in that year if: (a) the plan for
24 the area restricts the use of the property primarily to
25 industrial purposes, (b) the municipality establishing the
26 redevelopment project area is a home-rule community with a 1990

1 population of between 25,000 and 50,000, (c) the municipality
2 is wholly located within a county with a 1990 population of
3 over 750,000 and (d) the redevelopment project area was
4 established by the municipality prior to June 1, 1990. This
5 payment shall be in lieu of a contribution of ad valorem taxes
6 on real property. If no such payment is made, any redevelopment
7 project area of the municipality shall be dissolved.

8 If a municipality has adopted tax increment allocation
9 financing by ordinance and the County Clerk thereafter
10 certifies the "total initial equalized assessed value as
11 adjusted" of the taxable real property within such
12 redevelopment project area in the manner provided in paragraph
13 (b) of Section 11-74.4-9, each year after the date of the
14 certification of the total initial equalized assessed value as
15 adjusted until redevelopment project costs and all municipal
16 obligations financing redevelopment project costs have been
17 paid the ad valorem taxes, if any, arising from the levies upon
18 the taxable real property in such redevelopment project area by
19 taxing districts and tax rates determined in the manner
20 provided in paragraph (c) of Section 11-74.4-9 shall be divided
21 as follows, provided, however, that with respect to any
22 redevelopment project area located within a transit facility
23 improvement area established pursuant to Section 11-74.4-3.3
24 in a municipality with a population of 1,000,000 or more, ad
25 valorem taxes, if any, arising from the levies upon the taxable
26 real property in such redevelopment project area shall be

1 allocated as specifically provided in this Section:

2 (1) That portion of the taxes levied upon each taxable
3 lot, block, tract or parcel of real property which is
4 attributable to the lower of the current equalized assessed
5 value or "current equalized assessed value as adjusted" or
6 the initial equalized assessed value of each such taxable
7 lot, block, tract, or parcel of real property existing at
8 the time tax increment financing was adopted, minus the
9 total current homestead exemptions under Article 15 of the
10 Property Tax Code in the redevelopment project area shall
11 be allocated to and when collected shall be paid by the
12 county collector to the respective affected taxing
13 districts in the manner required by law in the absence of
14 the adoption of tax increment allocation financing.

15 (2) That portion, if any, of such taxes which is
16 attributable to the increase in the current equalized
17 assessed valuation of each taxable lot, block, tract, or
18 parcel of real property in the redevelopment project area,
19 over and above the initial equalized assessed value of each
20 property existing at the time tax increment financing was
21 adopted, minus the total current homestead exemptions
22 pertaining to each piece of property provided by Article 15
23 of the Property Tax Code in the redevelopment project area,
24 shall be allocated to and when collected shall be paid to
25 the municipal Treasurer, who shall deposit said taxes into
26 a special fund called the special tax allocation fund of

1 the municipality for the purpose of paying redevelopment
2 project costs and obligations incurred in the payment
3 thereof.

4 The municipality may pledge in the ordinance the funds in
5 and to be deposited in the special tax allocation fund for the
6 payment of such costs and obligations. No part of the current
7 equalized assessed valuation of each property in the
8 redevelopment project area attributable to any increase above
9 the total initial equalized assessed value, or the total
10 initial equalized assessed value as adjusted, of such
11 properties shall be used in calculating the general State
12 school aid formula, provided for in Section 18-8 of the School
13 Code, until such time as all redevelopment project costs have
14 been paid as provided for in this Section.

