



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2142

Introduced 10/26/2005, by Sen. Peter J. Roskam

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.4-3
65 ILCS 5/11-74.4-7

from Ch. 24, par. 11-74.4-3
from Ch. 24, par. 11-74.4-7

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that the redevelopment project in the TIF district created by an ordinance that was adopted on May 21, 1990 by the City of West Chicago must be completed by December 31 of the 35th year (now, the 23rd year) after the year in which the ordinance was adopted. Effective immediately.

LRB094 14584 BDD 49527 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning municipalities.

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 Sections 11-74.4-3 and 11-74.4-7 as follows:

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

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

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

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

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

29 (A) Dilapidation. An advanced state of disrepair
30 or neglect of necessary repairs to the primary
31 structural components of buildings or improvements in
32 such a combination that a documented building

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

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

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

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

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

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

32 (G) Lack of ventilation, light, or sanitary
33 facilities. The absence of adequate ventilation for
34 light or air circulation in spaces or rooms without
35 windows, or that require the removal of dust, odor,
36 gas, smoke, or other noxious airborne materials.

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

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

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

1 inadequate provision for loading and service.

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

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

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

32 (M) The total equalized assessed value of the
33 proposed redevelopment project area has declined for 3
34 of the last 5 calendar years prior to the year in which
35 the redevelopment project area is designated or is
36 increasing at an annual rate that is less than the

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

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

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

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

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

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

36 (E) The area has incurred Illinois Environmental

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

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

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

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

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

36 (C) The area, prior to its designation, is subject

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

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

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

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

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

33 On and after November 1, 1999, "conservation area" means
34 any improved area within the boundaries of a redevelopment
35 project area located within the territorial limits of the
36 municipality in which 50% or more of the structures in the area

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

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

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

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

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

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

34 (6) Excessive vacancies. The presence of buildings
35 that are unoccupied or under-utilized and that represent an
36 adverse influence on the area because of the frequency,

1 extent, or duration of the vacancies.

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

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

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

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

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

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

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

33 (13) The total equalized assessed value of the proposed
34 redevelopment project area has declined for 3 of the last 5
35 calendar years for which information is available or is
36 increasing at an annual rate that is less than the balance

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

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

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

27 (e) "Labor surplus municipality" means a municipality in
28 which, at any time during the 6 months before the municipality
29 by ordinance designates an industrial park conservation area,
30 the unemployment rate was over 6% and was also 100% or more of
31 the national average unemployment rate for that same time as
32 published in the United States Department of Labor Bureau of
33 Labor Statistics publication entitled "The Employment
34 Situation" or its successor publication. For the purpose of
35 this subsection, if unemployment rate statistics for the
36 municipality are not available, the unemployment rate in the

1 municipality shall be deemed to be the same as the unemployment
2 rate in the principal county in which the municipality is
3 located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (H) if the ordinance was adopted on October 5, 1982

1 by the City of Kankakee, or if the ordinance was
2 adopted on December 29, 1986 by East St. Louis, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (Y) if the ordinance was adopted on September 14,

1 1994 by the City of Alton, or
2 (Z) if the ordinance was adopted on November 11,
3 1996 by the City of Lexington, or
4 (AA) if the ordinance was adopted on November 5,
5 1984 by the City of LeRoy, or
6 (BB) if the ordinance was adopted on April 3, 1991
7 or June 3, 1992 by the City of Markham, or
8 (CC) if the ordinance was adopted on November 11,
9 1986 by the City of Pekin, or
10 (DD) if the ordinance was adopted on December 15,
11 1981 by the City of Champaign, or
12 (EE) if the ordinance was adopted on December 15,
13 1986 by the City of Urbana, or
14 (FF) if the ordinance was adopted on December 15,
15 1986 by the Village of Heyworth, or
16 (GG) if the ordinance was adopted on February 24,
17 1992 by the Village of Heyworth, or
18 (HH) if the ordinance was adopted on March 16, 1995
19 by the Village of Heyworth, or
20 (II) if the ordinance was adopted on December 23,
21 1986 by the Town of Cicero, or
22 (JJ) if the ordinance was adopted on December 30,
23 1986 by the City of Effingham, or
24 (KK) if the ordinance was adopted on May 9, 1991 by
25 the Village of Tilton, or
26 (LL) if the ordinance was adopted on October 20,
27 1986 by the City of Elmhurst, or
28 (MM) if the ordinance was adopted on January 19,
29 1988 by the City of Waukegan, or
30 (NN) if the ordinance was adopted on September 21,
31 1998 by the City of Waukegan, or
32 (OO) if the ordinance was adopted on December 31,
33 1986 by the City of Sullivan, or
34 (PP) if the ordinance was adopted on December 23,
35 1991 by the City of Sullivan, or
36 (QQ) ~~(OO)~~ if the ordinance was adopted on December

