



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2394

Introduced 2/19/2009, by Rep. Mark L. Walker

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.4-3

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

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Adds to the definition of "redevelopment project costs" the costs of and the costs associated with the development or redevelopment of areas within a one-half mile radius of an existing or proposed Regional Transportation Authority Suburban Transit Access Route station. Makes revisory changes. Includes a non-acceleration clause. Effective immediately.

LRB096 11041 RLJ 21354 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

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

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

7 (Text of Section before amendment by P.A. 95-1028)

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

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

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

21 (1) If improved, industrial, commercial, and
22 residential buildings or improvements are detrimental to
23 the public safety, health, or welfare because of a

1 combination of 5 or more of the following factors, each of
2 which is (i) present, with that presence documented, to a
3 meaningful extent so that a municipality may reasonably
4 find that the factor is clearly present within the intent
5 of the Act and (ii) reasonably distributed throughout the
6 improved part of the redevelopment project area:

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

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

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

1 protruding through paved surfaces.

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

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

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

16 (G) Lack of ventilation, light, or sanitary
17 facilities. The absence of adequate ventilation for
18 light or air circulation in spaces or rooms without
19 windows, or that require the removal of dust, odor,
20 gas, smoke, or other noxious airborne materials.
21 Inadequate natural light and ventilation means the
22 absence of skylights or windows for interior spaces or
23 rooms and improper window sizes and amounts by room
24 area to window area ratios. Inadequate sanitary
25 facilities refers to the absence or inadequacy of
26 garbage storage and enclosure, bathroom facilities,

1 hot water and kitchens, and structural inadequacies
2 preventing ingress and egress to and from all rooms and
3 units within a building.

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

13 (I) Excessive land coverage and overcrowding of
14 structures and community facilities. The
15 over-intensive use of property and the crowding of
16 buildings and accessory facilities onto a site.
17 Examples of problem conditions warranting the
18 designation of an area as one exhibiting excessive land
19 coverage are: (i) the presence of buildings either
20 improperly situated on parcels or located on parcels of
21 inadequate size and shape in relation to present-day
22 standards of development for health and safety and (ii)
23 the presence of multiple buildings on a single parcel.
24 For there to be a finding of excessive land coverage,
25 these parcels must exhibit one or more of the following
26 conditions: insufficient provision for light and air

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

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

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

23 (L) Lack of community planning. The proposed
24 redevelopment project area was developed prior to or
25 without the benefit or guidance of a community plan.
26 This means that the development occurred prior to the

1 adoption by the municipality of a comprehensive or
2 other community plan or that the plan was not followed
3 at the time of the area's development. This factor must
4 be documented by evidence of adverse or incompatible
5 land-use relationships, inadequate street layout,
6 improper subdivision, parcels of inadequate shape and
7 size to meet contemporary development standards, or
8 other evidence demonstrating an absence of effective
9 community planning.

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

23 (2) If vacant, the sound growth of the redevelopment
24 project area is impaired by a combination of 2 or more of
25 the following factors, each of which is (i) present, with
26 that presence documented, to a meaningful extent so that a

1 municipality may reasonably find that the factor is clearly
2 present within the intent of the Act and (ii) reasonably
3 distributed throughout the vacant part of the
4 redevelopment project area to which it pertains:

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

15 (B) Diversity of ownership of parcels of vacant
16 land sufficient in number to retard or impede the
17 ability to assemble the land for development.

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

21 (D) Deterioration of structures or site
22 improvements in neighboring areas adjacent to the
23 vacant land.

24 (E) The area has incurred Illinois Environmental
25 Protection Agency or United States Environmental
26 Protection Agency remediation costs for, or a study

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

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

22 (3) If vacant, the sound growth of the redevelopment
23 project area is impaired by one of the following factors
24 that (i) is 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

1 of the Act and (ii) is reasonably distributed throughout
2 the vacant part of the redevelopment project area to which
3 it pertains:

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

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

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

17 (D) The area consists of an unused or illegal
18 disposal site containing earth, stone, building
19 debris, or similar materials that were removed from
20 construction, demolition, excavation, or dredge sites.

21 (E) Prior to November 1, 1999, the area is not less
22 than 50 nor more than 100 acres and 75% of which is
23 vacant (notwithstanding that the area has been used for
24 commercial agricultural purposes within 5 years prior
25 to the designation of the redevelopment project area),
26 and the area meets at least one of the factors itemized

1 in paragraph (1) of this subsection, the area has been
2 designated as a town or village center by ordinance or
3 comprehensive plan adopted prior to January 1, 1982,
4 and the area has not been developed for that designated
5 purpose.

6 (F) The area qualified as a blighted improved area
7 immediately prior to becoming vacant, unless there has
8 been substantial private investment in the immediately
9 surrounding area.

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

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

23 (1) Dilapidation. An advanced state of disrepair or
24 neglect of necessary repairs to the primary structural
25 components of buildings or improvements in such a
26 combination that a documented building condition analysis

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

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

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

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

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

26 (6) Excessive vacancies. The presence of buildings

1 that are unoccupied or under-utilized and that represent an
2 adverse influence on the area because of the frequency,
3 extent, or duration of the vacancies.

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

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

25 (9) Excessive land coverage and overcrowding of
26 structures and community facilities. The over-intensive

1 use of property and the crowding of buildings and accessory
2 facilities onto a site. Examples of problem conditions
3 warranting the designation of an area as one exhibiting
4 excessive land coverage are: the presence of buildings
5 either improperly situated on parcels or located on parcels
6 of inadequate size and shape in relation to present-day
7 standards of development for health and safety and the
8 presence of multiple buildings on a single parcel. For
9 there to be a finding of excessive land coverage, these
10 parcels must exhibit one or more of the following
11 conditions: insufficient provision for light and air
12 within or around buildings, increased threat of spread of
13 fire due to the close proximity of buildings, lack of
14 adequate or proper access to a public right-of-way, lack of
15 reasonably required off-street parking, or inadequate
16 provision for loading and service.

