



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5166

Introduced 2/8/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

35 ILCS 200/27-25
35 ILCS 200/27-30
35 ILCS 200/27-32 new

Amends the Property Tax Code. Provides that notice of a proposed tax levy in a special service area must include the proposed amount of the tax levy for special services for the initial year for which taxes will be levied within the special service area. Provides that a public hearing on the establishment of a special service area may not be held less than 60 days after the adoption of the ordinance proposing the establishment of the special service area. Provides that, if, in any year other than the initial levy year, the estimated special service area tax levy is more than 105% of the amount extended for special service area purposes for the preceding levy year, notice shall be given and a hearing held on the reason for the increase.

LRB097 17519 HLH 62723 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing
5 Sections 27-25 and 27-30 and by adding Section 27-32 as
6 follows:

7 (35 ILCS 200/27-25)

8 Sec. 27-25. Form of hearing notice. Taxes may be levied or
9 imposed by the municipality or county in the special service
10 area at a rate or amount of tax sufficient to produce revenues
11 required to provide the special services. Prior to the first
12 levy of taxes in the special service area, notice shall be
13 given and a hearing shall be held under the provisions of
14 Sections 27-30 and 27-35. For purposes of this Section the
15 notice shall include:

16 (a) The time and place of hearing;

17 (b) The boundaries of the area by legal description
18 and, where possible, by street location;

19 (c) The permanent tax index number of each parcel
20 located within the area;

21 (d) The nature of the proposed special services to be
22 provided within the special service area and a statement as
23 to whether the proposed special services are for new

1 construction, maintenance, or other purposes;

2 (d-5) The proposed amount of the tax levy for special
3 services for the initial year for which taxes will be
4 levied within the special service area;

5 (e) A notification that all interested persons,
6 including all persons owning taxable real property located
7 within the special service area, will be given an
8 opportunity to be heard at the hearing regarding the tax
9 levy and an opportunity to file objections to the amount of
10 the tax levy if the tax is a tax upon property; and

11 (f) The maximum rate of taxes to be extended within the
12 special service area in any year and the maximum number of
13 years taxes will be levied if a maximum number of years is
14 to be established.

15 After the first levy of taxes within the special service
16 area, taxes may continue to be levied in subsequent years
17 without the requirement of an additional public hearing if the
18 tax rate does not exceed the rate specified in the notice for
19 the original public hearing and the taxes are not extended for
20 a longer period than the number of years specified in the
21 notice if a number of years is specified. Tax rates may be
22 increased and the period specified may be extended, if notice
23 is given and new public hearings are held in accordance with
24 Sections 27-30 and 27-35.

25 (Source: P.A. 93-1013, eff. 8-24-04.)

1 (35 ILCS 200/27-30)

2 Sec. 27-30. Manner of notice. Prior to or within 60 days
3 after the adoption of the ordinance proposing the establishment
4 of a special service area the municipality or county shall fix
5 a time and a place for a public hearing. The public hearing
6 shall be held not less than 60 days after the adoption of the
7 ordinance proposing the establishment of a special service
8 area. Notice of the hearing shall be given by publication and
9 mailing, except that notice of a public hearing to propose the
10 establishment of a special service area for weather
11 modification purposes may be given by publication only. Notice
12 by publication shall be given by publication at least once not
13 less than 15 days prior to the hearing in a newspaper of
14 general circulation within the municipality or county. Notice
15 by mailing shall be given by depositing the notice in the
16 United States mails addressed to the person or persons in whose
17 name the general taxes for the last preceding year were paid on
18 each property lying within the special service area. A notice
19 shall be mailed not less than 10 days prior to the time set for
20 the public hearing. In the event taxes for the last preceding
21 year were not paid, the notice shall be sent to the person last
22 listed on the tax rolls prior to that year as the owner of the
23 property.

24 (Source: P.A. 82-282; 88-455.)

25 (35 ILCS 200/27-32 new)

1 Sec. 27-32. More than 5% increase; hearing. If, in any year
2 other than the initial levy year, the estimated special service
3 area tax levy is more than 105% of the amount extended for
4 special service area purposes for the preceding levy year,
5 notice shall be given and a hearing held on the reason for the
6 increase. Notice of the hearing shall be given by newspaper
7 publication, internet publication, or other reasonable means
8 determined by the municipality or county. A meeting open to the
9 public and convened in a location convenient to property
10 included within the boundaries of the special service area is
11 considered a hearing for purposes of this Section. The hearing
12 may be held prior to the adoption of the proposed ordinance to
13 adopt the annual levy of the special service area, but not more
14 than 30 days prior to the adoption of the ordinance, or at the
15 same time the proposed ordinance to adopt the annual levy of
16 the special service area is considered.