1 31, 1986 by the City of Oglesby, or
2 (RR) if the ordinance was adopted on May 21, 1990
3 by the City of West Chicago.

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

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

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

1 joint review board for the redevelopment project area,
2 before the adoption of the ordinance.

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

17 (3.5) The municipality finds, in the case of an
18 industrial park conservation area, also that the
19 municipality is a labor surplus municipality and that the
20 implementation of the redevelopment plan will reduce
21 unemployment, create new jobs and by the provision of new
22 facilities enhance the tax base of the taxing districts
23 that extend into the redevelopment project area.

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

33 (5) If the redevelopment plan will not result in
34 displacement of residents from 10 or more inhabited
35 residential units, and the municipality certifies in the
36 plan that such displacement will not result from the plan,

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

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

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

35 (6) On and after November 1, 1999, the housing impact
36 study required by paragraph (5) shall be incorporated in

1 the redevelopment plan for the redevelopment project area.

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

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

30 (9) For redevelopment project areas designated prior
31 to November 1, 1999, the redevelopment plan may be amended
32 without further joint review board meeting or hearing,
33 provided that the municipality shall give notice of any
34 such changes by mail to each affected taxing district and
35 registrant on the interested party registry, to authorize
36 the municipality to expend tax increment revenues for

1 redevelopment project costs defined by paragraphs (5) and
2 (7.5), subparagraphs (E) and (F) of paragraph (11), and
3 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
4 long as the changes do not increase the total estimated
5 redevelopment project costs set out in the redevelopment
6 plan by more than 5% after adjustment for inflation from
7 the date the plan was adopted.

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

20 (p) "Redevelopment project area" means an area designated
21 by the municipality, which is not less in the aggregate than 1
22 1/2 acres and in respect to which the municipality has made a
23 finding that there exist conditions which cause the area to be
24 classified as an industrial park conservation area or a
25 blighted area or a conservation area, or a combination of both
26 blighted areas and conservation areas.

27 (q) "Redevelopment project costs" mean and include the sum
28 total of all reasonable or necessary costs incurred or
29 estimated to be incurred, and any such costs incidental to a
30 redevelopment plan and a redevelopment project. Such costs
31 include, without limitation, the following:

32 (1) Costs of studies, surveys, development of plans,
33 and specifications, implementation and administration of
34 the redevelopment plan including but not limited to staff
35 and professional service costs for architectural,
36 engineering, legal, financial, planning or other services,

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

24 (1.5) After July 1, 1999, annual administrative costs
25 shall not include general overhead or administrative costs
26 of the municipality that would still have been incurred by
27 the municipality if the municipality had not designated a
28 redevelopment project area or approved a redevelopment
29 plan;

30 (1.6) The cost of marketing sites within the
31 redevelopment project area to prospective businesses,
32 developers, and investors;

33 (2) Property assembly costs, including but not limited
34 to acquisition of land and other property, real or
35 personal, or rights or interests therein, demolition of
36 buildings, site preparation, site improvements that serve

1 as an engineered barrier addressing ground level or below
2 ground environmental contamination, including, but not
3 limited to parking lots and other concrete or asphalt
4 barriers, and the clearing and grading of land;

5 (3) Costs of rehabilitation, reconstruction or repair
6 or remodeling of existing public or private buildings,
7 fixtures, and leasehold improvements; and the cost of
8 replacing an existing public building if pursuant to the
9 implementation of a redevelopment project the existing
10 public building is to be demolished to use the site for
11 private investment or devoted to a different use requiring
12 private investment;