17 (10) Deleterious land use or layout. The existence of
18 incompatible land-use relationships, buildings occupied by
19 inappropriate mixed-uses, or uses considered to be
20 noxious, offensive, or unsuitable for the surrounding
21 area.

22 (11) Lack of community planning. The proposed
23 redevelopment project area was developed prior to or
24 without the benefit or guidance of a community plan. This
25 means that the development occurred prior to the adoption
26 by the municipality of a comprehensive or other community

1 plan or that the plan was not followed at the time of the
2 area's development. This factor must be documented by
3 evidence of adverse or incompatible land-use
4 relationships, inadequate street layout, improper
5 subdivision, parcels of inadequate shape and size to meet
6 contemporary development standards, or other evidence
7 demonstrating an absence of effective community planning.

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

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

1 Department of Labor or successor agency for 3 of the last 5
2 calendar years for which information is available.

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

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

23 (e) "Labor surplus municipality" means a municipality in
24 which, at any time during the 6 months before the municipality
25 by ordinance designates an industrial park conservation area,
26 the unemployment rate was over 6% and was also 100% or more of

1 the national average unemployment rate for that same time as
2 published in the United States Department of Labor Bureau of
3 Labor Statistics publication entitled "The Employment
4 Situation" or its successor publication. For the purpose of
5 this subsection, if unemployment rate statistics for the
6 municipality are not available, the unemployment rate in the
7 municipality shall be deemed to be the same as the unemployment
8 rate in the principal county in which the municipality is
9 located.

10 (f) "Municipality" shall mean a city, village,
11 incorporated town, or a township that is located in the
12 unincorporated portion of a county with 3 million or more
13 inhabitants, if the county adopted an ordinance that approved
14 the township's redevelopment plan.

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

22 (g-1) "Revised Initial Sales Tax Amounts" means the amount
23 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
24 Act, Service Use Tax Act, the Service Occupation Tax Act, the
25 Municipal Retailers' Occupation Tax Act, and the Municipal
26 Service Occupation Tax Act by retailers and servicemen on

1 transactions at places located within the State Sales Tax
2 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

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

1 of Revenue shall for each period subtract from the amount paid
2 to the municipality from the Local Government Tax Fund arising
3 from sales by retailers and servicemen on transactions located
4 in the redevelopment project area or the State Sales Tax
5 Boundary, as the case may be, the certified Initial Sales Tax
6 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
7 Initial Sales Tax Amounts for the Municipal Retailers'
8 Occupation Tax Act and the Municipal Service Occupation Tax
9 Act. For the State Fiscal Year 1989, this calculation shall be
10 made by utilizing the calendar year 1987 to determine the tax
11 amounts received. For the State Fiscal Year 1990, this
12 calculation shall be made by utilizing the period from January
13 1, 1988, until September 30, 1988, to determine the tax amounts
14 received from retailers and servicemen pursuant to the
15 Municipal Retailers' Occupation Tax and the Municipal Service
16 Occupation Tax Act, which shall have deducted therefrom
17 nine-twelfths of the certified Initial Sales Tax Amounts, the
18 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
19 Tax Amounts as appropriate. For the State Fiscal Year 1991,
20 this calculation shall be made by utilizing the period from
21 October 1, 1988, to June 30, 1989, to determine the tax amounts
22 received from retailers and servicemen pursuant to the
23 Municipal Retailers' Occupation Tax and the Municipal Service
24 Occupation Tax Act which shall have deducted therefrom
25 nine-twelfths of the certified Initial Sales Tax Amounts,
26 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

1 100% of their Net State Sales Tax Increment before any
2 distribution to any other municipality and regardless of
3 whether or not those other municipalities will receive 100% of
4 their Net State Sales Tax Increment. For Fiscal Year 1999, and
5 every year thereafter until the year 2007, for any municipality
6 that has not entered into a contract or has not issued bonds
7 prior to June 1, 1988 to finance redevelopment project costs
8 within a State Sales Tax Boundary, the Net State Sales Tax
9 Increment shall be calculated as follows: By multiplying the
10 Net State Sales Tax Increment by 90% in the State Fiscal Year
11 1999; 80% in the State Fiscal Year 2000; 70% in the State
12 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
13 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
14 in the State Fiscal Year 2005; 20% in the State Fiscal Year
15 2006; and 10% in the State Fiscal Year 2007. No payment shall
16 be made for State Fiscal Year 2008 and thereafter.

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

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

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

1 of the ordinance authorizing tax increment allocation
2 financing.

3 (k) "Net State Utility Tax Increment" means the sum of the
4 following: (a) 80% of the first \$100,000 of State Utility Tax
5 Increment annually generated by a redevelopment project area;
6 (b) 60% of the amount in excess of \$100,000 but not exceeding
7 \$500,000 of the State Utility Tax Increment annually generated
8 by a redevelopment project area; and (c) 40% of all amounts in
9 excess of \$500,000 of State Utility Tax Increment annually
10 generated by a redevelopment project area. For the State Fiscal
11 Year 1999, and every year thereafter until the year 2007, for
12 any municipality that has not entered into a contract or has
13 not issued bonds prior to June 1, 1988 to finance redevelopment
14 project costs within a redevelopment project area, the Net
15 State Utility Tax Increment shall be calculated as follows: By
16 multiplying the Net State Utility Tax Increment by 90% in the
17 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
18 in the State Fiscal Year 2001; 60% in the State Fiscal Year
19 2002; 50% in the State Fiscal Year 2003; 40% in the State
20 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
21 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
22 No payment shall be made for the State Fiscal Year 2008 and
23 thereafter.

24 Municipalities that issue bonds in connection with the
25 redevelopment project during the period from June 1, 1988 until
26 3 years after the effective date of this Amendatory Act of 1988

1 shall receive the Net State Utility Tax Increment, subject to
2 appropriation, for 15 State Fiscal Years after the issuance of
3 such bonds. For the 16th through the 20th State Fiscal Years
4 after issuance of the bonds, the Net State Utility Tax
5 Increment shall be calculated as follows: By multiplying the
6 Net State Utility Tax Increment by 90% in year 16; 80% in year
7 17; 70% in year 18; 60% in year 19; and 50% in year 20.
8 Refunding of any bonds issued prior to June 1, 1988, shall not
9 alter the revised Net State Utility Tax Increment payments set
10 forth above.

