



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4852**

Introduced 01/19/06, by Rep. Harry Osterman

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/11-74.4-3

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

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that, after July 1, 2006, the term "redevelopment costs" includes costs associated with lead-abatement activities for property that is contiguous to, but not included within, the redevelopment project area if those lead-abatement activities further the purpose of the redevelopment project. Effective July 1, 2006.

LRB094 17020 BDD 52301 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning local government.

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

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

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

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

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

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

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

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

30 (A) Dilapidation. An advanced state of disrepair  
31 or neglect of necessary repairs to the primary  
32 structural components of buildings or improvements in

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

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

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

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

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

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

33 (G) Lack of ventilation, light, or sanitary  
34 facilities. The absence of adequate ventilation for  
35 light or air circulation in spaces or rooms without  
36 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  
27 improperly situated on parcels or located on parcels of  
28 inadequate size and shape in relation to present-day  
29 standards of development for health and safety and (ii)  
30 the presence of multiple buildings on a single parcel.  
31 For there to be a finding of excessive land coverage,  
32 these parcels must exhibit one or more of the following  
33 conditions: insufficient provision for light and air  
34 within or around buildings, increased threat of spread  
35 of fire due to the close proximity of buildings, lack  
36 of adequate or proper access to a public right-of-way,

1 lack of reasonably required off-street parking, or  
2 inadequate provision for loading and service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

35 (6) Excessive vacancies. The presence of buildings  
36 that are unoccupied or under-utilized and that represent an

1 adverse influence on the area because of the frequency,  
2 extent, or duration of the vacancies.

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

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

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

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

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

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

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

34 (13) The total equalized assessed value of the proposed  
35 redevelopment project area has declined for 3 of the last 5  
36 calendar years for which information is available or is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (j) "State Utility Tax Increment Amount" means an amount  
35 equal to the aggregate increase in State electric and gas tax  
36 charges imposed on owners and tenants, other than residential



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

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

31 Municipalities that issue bonds in connection with the  
32 redevelopment project during the period from June 1, 1988 until  
33 3 years after the effective date of this Amendatory Act of 1988  
34 shall receive the Net State Utility Tax Increment, subject to  
35 appropriation, for 15 State Fiscal Years after the issuance of  
36 such bonds. For the 16th through the 20th State Fiscal Years

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (J) if property is to be annexed to the municipality,  
36 the plan shall include the terms of the annexation

1 agreement.

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

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

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

26 (3) The redevelopment plan establishes the estimated  
27 dates of completion of the redevelopment project and  
28 retirement of obligations issued to finance redevelopment  
29 project costs. Those dates: shall not be later than  
30 December 31 of the year in which the payment to the  
31 municipal treasurer as provided in subsection (b) of  
32 Section 11-74.4-8 of this Act is to be made with respect to  
33 ad valorem taxes levied in the twenty-third calendar year  
34 after the year in which the ordinance approving the  
35 redevelopment project area is adopted if the ordinance was  
36 adopted on or after January 15, 1981; shall not be later

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

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

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

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

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

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

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

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

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

4 (I) if the ordinance was adopted on November 12,  
5 1991 by the Village of Sauget, or

6 (J) if the ordinance was adopted on February 11,  
7 1985 by the City of Rock Island, or

8 (K) if the ordinance was adopted before December  
9 18, 1986 by the City of Moline, or

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

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

14 (N) if the ordinance was adopted on December 29,  
15 1986 by the City of Galva, or

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

18 (P) if the ordinance was adopted on January 23,  
19 1991 by the City of East St. Louis, or

20 (Q) if the ordinance was adopted on December 22,  
21 1986 by the City of Aledo, or

22 (R) if the ordinance was adopted on February 5,  
23 1990 by the City of Clinton, or

24 (S) if the ordinance was adopted on September 6,  
25 1994 by the City of Freeport, or

26 (T) if the ordinance was adopted on December 22,  
27 1986 by the City of Tuscola, or

28 (U) if the ordinance was adopted on December 23,  
29 1986 by the City of Sparta, or

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

32 (W) if the ordinance was adopted on April 27, 1981,  
33 October 21, 1985, or December 30, 1986 by the City of  
34 Belleville, or

35 (X) if the ordinance was adopted on December 29,  
36 1986 by the City of Collinsville, or

1 (Y) if the ordinance was adopted on September 14,  
2 1994 by the City of Alton, or

3 (Z) if the ordinance was adopted on November 11,  
4 1996 by the City of Lexington, or

5 (AA) if the ordinance was adopted on November 5,  
6 1984 by the City of LeRoy, or