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

32 (5) Costs of job training and retraining projects,
33 including the cost of "welfare to work" programs
34 implemented by businesses located within the redevelopment
35 project area;

36 (6) Financing costs, including but not limited to all

1 necessary and incidental expenses related to the issuance
2 of obligations and which may include payment of interest on
3 any obligations issued hereunder including interest
4 accruing during the estimated period of construction of any
5 redevelopment project for which such obligations are
6 issued and for not exceeding 36 months thereafter and
7 including reasonable reserves related thereto;

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

14 (7.5) For redevelopment project areas designated (or
15 redevelopment project areas amended to add or increase the
16 number of tax-increment-financing assisted housing units)
17 on or after November 1, 1999, an elementary, secondary, or
18 unit school district's increased costs attributable to
19 assisted housing units located within the redevelopment
20 project area for which the developer or redeveloper
21 receives financial assistance through an agreement with
22 the municipality or because the municipality incurs the
23 cost of necessary infrastructure improvements within the
24 boundaries of the assisted housing sites necessary for the
25 completion of that housing as authorized by this Act, and
26 which costs shall be paid by the municipality from the
27 Special Tax Allocation Fund when the tax increment revenue
28 is received as a result of the assisted housing units and
29 shall be calculated annually as follows:

30 (A) for foundation districts, excluding any school
31 district in a municipality with a population in excess
32 of 1,000,000, by multiplying the district's increase
33 in attendance resulting from the net increase in new
34 students enrolled in that school district who reside in
35 housing units within the redevelopment project area
36 that have received financial assistance through an

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

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

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

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

30 (B) For alternate method districts, flat grant
31 districts, and foundation districts with a district
32 average 1995-96 Per Capita Tuition Charge equal to or
33 more than \$5,900, excluding any school district with a
34 population in excess of 1,000,000, by multiplying the
35 district's increase in attendance resulting from the
36 net increase in new students enrolled in that school

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

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

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

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

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

34 (i) no increased costs shall be reimbursed
35 unless the school district certifies that each of
36 the schools affected by the assisted housing

1 project is at or over its student capacity;

2 (ii) the amount reimbursable shall be reduced
3 by the value of any land donated to the school
4 district by the municipality or developer, and by
5 the value of any physical improvements made to the
6 schools by the municipality or developer; and

7 (iii) the amount reimbursed may not affect
8 amounts otherwise obligated by the terms of any
9 bonds, notes, or other funding instruments, or the
10 terms of any redevelopment agreement.

11 Any school district seeking payment under this
12 paragraph (7.5) shall, after July 1 and before
13 September 30 of each year, provide the municipality
14 with reasonable evidence to support its claim for
15 reimbursement before the municipality shall be
16 required to approve or make the payment to the school
17 district. If the school district fails to provide the
18 information during this period in any year, it shall
19 forfeit any claim to reimbursement for that year.
20 School districts may adopt a resolution waiving the
21 right to all or a portion of the reimbursement
22 otherwise required by this paragraph (7.5). By
23 acceptance of this reimbursement the school district
24 waives the right to directly or indirectly set aside,
25 modify, or contest in any manner the establishment of
26 the redevelopment project area or projects;

27 (7.7) For redevelopment project areas designated (or
28 redevelopment project areas amended to add or increase the
29 number of tax-increment-financing assisted housing units)
30 on or after January 1, 2005 (the effective date of Public
31 Act 93-961), a public library district's increased costs
32 attributable to assisted housing units located within the
33 redevelopment project area for which the developer or
34 redeveloper receives financial assistance through an
35 agreement with the municipality or because the
36 municipality incurs the cost of necessary infrastructure

1 improvements within the boundaries of the assisted housing
2 sites necessary for the completion of that housing as
3 authorized by this Act shall be paid to the library
4 district by the municipality from the Special Tax
5 Allocation Fund when the tax increment revenue is received
6 as a result of the assisted housing units. This paragraph
7 (7.7) applies only if (i) the library district is located
8 in a county that is subject to the Property Tax Extension
9 Limitation Law or (ii) the library district is not located
10 in a county that is subject to the Property Tax Extension
11 Limitation Law but the district is prohibited by any other
12 law from increasing its tax levy rate without a prior voter
13 referendum.