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

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

1 (n) "Redevelopment plan" means the comprehensive program
2 of the municipality for development or redevelopment intended
3 by the payment of redevelopment project costs to reduce or
4 eliminate those conditions the existence of which qualified the
5 redevelopment project area as a "blighted area" or
6 "conservation area" or combination thereof or "industrial park
7 conservation area," and thereby to enhance the tax bases of the
8 taxing districts which extend into the redevelopment project
9 area. On and after November 1, 1999 (the effective date of
10 Public Act 91-478), no redevelopment plan may be approved or
11 amended that includes the development of vacant land (i) with a
12 golf course and related clubhouse and other facilities or (ii)
13 designated by federal, State, county, or municipal government
14 as public land for outdoor recreational activities or for
15 nature preserves and used for that purpose within 5 years prior
16 to the adoption of the redevelopment plan. For the purpose of
17 this subsection, "recreational activities" is limited to mean
18 camping and hunting. Each redevelopment plan shall set forth in
19 writing the program to be undertaken to accomplish the
20 objectives and shall include but not be limited to:

21 (A) an itemized list of estimated redevelopment
22 project costs;

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

26 (C) an assessment of any financial impact of the

1 redevelopment project area on or any increased demand for
2 services from any taxing district affected by the plan and
3 any program to address such financial impact or increased
4 demand;

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

6 (E) the nature and term of the obligations to be
7 issued;

8 (F) the most recent equalized assessed valuation of the
9 redevelopment project area;

10 (G) an estimate as to the equalized assessed valuation
11 after redevelopment and the general land uses to apply in
12 the redevelopment project area;

13 (H) a commitment to fair employment practices and an
14 affirmative action plan;

15 (I) if it concerns an industrial park conservation
16 area, the plan shall also include a general description of
17 any proposed developer, user and tenant of any property, a
18 description of the type, structure and general character of
19 the facilities to be developed, a description of the type,
20 class and number of new employees to be employed in the
21 operation of the facilities to be developed; and

22 (J) if property is to be annexed to the municipality,
23 the plan shall include the terms of the annexation
24 agreement.

25 The provisions of items (B) and (C) of this subsection (n)
26 shall not apply to a municipality that before March 14, 1994

1 (the effective date of Public Act 88-537) had fixed, either by
2 its corporate authorities or by a commission designated under
3 subsection (k) of Section 11-74.4-4, a time and place for a
4 public hearing as required by subsection (a) of Section
5 11-74.4-5. No redevelopment plan shall be adopted unless a
6 municipality complies with all of the following requirements:

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

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

23 (3) The redevelopment plan establishes the estimated
24 dates of completion of the redevelopment project and
25 retirement of obligations issued to finance redevelopment
26 project costs. Those dates may not be later than the dates

1 set forth under Section 11-74.4-3.5., ~~or (DDD) (EEE), or~~
2 ~~(FFF), or (GGG), or (HHH), or (III), or (JJJ), (KKK), (LLL)~~
3 ~~(MMM), or (NNN) if the ordinance was adopted on December~~
4 ~~23, 1986 by the Village of Libertyville.~~

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

13 (3.5) The municipality finds, in the case of an
14 industrial park conservation area, also that the
15 municipality is a labor surplus municipality and that the
16 implementation of the redevelopment plan will reduce
17 unemployment, create new jobs and by the provision of new
18 facilities enhance the tax base of the taxing districts
19 that extend into the redevelopment project area.

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

1 utilized for the development of the redevelopment project
2 area.

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

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

1 data from the most recent federal census.

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

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

18 (7) On and after November 1, 1999, no redevelopment
19 plan shall be adopted, nor an existing plan amended, nor
20 shall residential housing that is occupied by households of
21 low-income and very low-income persons in currently
22 existing redevelopment project areas be removed after
23 November 1, 1999 unless the redevelopment plan provides,
24 with respect to inhabited housing units that are to be
25 removed for households of low-income and very low-income
26 persons, affordable housing and relocation assistance not

1 less than that which would be provided under the federal
2 Uniform Relocation Assistance and Real Property
3 Acquisition Policies Act of 1970 and the regulations under
4 that Act, including the eligibility criteria. Affordable
5 housing may be either existing or newly constructed
6 housing. For purposes of this paragraph (7), "low-income
7 households", "very low-income households", and "affordable
8 housing" have the meanings set forth in the Illinois
9 Affordable Housing Act. The municipality shall make a good
10 faith effort to ensure that this affordable housing is
11 located in or near the redevelopment project area within
12 the municipality.

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

20 (9) For redevelopment project areas designated prior
21 to November 1, 1999, the redevelopment plan may be amended
22 without further joint review board meeting or hearing,
23 provided that the municipality shall give notice of any
24 such changes by mail to each affected taxing district and
25 registrant on the interested party registry, to authorize
26 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.

1 (q) "Redevelopment project costs" mean and include the sum
2 total of all reasonable or necessary costs incurred or
3 estimated to be incurred, and any such costs incidental to a
4 redevelopment plan and a redevelopment project. Such costs
5 include, without limitation, the following:

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

1 area with respect to which the consultant or advisor has
2 performed, or will be performing, service for the
3 municipality. This requirement shall be satisfied by the
4 consultant or advisor before the commencement of services
5 for the municipality and thereafter whenever any other
6 contracts with those individuals or entities are executed
7 by the consultant or advisor;

8 (1.5) After July 1, 1999, annual administrative costs
9 shall not include general overhead or administrative costs
10 of the municipality that would still have been incurred by
11 the municipality if the municipality had not designated a
12 redevelopment project area or approved a redevelopment
13 plan;

14 (1.6) The cost of marketing sites within the
15 redevelopment project area to prospective businesses,
16 developers, and investors;

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

25 (3) Costs of rehabilitation, reconstruction or repair
26 or remodeling of existing public or private buildings,

1 fixtures, and leasehold improvements; and the cost of
2 replacing an existing public building if pursuant to the
3 implementation of a redevelopment project the existing
4 public building is to be demolished to use the site for
5 private investment or devoted to a different use requiring
6 private investment;

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

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

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

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

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

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

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

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

26 (i) for unit school districts with a district

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

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

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

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

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

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

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

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

1 assistance under this Act.