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

9 (CC) if the ordinance was adopted on November 11,  
10 1986 by the City of Pekin, or

11 (DD) if the ordinance was adopted on December 15,  
12 1981 by the City of Champaign, or

13 (EE) if the ordinance was adopted on December 15,  
14 1986 by the City of Urbana, or

15 (FF) if the ordinance was adopted on December 15,  
16 1986 by the Village of Heyworth, or

17 (GG) if the ordinance was adopted on February 24,  
18 1992 by the Village of Heyworth, or

19 (HH) if the ordinance was adopted on March 16, 1995  
20 by the Village of Heyworth, or

21 (II) if the ordinance was adopted on December 23,  
22 1986 by the Town of Cicero, or

23 (JJ) if the ordinance was adopted on December 30,  
24 1986 by the City of Effingham, or

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

27 (LL) if the ordinance was adopted on October 20,  
28 1986 by the City of Elmhurst, or

29 (MM) if the ordinance was adopted on January 19,  
30 1988 by the City of Waukegan, or

31 (NN) if the ordinance was adopted on September 21,  
32 1998 by the City of Waukegan, or

33 (OO) if the ordinance was adopted on December 31,  
34 1986 by the City of Sullivan, or

35 (PP) if the ordinance was adopted on December 23,  
36 1991 by the City of Sullivan, or-

1            ~~(OO)~~ (QQ) if the ordinance was adopted on December  
2            31, 1986 by the City of Oglesby, or.

3            ~~(PP)~~ (RR) if the ordinance was adopted on July 28,  
4            1987 by the City of Marion, or

5            ~~(PP)~~ (SS) if the ordinance was adopted on April 23,  
6            1990 by the City of Marion, or.

7            ~~(OO)~~ (TT) if the ordinance was adopted on August  
8            20, 1985 by the Village of Mount Prospect, or.

9            ~~(OO)~~ (UU) if the ordinance was adopted on February  
10           2, 1998 by the Village of Woodhull.

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

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

33           Those dates, for purposes of real property tax  
34           increment allocation financing pursuant to Section  
35           11-74.4-8 only, shall be not more than 35 years for  
36           redevelopment project areas that were adopted on or after



1 December 16, 1986 and for which at least \$8 million worth  
2 of municipal bonds were authorized on or after December 19,  
3 1989 but before January 1, 1990; 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  
6 after at least 14 but not more than 30 days' written notice  
7 to the taxing bodies, that would otherwise constitute the  
8 joint review board for the redevelopment project area,  
9 before the adoption of the ordinance.

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

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

31 (4) If any incremental revenues are being utilized  
32 under Section 8(a)(1) or 8(a)(2) of this Act in  
33 redevelopment project areas approved by ordinance after  
34 January 1, 1986, the municipality finds: (a) that the  
35 redevelopment project area would not reasonably be  
36 developed without the use of such incremental revenues, and

1 (b) that such incremental revenues will be exclusively  
2 utilized for the development of the redevelopment project  
3 area.

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

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

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

1 residences are to be removed, (iii) the availability of  
2 replacement housing for those residents whose residences  
3 are to be removed, and shall identify the type, location,  
4 and cost of the housing, and (iv) the type and extent of  
5 relocation assistance to be provided.

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

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

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

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

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

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

34          (q) "Redevelopment project costs" mean and include the sum  
35          total of all reasonable or necessary costs incurred or  
36          estimated to be incurred, and any such costs incidental to a

1 redevelopment plan and a redevelopment project. Such costs  
2 include, without limitation, the following:

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

31 (1.5) After July 1, 1999, annual administrative costs  
32 shall not include general overhead or administrative costs  
33 of the municipality that would still have been incurred by  
34 the municipality if the municipality had not designated a  
35 redevelopment project area or approved a redevelopment  
36 plan;

1           (1.6) The cost of marketing sites within the  
2 redevelopment project area to prospective businesses,  
3 developers, and investors;

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

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

20           (3.5) After July 1, 2006, costs associated with  
21 lead-abatement activities for property that is contiguous  
22 to, but not included within, the redevelopment project area  
23 if those lead-abatement activities would further the  
24 purpose of the redevelopment project.

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

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

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

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

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

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

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

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

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

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

36 (iii) for secondary school districts with a



1 district average 1995-96 Per Capita Tuition Charge  
2 of less than \$5,900, no more than 8% of the total  
3 amount of property tax increment revenue produced  
4 by those housing units that have received tax  
5 increment finance assistance under this Act.

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

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

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

1 (iii) for secondary school districts, no more  
2 than 13% of the total amount of property tax  
3 increment revenue produced by those housing units  
4 that have received tax increment finance  
5 assistance under this Act.