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

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

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

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

27 (9) Payment in lieu of taxes;

28 (10) Costs of job training, retraining, advanced
29 vocational education or career education, including but
30 not limited to courses in occupational, semi-technical or
31 technical fields leading directly to employment, incurred
32 by one or more taxing districts, provided that such costs
33 (i) are related to the establishment and maintenance of
34 additional job training, advanced vocational education or
35 career education programs for persons employed or to be
36 employed by employers located in a redevelopment project

1 area; and (ii) when incurred by a taxing district or taxing
2 districts other than the municipality, are set forth in a
3 written agreement by or among the municipality and the
4 taxing district or taxing districts, which agreement
5 describes the program to be undertaken, including but not
6 limited to the number of employees to be trained, a
7 description of the training and services to be provided,
8 the number and type of positions available or to be
9 available, itemized costs of the program and sources of
10 funds to pay for the same, and the term of the agreement.
11 Such costs include, specifically, the payment by community
12 college districts of costs pursuant to Sections 3-37, 3-38,
13 3-40 and 3-40.1 of the Public Community College Act and by
14 school districts of costs pursuant to Sections 10-22.20a
15 and 10-23.3a of The School Code;

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

19 (A) such costs are to be paid directly from the
20 special tax allocation fund established pursuant to
21 this Act;

22 (B) such payments in any one year may not exceed
23 30% of the annual interest costs incurred by the
24 redeveloper with regard to the redevelopment project
25 during that year;

26 (C) if there are not sufficient funds available in
27 the special tax allocation fund to make the payment
28 pursuant to this paragraph (11) then the amounts so due
29 shall accrue and be payable when sufficient funds are
30 available in the special tax allocation fund;

31 (D) the total of such interest payments paid
32 pursuant to this Act may not exceed 30% of the total
33 (i) cost paid or incurred by the redeveloper for the
34 redevelopment project plus (ii) redevelopment project
35 costs excluding any property assembly costs and any
36 relocation costs incurred by a municipality pursuant

1 to this Act; and

2 (E) the cost limits set forth in subparagraphs (B)
3 and (D) of paragraph (11) shall be modified for the
4 financing of rehabilitated or new housing units for
5 low-income households and very low-income households,
6 as defined in Section 3 of the Illinois Affordable
7 Housing Act. The percentage of 75% shall be substituted
8 for 30% in subparagraphs (B) and (D) of paragraph (11).

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

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

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

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

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

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

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

30 If a special service area has been established pursuant to
31 the Special Service Area Tax Act or Special Service Area Tax
32 Law, then any tax increment revenues derived from the tax
33 imposed pursuant to the Special Service Area Tax Act or Special
34 Service Area Tax Law may be used within the redevelopment
35 project area for the purposes permitted by that Act or Law as
36 well as the purposes permitted by this Act.

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

8 (s) "State Sales Tax Increment" means an amount equal to
9 the increase in the aggregate amount of taxes paid by retailers
10 and servicemen, other than retailers and servicemen subject to
11 the Public Utilities Act, on transactions at places of business
12 located within a State Sales Tax Boundary pursuant to the
13 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
14 Tax Act, and the Service Occupation Tax Act, except such
15 portion of such increase that is paid into the State and Local
16 Sales Tax Reform Fund, the Local Government Distributive Fund,
17 the Local Government Tax Fund and the County and Mass Transit
18 District Fund, for as long as State participation exists, over
19 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
20 Tax Amounts or the Revised Initial Sales Tax Amounts for such
21 taxes as certified by the Department of Revenue and paid under
22 those Acts by retailers and servicemen on transactions at
23 places of business located within the State Sales Tax Boundary
24 during the base year which shall be the calendar year
25 immediately prior to the year in which the municipality adopted
26 tax increment allocation financing, less 3.0% of such amounts
27 generated under the Retailers' Occupation Tax Act, Use Tax Act
28 and Service Use Tax Act and the Service Occupation Tax Act,
29 which sum shall be appropriated to the Department of Revenue to
30 cover its costs of administering and enforcing this Section.
31 For purposes of computing the aggregate amount of such taxes
32 for base years occurring prior to 1985, the Department of
33 Revenue shall compute the Initial Sales Tax Amount for such
34 taxes and deduct therefrom an amount equal to 4% of the
35 aggregate amount of taxes per year for each year the base year
36 is prior to 1985, but not to exceed a total deduction of 12%.