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

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

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

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

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

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

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

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

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

1 more than 2% of the amount produced by the assisted housing
2 units and deposited into the Special Tax Allocation Fund.

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

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

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

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

3 (9) Payment in lieu of taxes;

4 (10) Costs of job training, retraining, advanced
5 vocational education or career education, including but
6 not limited to courses in occupational, semi-technical or
7 technical fields leading directly to employment, incurred
8 by one or more taxing districts, provided that such costs

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

1 and 10-23.3a of The School Code;

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

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

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

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

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

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

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

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

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

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

1 time; the guidelines, however, shall be in effect for
2 as long as tax increment revenue is being used to pay
3 for costs associated with the units or for the
4 retirement of bonds issued to finance the units or for
5 the life of the redevelopment project area, whichever
6 is later.

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

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

26 (13) After November 1, 1999 (the effective date of

1 Public Act 91-478), none of the redevelopment project costs
2 enumerated in this subsection shall be eligible
3 redevelopment project costs if those costs would provide
4 direct financial support to a retail entity initiating
5 operations in the redevelopment project area while
6 terminating operations at another Illinois location within
7 10 miles of the redevelopment project area but outside the
8 boundaries of the redevelopment project area municipality.
9 For purposes of this paragraph, termination means a closing
10 of a retail operation that is directly related to the
11 opening of the same operation or like retail entity owned
12 or operated by more than 50% of the original ownership in a
13 redevelopment project area, but it does not mean closing an
14 operation for reasons beyond the control of the retail
15 entity, as documented by the retail entity, subject to a
16 reasonable finding by the municipality that the current
17 location contained inadequate space, had become
18 economically obsolete, or was no longer a viable location
19 for the retailer or serviceman.

20 (14) No cost shall be a redevelopment project cost in a
21 redevelopment project area if used to demolish, remove, or
22 substantially modify a historic resource, after August 26,
23 2008 (the effective date of Public Act 95-934) ~~this~~
24 ~~amendatory Act of the 95th General Assembly~~, unless no
25 prudent and feasible alternative exists. "Historic
26 resource" for the purpose of this item (14) means (i) a

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

10 (15) Costs of and costs associated with the development
11 or redevelopment of areas within a one-half mile radius of
12 an existing or proposed Regional Transportation Authority
13 Suburban Transit Access Route (STAR Line) station.

14 If a special service area has been established pursuant to
15 the Special Service Area Tax Act or Special Service Area Tax
16 Law, then any tax increment revenues derived from the tax
17 imposed pursuant to the Special Service Area Tax Act or Special
18 Service Area Tax Law may be used within the redevelopment
19 project area for the purposes permitted by that Act or Law as
20 well as the purposes permitted by this Act.

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

1 Sales Tax Increment.

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

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

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

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

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

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

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

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

1 calculated by the Department, shall determine the proportional
2 shares of the Illinois Tax Increment Fund to be distributed to
3 each municipality.

4 (Source: P.A. 94-260, eff. 7-19-05; 94-268, eff. 7-19-05;
5 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff.
6 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.
7 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,
8 eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07;
9 94-1092, eff. 1-26-07; 95-15, eff. 7-16-07; 95-164, eff.
10 1-1-08; 95-331, eff. 8-21-07; 95-346, eff. 8-21-07; 95-459,
11 eff. 8-27-07; 95-653, eff. 1-1-08; 95-662, eff. 10-11-07;
12 95-683, eff. 10-19-07; 95-709, eff. 1-29-08; 95-876, eff.
13 8-21-08; 95-932, eff. 8-26-08; 95-934, eff. 8-26-08; 95-964,
14 eff. 9-23-08; 95-977, eff. 9-22-08; revised 10-16-08.)

15 (Text of Section after amendment by P.A. 95-1028)

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

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

25 On and after November 1, 1999, "blighted area" means any

1 improved or vacant area within the boundaries of a
2 redevelopment project area located within the territorial
3 limits of the municipality where:

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

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

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

23 (C) Deterioration. With respect to buildings,
24 defects including, but not limited to, major defects in
25 the secondary building components such as doors,
26 windows, porches, gutters and downspouts, and fascia.

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

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

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

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

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

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

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

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

1 material impediment to the development or
2 redevelopment of the redevelopment project area.

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

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

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

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

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

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

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

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

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

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

1 designated.

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

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

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

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

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

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

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

16 (b) For any redevelopment project area that has been
17 designated pursuant to this Section by an ordinance adopted
18 prior to November 1, 1999 (the effective date of Public Act
19 91-478), "conservation area" shall have the meaning set forth
20 in this Section prior to that date.

21 On and after November 1, 1999, "conservation area" means
22 any improved area within the boundaries of a redevelopment
23 project area located within the territorial limits of the
24 municipality in which 50% or more of the structures in the area
25 have an age of 35 years or more. Such an area is not yet a
26 blighted area but because of a combination of 3 or more of the

1 following factors is detrimental to the public safety, health,
2 morals or welfare and such an area may become a blighted area:

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

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

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

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

1 including housing and property maintenance codes.

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

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

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

23 (8) Inadequate utilities. Underground and overhead
24 utilities such as storm sewers and storm drainage, sanitary
25 sewers, water lines, and gas, telephone, and electrical
26 services that are shown to be inadequate. Inadequate

1 utilities are those that are: (i) of insufficient capacity
2 to serve the uses in the redevelopment project area, (ii)
3 deteriorated, antiquated, obsolete, or in disrepair, or
4 (iii) lacking within the redevelopment project area.