15 Whenever a municipality issues bonds for the purpose of
16 financing redevelopment project costs, such municipality may
17 provide by ordinance for the appointment of a trustee, which
18 may be any trust company within the State, and for the
19 establishment of such funds or accounts to be maintained by
20 such trustee as the municipality shall deem necessary to
21 provide for the security and payment of the bonds. If such
22 municipality provides for the appointment of a trustee, such
23 trustee shall be considered the assignee of any payments
24 assigned by the municipality pursuant to such ordinance and
25 this Section. Any amounts paid to such trustee as assignee
26 shall be deposited in the funds or accounts established

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

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

26 Upon the payment of all redevelopment project costs, the

1 retirement of obligations, the distribution of any excess
2 monies pursuant to this Section, and final closing of the books
3 and records of the redevelopment project area, the municipality
4 shall adopt an ordinance dissolving the special tax allocation
5 fund for the redevelopment project area and terminating the
6 designation of the redevelopment project area as a
7 redevelopment project area. Title to real or personal property
8 and public improvements acquired by or for the municipality as
9 a result of the redevelopment project and plan shall vest in
10 the municipality when acquired and shall continue to be held by
11 the municipality after the redevelopment project area has been
12 terminated. Municipalities shall notify affected taxing
13 districts prior to November 1 if the redevelopment project area
14 is to be terminated by December 31 of that same year. If a
15 municipality extends estimated dates of completion of a
16 redevelopment project and retirement of obligations to finance
17 a redevelopment project, as allowed by this amendatory Act of
18 1993, that extension shall not extend the property tax
19 increment allocation financing authorized by this Section.
20 Thereafter the rates of the taxing districts shall be extended
21 and taxes levied, collected and distributed in the manner
22 applicable in the absence of the adoption of tax increment
23 allocation financing.

24 If a municipality with a population of 1,000,000 or more
25 has adopted by ordinance tax increment allocation financing for
26 a redevelopment project area located in a transit facility

1 improvement area established pursuant to Section 11-74.4-3.3,
2 for each year after the effective date of the ordinance until
3 redevelopment project costs and all municipal obligations
4 financing redevelopment project costs have been paid, the ad
5 valorem taxes, if any, arising from the levies upon the taxable
6 real property in that redevelopment project area by taxing
7 districts and tax rates determined in the manner provided in
8 paragraph (c) of Section 11-74.4-9 shall be divided as follows:

9 (1) That portion of the taxes levied upon each taxable
10 lot, block, tract or parcel of real property which is
11 attributable to the lower of (i) the current equalized
12 assessed value or "current equalized assessed value as
13 adjusted" or (ii) the initial equalized assessed value of
14 each such taxable lot, block, tract, or parcel of real
15 property existing at the time tax increment financing was
16 adopted, minus the total current homestead exemptions
17 under Article 15 of the Property Tax Code in the
18 redevelopment project area shall be allocated to and when
19 collected shall be paid by the county collector to the
20 respective affected taxing districts in the manner
21 required by law in the absence of the adoption of tax
22 increment allocation financing.

23 (2) That portion, if any, of such taxes which is
24 attributable to the increase in the current equalized
25 assessed valuation of each taxable lot, block, tract, or
26 parcel of real property in the redevelopment project area,

1 over and above the initial equalized assessed value of each
2 property existing at the time tax increment financing was
3 adopted, minus the total current homestead exemptions
4 pertaining to each piece of property provided by Article 15
5 of the Property Tax Code in the redevelopment project area,
6 shall be allocated to and when collected shall be paid by
7 the county collector as follows:

8 (A) First, that portion which would be payable to a
9 school district whose boundaries are coterminous with
10 such municipality in the absence of the adoption of tax
11 increment allocation financing, shall be paid to such
12 school district in the manner required by law in the
13 absence of the adoption of tax increment allocation
14 financing; then

15 (B) 80% of the remaining portion shall be paid to
16 the municipal Treasurer, who shall deposit said taxes
17 into a special fund called the special tax allocation
18 fund of the municipality for the purpose of paying
19 redevelopment project costs and obligations incurred
20 in the payment thereof; and then

21 (C) 20% of the remaining portion shall be paid to
22 the respective affected taxing districts, other than
23 the school district described in clause (a) above, in
24 the manner required by law in the absence of the
25 adoption of tax increment allocation financing.

26 Nothing in this Section shall be construed as relieving

1 property in such redevelopment project areas from being
2 assessed as provided in the Property Tax Code or as relieving
3 owners of such property from paying a uniform rate of taxes, as
4 required by Section 4 of Article IX of the Illinois
5 Constitution.

6 (Source: P.A. 98-463, eff. 8-16-13.)".