1 The amount so determined shall be known as the "Adjusted
2 Initial Sales Tax Amount". For purposes of determining the
3 State Sales Tax Increment the Department of Revenue shall for
4 each period subtract from the tax amounts received from
5 retailers and servicemen on transactions located in the State
6 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
7 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
8 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
9 the Service Use Tax Act and the Service Occupation Tax Act. For
10 the State Fiscal Year 1989 this calculation shall be made by
11 utilizing the calendar year 1987 to determine the tax amounts
12 received. For the State Fiscal Year 1990, this calculation
13 shall be made by utilizing the period from January 1, 1988,
14 until September 30, 1988, to determine the tax amounts received
15 from retailers and servicemen, which shall have deducted
16 therefrom nine-twelfths of the certified Initial Sales Tax
17 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
18 Initial Sales Tax Amounts as appropriate. For the State Fiscal
19 Year 1991, this calculation shall be made by utilizing the
20 period from October 1, 1988, until June 30, 1989, to determine
21 the tax amounts received from retailers and servicemen, which
22 shall have deducted therefrom nine-twelfths of the certified
23 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
24 Amounts or the Revised Initial Sales Tax Amounts as
25 appropriate. For every State Fiscal Year thereafter, the
26 applicable period shall be the 12 months beginning July 1 and
27 ending on June 30, to determine the tax amounts received which
28 shall have deducted therefrom the certified Initial Sales Tax
29 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
30 Initial Sales Tax Amounts. Municipalities intending to receive
31 a distribution of State Sales Tax Increment must report a list
32 of retailers to the Department of Revenue by October 31, 1988
33 and by July 31, of each year thereafter.

34 (t) "Taxing districts" means counties, townships, cities
35 and incorporated towns and villages, school, road, park,
36 sanitary, mosquito abatement, forest preserve, public health,

1 fire protection, river conservancy, tuberculosis sanitarium
2 and any other municipal corporations or districts with the
3 power to levy taxes.

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

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

34 (w) "Annual Total Increment" means the sum of each
35 municipality's annual Net Sales Tax Increment and each
36 municipality's annual Net Utility Tax Increment. The ratio of

1 the Annual Total Increment of each municipality to the Annual
2 Total Increment for all municipalities, as most recently
3 calculated by the Department, shall determine the proportional
4 shares of the Illinois Tax Increment Fund to be distributed to
5 each municipality.

6 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
7 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.
8 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,
9 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;
10 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.
11 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,
12 eff. 7-21-05; 94-302, eff. 7-21-05; revised 8-10-05.)

13 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

14 Sec. 11-74.4-7. Obligations secured by the special tax
15 allocation fund set forth in Section 11-74.4-8 for the
16 redevelopment project area may be issued to provide for
17 redevelopment project costs. Such obligations, when so issued,
18 shall be retired in the manner provided in the ordinance
19 authorizing the issuance of such obligations by the receipts of
20 taxes levied as specified in Section 11-74.4-9 against the
21 taxable property included in the area, by revenues as specified
22 by Section 11-74.4-8a and other revenue designated by the
23 municipality. A municipality may in the ordinance pledge all or
24 any part of the funds in and to be deposited in the special tax
25 allocation fund created pursuant to Section 11-74.4-8 to the
26 payment of the redevelopment project costs and obligations. Any
27 pledge of funds in the special tax allocation fund shall
28 provide for distribution to the taxing districts and to the
29 Illinois Department of Revenue of moneys not required, pledged,
30 earmarked, or otherwise designated for payment and securing of
31 the obligations and anticipated redevelopment project costs
32 and such excess funds shall be calculated annually and deemed
33 to be "surplus" funds. In the event a municipality only applies
34 or pledges a portion of the funds in the special tax allocation
35 fund for the payment or securing of anticipated redevelopment