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

23 (10) Deleterious land use or layout. The existence of
24 incompatible land-use relationships, buildings occupied by
25 inappropriate mixed-uses, or uses considered to be
26 noxious, offensive, or unsuitable for the surrounding

1 area.

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

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

25 (13) The total equalized assessed value of the proposed
26 redevelopment project area has declined for 3 of the last 5

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

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

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

1 industrial park and a blighted area or conservation area
2 contiguous to such vacant land.

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

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

21 (g) "Initial Sales Tax Amounts" means the amount of taxes
22 paid under the Retailers' Occupation Tax Act, Use Tax Act,
23 Service Use Tax Act, the Service Occupation Tax Act, the
24 Municipal Retailers' Occupation Tax Act, and the Municipal
25 Service Occupation Tax Act by retailers and servicemen on
26 transactions at places located in a State Sales Tax Boundary

1 during the calendar year 1985.

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

9 (h) "Municipal Sales Tax Increment" means an amount equal
10 to the increase in the aggregate amount of taxes paid to a
11 municipality from the Local Government Tax Fund arising from
12 sales by retailers and servicemen within the redevelopment
13 project area or State Sales Tax Boundary, as the case may be,
14 for as long as the redevelopment project area or State Sales
15 Tax Boundary, as the case may be, exist over and above the
16 aggregate amount of taxes as certified by the Illinois
17 Department of Revenue and paid under the Municipal Retailers'
18 Occupation Tax Act and the Municipal Service Occupation Tax Act
19 by retailers and servicemen, on transactions at places of
20 business located in the redevelopment project area or State
21 Sales Tax Boundary, as the case may be, during the base year
22 which shall be the calendar year immediately prior to the year
23 in which the municipality adopted tax increment allocation
24 financing. For purposes of computing the aggregate amount of
25 such taxes for base years occurring prior to 1985, the
26 Department of Revenue shall determine the Initial Sales Tax

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

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

14 (i) "Net State Sales Tax Increment" means the sum of the
15 following: (a) 80% of the first \$100,000 of State Sales Tax
16 Increment annually generated within a State Sales Tax Boundary;
17 (b) 60% of the amount in excess of \$100,000 but not exceeding
18 \$500,000 of State Sales Tax Increment annually generated within
19 a State Sales Tax Boundary; and (c) 40% of all amounts in
20 excess of \$500,000 of State Sales Tax Increment annually
21 generated within a State Sales Tax Boundary. If, however, a
22 municipality established a tax increment financing district in
23 a county with a population in excess of 3,000,000 before
24 January 1, 1986, and the municipality entered into a contract
25 or issued bonds after January 1, 1986, but before December 31,
26 1986, to finance redevelopment project costs within a State

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

23 Municipalities that issued bonds in connection with a
24 redevelopment project in a redevelopment project area within
25 the State Sales Tax Boundary prior to July 29, 1991, or that
26 entered into contracts in connection with a redevelopment

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

23 (j) "State Utility Tax Increment Amount" means an amount
24 equal to the aggregate increase in State electric and gas tax
25 charges imposed on owners and tenants, other than residential
26 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

1 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
2 No payment shall be made for the State Fiscal Year 2008 and
3 thereafter.

4 Municipalities that issue bonds in connection with the
5 redevelopment project during the period from June 1, 1988 until
6 3 years after the effective date of this Amendatory Act of 1988
7 shall receive the Net State Utility Tax Increment, subject to
8 appropriation, for 15 State Fiscal Years after the issuance of
9 such bonds. For the 16th through the 20th State Fiscal Years
10 after issuance of the bonds, the Net State Utility Tax
11 Increment shall be calculated as follows: By multiplying the
12 Net State Utility Tax Increment by 90% in year 16; 80% in year
13 17; 70% in year 18; 60% in year 19; and 50% in year 20.
14 Refunding of any bonds issued prior to June 1, 1988, shall not
15 alter the revised Net State Utility Tax Increment payments set
16 forth above.

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

21 (m) "Payment in lieu of taxes" means those estimated tax
22 revenues from real property in a redevelopment project area
23 derived from real property that has been acquired by a
24 municipality which according to the redevelopment project or
25 plan is to be used for a private use which taxing districts
26 would have received had a municipality not acquired the real

1 property and adopted tax increment allocation financing and
2 which would result from levies made after the time of the
3 adoption of tax increment allocation financing to the time the
4 current equalized value of real property in the redevelopment
5 project area exceeds the total initial equalized value of real
6 property in said area.

7 (n) "Redevelopment plan" means the comprehensive program
8 of the municipality for development or redevelopment intended
9 by the payment of redevelopment project costs to reduce or
10 eliminate those conditions the existence of which qualified the
11 redevelopment project area as a "blighted area" or
12 "conservation area" or combination thereof or "industrial park
13 conservation area," and thereby to enhance the tax bases of the
14 taxing districts which extend into the redevelopment project
15 area. On and after November 1, 1999 (the effective date of
16 Public Act 91-478), no redevelopment plan may be approved or
17 amended that includes the development of vacant land (i) with a
18 golf course and related clubhouse and other facilities or (ii)
19 designated by federal, State, county, or municipal government
20 as public land for outdoor recreational activities or for
21 nature preserves and used for that purpose within 5 years prior
22 to the adoption of the redevelopment plan. For the purpose of
23 this subsection, "recreational activities" is limited to mean
24 camping and hunting. Each redevelopment plan shall set forth in
25 writing the program to be undertaken to accomplish the
26 objectives and shall include but not be limited to:

1 (A) an itemized list of estimated redevelopment
2 project costs;

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

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

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

12 (E) the nature and term of the obligations to be
13 issued;

14 (F) the most recent equalized assessed valuation of the
15 redevelopment project area;

16 (G) an estimate as to the equalized assessed valuation
17 after redevelopment and the general land uses to apply in
18 the redevelopment project area;

19 (H) a commitment to fair employment practices and an
20 affirmative action plan;

21 (I) if it concerns an industrial park conservation
22 area, the plan shall also include a general description of
23 any proposed developer, user and tenant of any property, a
24 description of the type, structure and general character of
25 the facilities to be developed, a description of the type,
26 class and number of new employees to be employed in the

1 operation of the facilities to be developed; and

2 (J) if property is to be annexed to the municipality,
3 the plan shall include the terms of the annexation
4 agreement.