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

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

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

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

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

1           modify, or contest in any manner the establishment of  
2           the redevelopment project area or projects;

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

26          The amount paid to a library district under this  
27          paragraph (7.7) shall be calculated by multiplying (i) the  
28          net increase in the number of persons eligible to obtain a  
29          library card in that district who reside in housing units  
30          within the redevelopment project area that have received  
31          financial assistance through an agreement with the  
32          municipality or because the municipality incurs the cost of  
33          necessary infrastructure improvements within the  
34          boundaries of the housing sites necessary for the  
35          completion of that housing as authorized by this Act since  
36          the designation of the redevelopment project area by (ii)

1 the per-patron cost of providing library services so long  
2 as it does not exceed \$120. The per-patron cost shall be  
3 the Total Operating Expenditures Per Capita as stated in  
4 the most recent Illinois Public Library Statistics  
5 produced by the Library Research Center at the University  
6 of Illinois. The municipality may deduct from the amount  
7 that it must pay to a library district under this paragraph  
8 any amount that it has voluntarily paid to the library  
9 district from the tax increment revenue. The amount paid to  
10 a library district under this paragraph (7.7) shall be no  
11 more than 2% of the amount produced by the assisted housing  
12 units and deposited into the Special Tax Allocation Fund.

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

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

34 (8) Relocation costs to the extent that a municipality  
35 determines that relocation costs shall be paid or is  
36 required to make payment of relocation costs by federal or

1 State law or in order to satisfy subparagraph (7) of  
2 subsection (n);

3 (9) Payment in lieu of taxes;

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

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

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

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

1 during that year;

2 (C) if there are not sufficient funds available in  
3 the special tax allocation fund to make the payment  
4 pursuant to this paragraph (11) then the amounts so due  
5 shall accrue and be payable when sufficient funds are  
6 available in the special tax allocation fund;

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

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

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

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

1           the life of the redevelopment project area, whichever  
2           is later.

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

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

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



1           entity, as documented by the retail entity, subject to a  
2           reasonable finding by the municipality that the current  
3           location contained inadequate space, had become  
4           economically obsolete, or was no longer a viable location  
5           for the retailer or serviceman.

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

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

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

1 immediately prior to the year in which the municipality adopted  
2 tax increment allocation financing, less 3.0% of such amounts  
3 generated under the Retailers' Occupation Tax Act, Use Tax Act  
4 and Service Use Tax Act and the Service Occupation Tax Act,  
5 which sum shall be appropriated to the Department of Revenue to  
6 cover its costs of administering and enforcing this Section.  
7 For purposes of computing the aggregate amount of such taxes  
8 for base years occurring prior to 1985, the Department of  
9 Revenue shall compute the Initial Sales Tax Amount for such  
10 taxes and deduct therefrom an amount equal to 4% of the  
11 aggregate amount of taxes per year for each year the base year  
12 is prior to 1985, but not to exceed a total deduction of 12%.  
13 The amount so determined shall be known as the "Adjusted  
14 Initial Sales Tax Amount". For purposes of determining the  
15 State Sales Tax Increment the Department of Revenue shall for  
16 each period subtract from the tax amounts received from  
17 retailers and servicemen on transactions located in the State  
18 Sales Tax Boundary, the certified Initial Sales Tax Amounts,  
19 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax  
20 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,  
21 the Service Use Tax Act and the Service Occupation Tax Act. For  
22 the State Fiscal Year 1989 this calculation shall be made by  
23 utilizing the calendar year 1987 to determine the tax amounts  
24 received. For the State Fiscal Year 1990, this calculation  
25 shall be made by utilizing the period from January 1, 1988,  
26 until September 30, 1988, to determine the tax amounts received  
27 from retailers and servicemen, which shall have deducted  
28 therefrom nine-twelfths of the certified Initial Sales Tax  
29 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
30 Initial Sales Tax Amounts as appropriate. For the State Fiscal  
31 Year 1991, this calculation shall be made by utilizing the  
32 period from October 1, 1988, until June 30, 1989, to determine  
33 the tax amounts received from retailers and servicemen, which  
34 shall have deducted therefrom nine-twelfths of the certified  
35 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
36 Amounts or the Revised Initial Sales Tax Amounts as

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

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

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

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

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

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

18 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;  
19 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.  
20 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,  
21 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;  
22 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.  
23 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,  
24 eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06;  
25 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; revised 12-9-05.)

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

33 Section 99. Effective date. This Act takes effect July 1,  
34 2006.