1 project costs or of obligations, any such funds remaining in
2 the special tax allocation fund after complying with the
3 requirements of the application or pledge, shall also be
4 calculated annually and deemed "surplus" funds. All surplus
5 funds in the special tax allocation fund shall be distributed
6 annually within 180 days after the close of the municipality's
7 fiscal year by being paid by the municipal treasurer to the
8 County Collector, to the Department of Revenue and to the
9 municipality in direct proportion to the tax incremental
10 revenue received as a result of an increase in the equalized
11 assessed value of property in the redevelopment project area,
12 tax incremental revenue received from the State and tax
13 incremental revenue received from the municipality, but not to
14 exceed as to each such source the total incremental revenue
15 received from that source. The County Collector shall
16 thereafter make distribution to the respective taxing
17 districts in the same manner and proportion as the most recent
18 distribution by the county collector to the affected districts
19 of real property taxes from real property in the redevelopment
20 project area.

21 Without limiting the foregoing in this Section, the
22 municipality may in addition to obligations secured by the
23 special tax allocation fund pledge for a period not greater
24 than the term of the obligations towards payment of such
25 obligations any part or any combination of the following: (a)
26 net revenues of all or part of any redevelopment project; (b)
27 taxes levied and collected on any or all property in the
28 municipality; (c) the full faith and credit of the
29 municipality; (d) a mortgage on part or all of the
30 redevelopment project; or (e) any other taxes or anticipated
31 receipts that the municipality may lawfully pledge.

32 Such obligations may be issued in one or more series
33 bearing interest at such rate or rates as the corporate
34 authorities of the municipality shall determine by ordinance.
35 Such obligations shall bear such date or dates, mature at such
36 time or times not exceeding 20 years from their respective

1 dates, be in such denomination, carry such registration
2 privileges, be executed in such manner, be payable in such
3 medium of payment at such place or places, contain such
4 covenants, terms and conditions, and be subject to redemption
5 as such ordinance shall provide. Obligations issued pursuant to
6 this Act may be sold at public or private sale at such price as
7 shall be determined by the corporate authorities of the
8 municipalities. No referendum approval of the electors shall be
9 required as a condition to the issuance of obligations pursuant
10 to this Division except as provided in this Section.

11 In the event the municipality authorizes issuance of
12 obligations pursuant to the authority of this Division secured
13 by the full faith and credit of the municipality, which
14 obligations are other than obligations which may be issued
15 under home rule powers provided by Article VII, Section 6 of
16 the Illinois Constitution, or pledges taxes pursuant to (b) or
17 (c) of the second paragraph of this section, the ordinance
18 authorizing the issuance of such obligations or pledging such
19 taxes shall be published within 10 days after such ordinance
20 has been passed in one or more newspapers, with general
21 circulation within such municipality. The publication of the
22 ordinance shall be accompanied by a notice of (1) the specific
23 number of voters required to sign a petition requesting the
24 question of the issuance of such obligations or pledging taxes
25 to be submitted to the electors; (2) the time in which such
26 petition must be filed; and (3) the date of the prospective
27 referendum. The municipal clerk shall provide a petition form
28 to any individual requesting one.

29 If no petition is filed with the municipal clerk, as
30 hereinafter provided in this Section, within 30 days after the
31 publication of the ordinance, the ordinance shall be in effect.
32 But, if within that 30 day period a petition is filed with the
33 municipal clerk, signed by electors in the municipality
34 numbering 10% or more of the number of registered voters in the
35 municipality, asking that the question of issuing obligations
36 using full faith and credit of the municipality as security for

1 the cost of paying for redevelopment project costs, or of
2 pledging taxes for the payment of such obligations, or both, be
3 submitted to the electors of the municipality, the corporate
4 authorities of the municipality shall call a special election
5 in the manner provided by law to vote upon that question, or,
6 if a general, State or municipal election is to be held within
7 a period of not less than 30 or more than 90 days from the date
8 such petition is filed, shall submit the question at the next
9 general, State or municipal election. If it appears upon the
10 canvass of the election by the corporate authorities that a
11 majority of electors voting upon the question voted in favor
12 thereof, the ordinance shall be in effect, but if a majority of
13 the electors voting upon the question are not in favor thereof,
14 the ordinance shall not take effect.