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

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

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

1 that have been approved by the planning commission of the
2 municipality.

3 (3) The redevelopment plan establishes the estimated
4 dates of completion of the redevelopment project and
5 retirement of obligations issued to finance redevelopment
6 project costs. Those dates may not be later than the dates
7 set forth under Section 11-74.4-3.5., ~~or (DDD) (EEE), or~~
8 ~~(FFF), or (GGG), or (HHH), or (III), or (JJJ), (KKK), (LLL)~~
9 ~~(MMM), or (NNN) if the ordinance was adopted on December~~
10 ~~23, 1986 by the Village of Libertyville. (NNN) if the~~
11 ~~ordinance was adopted on December 22, 1986 by the Village~~
12 ~~of Hoffman Estates.~~

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

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

1 that extend into the redevelopment project area.

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

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

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

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

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

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

26 (7) On and after November 1, 1999, no redevelopment

1 plan shall be adopted, nor an existing plan amended, nor
2 shall residential housing that is occupied by households of
3 low-income and very low-income persons in currently
4 existing redevelopment project areas be removed after
5 November 1, 1999 unless the redevelopment plan provides,
6 with respect to inhabited housing units that are to be
7 removed for households of low-income and very low-income
8 persons, affordable housing and relocation assistance not
9 less than that which would be provided under the federal
10 Uniform Relocation Assistance and Real Property
11 Acquisition Policies Act of 1970 and the regulations under
12 that Act, including the eligibility criteria. Affordable
13 housing may be either existing or newly constructed
14 housing. For purposes of this paragraph (7), "low-income
15 households", "very low-income households", and "affordable
16 housing" have the meanings set forth in the Illinois
17 Affordable Housing Act. The municipality shall make a good
18 faith effort to ensure that this affordable housing is
19 located in or near the redevelopment project area within
20 the municipality.

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

1 in subsection (c) of Section 11-74.4-5.

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

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

1 is limited to mean camping and hunting.

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

9 (q) "Redevelopment project costs" mean and include the sum
10 total of all reasonable or necessary costs incurred or
11 estimated to be incurred, and any such costs incidental to a
12 redevelopment plan and a redevelopment project. Such costs
13 include, without limitation, the following:

14 (1) Costs of studies, surveys, development of plans,
15 and specifications, implementation and administration of
16 the redevelopment plan including but not limited to staff
17 and professional service costs for architectural,
18 engineering, legal, financial, planning or other services,
19 provided however that no charges for professional services
20 may be based on a percentage of the tax increment
21 collected; except that on and after November 1, 1999 (the
22 effective date of Public Act 91-478), no contracts for
23 professional services, excluding architectural and
24 engineering services, may be entered into if the terms of
25 the contract extend beyond a period of 3 years. In
26 addition, "redevelopment project costs" shall not include

1 lobbying expenses. After consultation with the
2 municipality, each tax increment consultant or advisor to a
3 municipality that plans to designate or has designated a
4 redevelopment project area shall inform the municipality
5 in writing of any contracts that the consultant or advisor
6 has entered into with entities or individuals that have
7 received, or are receiving, payments financed by tax
8 increment revenues produced by the redevelopment project
9 area with respect to which the consultant or advisor has
10 performed, or will be performing, service for the
11 municipality. This requirement shall be satisfied by the
12 consultant or advisor before the commencement of services
13 for the municipality and thereafter whenever any other
14 contracts with those individuals or entities are executed
15 by the consultant or advisor;

16 (1.5) After July 1, 1999, annual administrative costs
17 shall not include general overhead or administrative costs
18 of the municipality that would still have been incurred by
19 the municipality if the municipality had not designated a
20 redevelopment project area or approved a redevelopment
21 plan;

22 (1.6) The cost of marketing sites within the
23 redevelopment project area to prospective businesses,
24 developers, and investors;

25 (2) Property assembly costs, including but not limited
26 to acquisition of land and other property, real or

1 personal, or rights or interests therein, demolition of
2 buildings, site preparation, site improvements that serve
3 as an engineered barrier addressing ground level or below
4 ground environmental contamination, including, but not
5 limited to parking lots and other concrete or asphalt
6 barriers, and the clearing and grading of land;

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

15 (4) Costs of the construction of public works or
16 improvements, except that on and after November 1, 1999,
17 redevelopment project costs shall not include the cost of
18 constructing a new municipal public building principally
19 used to provide offices, storage space, or conference
20 facilities or vehicle storage, maintenance, or repair for
21 administrative, public safety, or public works personnel
22 and that is not intended to replace an existing public
23 building as provided under paragraph (3) of subsection (q)
24 of Section 11-74.4-3 unless either (i) the construction of
25 the new municipal building implements a redevelopment
26 project that was included in a redevelopment plan that was

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

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

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

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

26 (7.5) For redevelopment project areas designated (or

1 redevelopment project areas amended to add or increase the
2 number of tax-increment-financing assisted housing units)
3 on or after November 1, 1999, an elementary, secondary, or
4 unit school district's increased costs attributable to
5 assisted housing units located within the redevelopment
6 project area for which the developer or redeveloper
7 receives financial assistance through an agreement with
8 the municipality or because the municipality incurs the
9 cost of necessary infrastructure improvements within the
10 boundaries of the assisted housing sites necessary for the
11 completion of that housing as authorized by this Act, and
12 which costs shall be paid by the municipality from the
13 Special Tax Allocation Fund when the tax increment revenue
14 is received as a result of the assisted housing units and
15 shall be calculated annually as follows:

16 (A) for foundation districts, excluding any school
17 district in a municipality with a population in excess
18 of 1,000,000, by multiplying the district's increase
19 in attendance resulting from the net increase in new
20 students enrolled in that school district who reside in
21 housing units within the redevelopment project area
22 that have received financial assistance through an
23 agreement with the municipality or because the
24 municipality incurs the cost of necessary
25 infrastructure improvements within the boundaries of
26 the housing sites necessary for the completion of that

1 housing as authorized by this Act since the designation
2 of the redevelopment project area by the most recently
3 available per capita tuition cost as defined in Section
4 10-20.12a of the School Code less any increase in
5 general State aid as defined in Section 18-8.05 of the
6 School Code attributable to these added new students
7 subject to the following annual limitations:

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

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

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

26 (B) For alternate method districts, flat grant

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

21 (i) for unit school districts, no more than 40%
22 of the total amount of property tax increment
23 revenue produced by those housing units that have
24 received tax increment finance assistance under
25 this Act;

26 (ii) for elementary school districts, no more

1 than 27% of the total amount of property tax
2 increment revenue produced by those housing units
3 that have received tax increment finance
4 assistance under this Act; and

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

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

14 (i) no increased costs shall be reimbursed
15 unless the school district certifies that each of
16 the schools affected by the assisted housing
17 project is at or over its student capacity;

18 (ii) the amount reimbursable shall be reduced
19 by the value of any land donated to the school
20 district by the municipality or developer, and by
21 the value of any physical improvements made to the
22 schools by the municipality or developer; and

23 (iii) the amount reimbursed may not affect
24 amounts otherwise obligated by the terms of any
25 bonds, notes, or other funding instruments, or the
26 terms of any redevelopment agreement.

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

17 (7.7) For redevelopment project areas designated (or
18 redevelopment project areas amended to add or increase the
19 number of tax-increment-financing assisted housing units)
20 on or after January 1, 2005 (the effective date of Public
21 Act 93-961), a public library district's increased costs
22 attributable to assisted housing units located within the
23 redevelopment project area for which the developer or
24 redeveloper receives financial assistance through an
25 agreement with the municipality or because the
26 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

1 the Total Operating Expenditures Per Capita as stated in
2 the most recent Illinois Public Library Statistics
3 produced by the Library Research Center at the University
4 of Illinois. The municipality may deduct from the amount
5 that it must pay to a library district under this paragraph
6 any amount that it has voluntarily paid to the library
7 district from the tax increment revenue. The amount paid to
8 a library district under this paragraph (7.7) shall be no
9 more than 2% of the amount produced by the assisted housing
10 units and deposited into the Special Tax Allocation Fund.

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

17 Any library district seeking payment under this
18 paragraph (7.7) shall, after July 1 and before September 30
19 of each year, provide the municipality with convincing
20 evidence to support its claim for reimbursement before the
21 municipality shall be required to approve or make the
22 payment to the library district. If the library district
23 fails to provide the information during this period in any
24 year, it shall forfeit any claim to reimbursement for that
25 year. Library districts may adopt a resolution waiving the
26 right to all or a portion of the reimbursement otherwise

1 required by this paragraph (7.7). By acceptance of such
2 reimbursement, the library district shall forfeit any
3 right to directly or indirectly set aside, modify, or
4 contest in any manner whatsoever the establishment of the
5 redevelopment project area or projects;

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

11 (9) Payment in lieu of taxes;

12 (10) Costs of job training, retraining, advanced
13 vocational education or career education, including but
14 not limited to courses in occupational, semi-technical or
15 technical fields leading directly to employment, incurred
16 by one or more taxing districts, provided that such costs
17 (i) are related to the establishment and maintenance of
18 additional job training, advanced vocational education or
19 career education programs for persons employed or to be
20 employed by employers located in a redevelopment project
21 area; and (ii) when incurred by a taxing district or taxing
22 districts other than the municipality, are set forth in a
23 written agreement by or among the municipality and the
24 taxing district or taxing districts, which agreement
25 describes the program to be undertaken, including but not
26 limited to the number of employees to be trained, a

1 description of the training and services to be provided,
2 the number and type of positions available or to be
3 available, itemized costs of the program and sources of
4 funds to pay for the same, and the term of the agreement.
5 Such costs include, specifically, the payment by community
6 college districts of costs pursuant to Sections 3-37, 3-38,
7 3-40 and 3-40.1 of the Public Community College Act and by
8 school districts of costs pursuant to Sections 10-22.20a
9 and 10-23.3a of The School Code;

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

13 (A) such costs are to be paid directly from the
14 special tax allocation fund established pursuant to
15 this Act;

16 (B) such payments in any one year may not exceed
17 30% of the annual interest costs incurred by the
18 redeveloper with regard to the redevelopment project
19 during that year;

20 (C) if there are not sufficient funds available in
21 the special tax allocation fund to make the payment
22 pursuant to this paragraph (11) then the amounts so due
23 shall accrue and be payable when sufficient funds are
24 available in the special tax allocation fund;

25 (D) the total of such interest payments paid
26 pursuant to this Act may not exceed 30% of the total

1 (i) cost paid or incurred by the redeveloper for the
2 redevelopment project plus (ii) redevelopment project
3 costs excluding any property assembly costs and any
4 relocation costs incurred by a municipality pursuant
5 to this Act; and

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

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

1 of bonds issued to finance the construction of that
2 housing.