15 The ordinance authorizing the obligations may provide that
16 the obligations shall contain a recital that they are issued
17 pursuant to this Division, which recital shall be conclusive
18 evidence of their validity and of the regularity of their
19 issuance.

20 In the event the municipality authorizes issuance of
21 obligations pursuant to this Section secured by the full faith
22 and credit of the municipality, the ordinance authorizing the
23 obligations may provide for the levy and collection of a direct
24 annual tax upon all taxable property within the municipality
25 sufficient to pay the principal thereof and interest thereon as
26 it matures, which levy may be in addition to and exclusive of
27 the maximum of all other taxes authorized to be levied by the
28 municipality, which levy, however, shall be abated to the
29 extent that monies from other sources are available for payment
30 of the obligations and the municipality certifies the amount of
31 said monies available to the county clerk.

32 A certified copy of such ordinance shall be filed with the
33 county clerk of each county in which any portion of the
34 municipality is situated, and shall constitute the authority
35 for the extension and collection of the taxes to be deposited
36 in the special tax allocation fund.

1 A municipality may also issue its obligations to refund in
2 whole or in part, obligations theretofore issued by such
3 municipality under the authority of this Act, whether at or
4 prior to maturity, provided however, that the last maturity of
5 the refunding obligations shall not be expressed to mature
6 later than December 31 of the year in which the payment to the
7 municipal treasurer as provided in subsection (b) of Section
8 11-74.4-8 of this Act is to be made with respect to ad valorem
9 taxes levied in the twenty-third calendar year after the year
10 in which the ordinance approving the redevelopment project area
11 is adopted if the ordinance was adopted on or after January 15,
12 1981, not later than December 31 of the year in which the
13 payment to the municipal treasurer as provided in subsection
14 (b) of Section 11-74.4-8 of this Act is to be made with respect
15 to ad valorem taxes levied in the thirty-third calendar year
16 after the year in which the ordinance approving the
17 redevelopment project area if the ordinance was adopted on May
18 20, 1985 by the Village of Wheeling, and not later than
19 December 31 of the year in which the payment to the municipal
20 treasurer as provided in subsection (b) of Section 11-74.4-8 of
21 this Act is to be made with respect to ad valorem taxes levied
22 in the thirty-fifth calendar year after the year in which the
23 ordinance approving the redevelopment project area is adopted
24 (A) if the ordinance was adopted before January 15, 1981, or
25 (B) if the ordinance was adopted in December 1983, April 1984,
26 July 1985, or December 1989, or (C) if the ordinance was
27 adopted in December, 1987 and the redevelopment project is
28 located within one mile of Midway Airport, or (D) if the
29 ordinance was adopted before January 1, 1987 by a municipality
30 in Mason County, or (E) if the municipality is subject to the
31 Local Government Financial Planning and Supervision Act or the
32 Financially Distressed City Law, or (F) if the ordinance was
33 adopted in December 1984 by the Village of Rosemont, or (G) if
34 the ordinance was adopted on December 31, 1986 by a
35 municipality located in Clinton County for which at least
36 \$250,000 of tax increment bonds were authorized on June 17,

1 1997, or if the ordinance was adopted on December 31, 1986 by a
2 municipality with a population in 1990 of less than 3,600 that
3 is located in a county with a population in 1990 of less than
4 34,000 and for which at least \$250,000 of tax increment bonds
5 were authorized on June 17, 1997, or (H) if the ordinance was
6 adopted on October 5, 1982 by the City of Kankakee, or (I) if
7 the ordinance was adopted on December 29, 1986 by East St.
8 Louis, or if the ordinance was adopted on November 12, 1991 by
9 the Village of Sauget, or (J) if the ordinance was adopted on
10 February 11, 1985 by the City of Rock Island, or (K) if the
11 ordinance was adopted before December 18, 1986 by the City of
12 Moline, or (L) if the ordinance was adopted in September 1988
13 by Sauk Village, or (M) if the ordinance was adopted in October
14 1993 by Sauk Village, or (N) if the ordinance was adopted on
15 December 29, 1986 by the City of Galva, or (O) if the ordinance
16 was adopted in March 1991 by the City of Centreville, or (P) if
17 the ordinance was adopted on January 23, 1991 by the City of
18 East St. Louis, or (Q) if the ordinance was adopted on December
19 22, 1986 by the City of Aledo, or (R) if the ordinance was
20 adopted on February 5, 1990 by the City of Clinton, or (S) if
21 the ordinance was adopted on September 6, 1994 by the City of
22 Freeport, or (T) if the ordinance was adopted on December 22,
23 1986 by the City of Tuscola, or (U) if the ordinance was
24 adopted on December 23, 1986 by the City of Sparta, or (V) if
25 the ordinance was adopted on December 23, 1986 by the City of
26 Beardstown, or (W) if the ordinance was adopted on April 27,
27 1981, October 21, 1985, or December 30, 1986 by the City of
28 Belleville, or (X) if the ordinance was adopted on December 29,
29 1986 by the City of Collinsville, or (Y) if the ordinance was
30 adopted on September 14, 1994 by the City of Alton, or (Z) if
31 the ordinance was adopted on November 11, 1996 by the City of
32 Lexington, or (AA) if the ordinance was adopted on November 5,
33 1984 by the City of LeRoy, or (BB) if the ordinance was adopted
34 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)
35 if the ordinance was adopted on November 11, 1986 by the City
36 of Pekin, or (DD) if the ordinance was adopted on December 15,

1 1981 by the City of Champaign, or (EE) if the ordinance was
2 adopted on December 15, 1986 by the City of Urbana, or (FF) if
3 the ordinance was adopted on December 15, 1986 by the Village
4 of Heyworth, or (GG) if the ordinance was adopted on February
5 24, 1992 by the Village of Heyworth, or (HH) if the ordinance
6 was adopted on March 16, 1995 by the Village of Heyworth, or
7 (II) if the ordinance was adopted on December 23, 1986 by the
8 Town of Cicero, or (JJ) if the ordinance was adopted on
9 December 30, 1986 by the City of Effingham, or (KK) if the
10 ordinance was adopted on May 9, 1991 by the Village of Tilton,
11 or (LL) if the ordinance was adopted on October 20, 1986 by the
12 City of Elmhurst, or (MM) if the ordinance was adopted on
13 January 19, 1988 by the City of Waukegan, or (NN) if the
14 ordinance was adopted on September 21, 1998 by the City of
15 Waukegan, or (OO) if the ordinance was adopted on December 31,
16 1986 by the City of Sullivan, or (PP) if the ordinance was
17 adopted on December 23, 1991 by the City of Sullivan, or (QQ)
18 ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the
19 City of Oglesby, or (RR) if the ordinance was adopted on May
20 21, 1990 by the City of West Chicago and, for redevelopment
21 project areas for which bonds were issued before July 29, 1991,
22 in connection with a redevelopment project in the area within
23 the State Sales Tax Boundary and which were extended by
24 municipal ordinance under subsection (n) of Section 11-74.4-3,
25 the last maturity of the refunding obligations shall not be
26 expressed to mature later than the date on which the
27 redevelopment project area is terminated or December 31, 2013,
28 whichever date occurs first.

29 In the event a municipality issues obligations under home
30 rule powers or other legislative authority the proceeds of
31 which are pledged to pay for redevelopment project costs, the
32 municipality may, if it has followed the procedures in
33 conformance with this division, retire said obligations from
34 funds in the special tax allocation fund in amounts and in such
35 manner as if such obligations had been issued pursuant to the
36 provisions of this division.

1 All obligations heretofore or hereafter issued pursuant to
2 this Act shall not be regarded as indebtedness of the
3 municipality issuing such obligations or any other taxing
4 district for the purpose of any limitation imposed by law.

5 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
6 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff.
7 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986,
8 eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04;
9 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.
10 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; revised
11 8-10-05.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.