3 The eligible costs provided under this
4 subparagraph (F) of paragraph (11) shall be an eligible
5 cost for the construction, renovation, and
6 rehabilitation of all low and very low-income housing
7 units, as defined in Section 3 of the Illinois
8 Affordable Housing Act, within the redevelopment
9 project area. If the low and very low-income units are
10 part of a residential redevelopment project that
11 includes units not affordable to low and very
12 low-income households, only the low and very
13 low-income units shall be eligible for benefits under
14 subparagraph (F) of paragraph (11). The standards for
15 maintaining the occupancy by low-income households and
16 very low-income households, as defined in Section 3 of
17 the Illinois Affordable Housing Act, of those units
18 constructed with eligible costs made available under
19 the provisions of this subparagraph (F) of paragraph
20 (11) shall be established by guidelines adopted by the
21 municipality. The responsibility for annually
22 documenting the initial occupancy of the units by
23 low-income households and very low-income households,
24 as defined in Section 3 of the Illinois Affordable
25 Housing Act, shall be that of the then current owner of
26 the property. For ownership units, the guidelines will

1 provide, at a minimum, for a reasonable recapture of
2 funds, or other appropriate methods designed to
3 preserve the original affordability of the ownership
4 units. For rental units, the guidelines will provide,
5 at a minimum, for the affordability of rent to low and
6 very low-income households. As units become available,
7 they shall be rented to income-eligible tenants. The
8 municipality may modify these guidelines from time to
9 time; the guidelines, however, shall be in effect for
10 as long as tax increment revenue is being used to pay
11 for costs associated with the units or for the
12 retirement of bonds issued to finance the units or for
13 the life of the redevelopment project area, whichever
14 is later.

15 (11.5) If the redevelopment project area is located
16 within a municipality with a population of more than
17 100,000, the cost of day care services for children of
18 employees from low-income families working for businesses
19 located within the redevelopment project area and all or a
20 portion of the cost of operation of day care centers
21 established by redevelopment project area businesses to
22 serve employees from low-income families working in
23 businesses located in the redevelopment project area. For
24 the purposes of this paragraph, "low-income families"
25 means families whose annual income does not exceed 80% of
26 the municipal, county, or regional median income, adjusted

1 for family size, as the annual income and municipal,
2 county, or regional median income are determined from time
3 to time by the United States Department of Housing and
4 Urban Development.

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

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

1 for the retailer or serviceman.

2 (14) No cost shall be a redevelopment project cost in a
3 redevelopment project area if used to demolish, remove, or
4 substantially modify a historic resource, after August 26,
5 2008 (the effective date of Public Act 95-934) ~~this~~
6 ~~amendatory Act of the 95th General Assembly~~, unless no
7 prudent and feasible alternative exists. "Historic
8 resource" for the purpose of this item (14) means (i) a
9 place or structure that is included or eligible for
10 inclusion on the National Register of Historic Places or
11 (ii) a contributing structure in a district on the National
12 Register of Historic Places. This item (14) does not apply
13 to a place or structure for which demolition, removal, or
14 modification is subject to review by the preservation
15 agency of a Certified Local Government designated as such
16 by the National Park Service of the United States
17 Department of the Interior.

18 (15) Costs of and costs associated with the development
19 or redevelopment of areas within a one-half mile radius of
20 an existing or proposed Regional Transportation Authority
21 Suburban Transit Access Route (STAR Line) station.

22 If a special service area has been established pursuant to
23 the Special Service Area Tax Act or Special Service Area Tax
24 Law, then any tax increment revenues derived from the tax
25 imposed pursuant to the Special Service Area Tax Act or Special
26 Service Area Tax Law may be used within the redevelopment

1 project area for the purposes permitted by that Act or Law as
2 well as the purposes permitted by this Act.

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

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

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

1 from retailers and servicemen, which shall have deducted
2 therefrom nine-twelfths of the certified Initial Sales Tax
3 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
4 Initial Sales Tax Amounts as appropriate. For the State Fiscal
5 Year 1991, this calculation shall be made by utilizing the
6 period from October 1, 1988, until June 30, 1989, to determine
7 the tax amounts received from retailers and servicemen, which
8 shall have deducted therefrom nine-twelfths of the certified
9 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
10 Amounts or the Revised Initial Sales Tax Amounts as
11 appropriate. For every State Fiscal Year thereafter, the
12 applicable period shall be the 12 months beginning July 1 and
13 ending on June 30, to determine the tax amounts received which
14 shall have deducted therefrom the certified Initial Sales Tax
15 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
16 Initial Sales Tax Amounts. Municipalities intending to receive
17 a distribution of State Sales Tax Increment must report a list
18 of retailers to the Department of Revenue by October 31, 1988
19 and by July 31, of each year thereafter.

20 (t) "Taxing districts" means counties, townships, cities
21 and incorporated towns and villages, school, road, park,
22 sanitary, mosquito abatement, forest preserve, public health,
23 fire protection, river conservancy, tuberculosis sanitarium
24 and any other municipal corporations or districts with the
25 power to levy taxes.

26 (u) "Taxing districts' capital costs" means those costs of

1 taxing districts for capital improvements that are found by the
2 municipal corporate authorities to be necessary and directly
3 result from the redevelopment project.

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

1 relevant portion thereof has been properly approved and filed
2 in accordance with the applicable ordinance of the
3 municipality.

4 (w) "Annual Total Increment" means the sum of each
5 municipality's annual Net Sales Tax Increment and each
6 municipality's annual Net Utility Tax Increment. The ratio of
7 the Annual Total Increment of each municipality to the Annual
8 Total Increment for all municipalities, as most recently
9 calculated by the Department, shall determine the proportional
10 shares of the Illinois Tax Increment Fund to be distributed to
11 each municipality.

12 (Source: P.A. 94-260, eff. 7-19-05; 94-268, eff. 7-19-05;
13 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff.
14 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.
15 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,
16 eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07;
17 94-1092, eff. 1-26-07; 95-15, eff. 7-16-07; 95-164, eff.
18 1-1-08; 95-331, eff. 8-21-07; 95-346, eff. 8-21-07; 95-459,
19 eff. 8-27-07; 95-653, eff. 1-1-08; 95-662, eff. 10-11-07;
20 95-683, eff. 10-19-07; 95-709, eff. 1-29-08; 95-876, eff.
21 8-21-08; 95-932, eff. 8-26-08; 95-934, eff. 8-26-08; 95-964,
22 eff. 9-23-08; 95-977, eff. 9-22-08; 95-1028, eff. 1-1-10;
23 revised 1-27-09.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.