

SB1356



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1356

Introduced 2/10/2009, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.4-3.5

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that the redevelopment project in the TIF district created by an ordinance that was adopted on August 7, 2000 by the City of Des Plaines must be completed by December 31 of the 35th year (now, the 23rd year) after the year in which the ordinance was adopted. Makes revisory changes. Contains a non-acceleration clause.

LRB096 07422 RLJ 17509 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT 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 11-74.4-3.5 as follows:

6 (65 ILCS 5/11-74.4-3.5)

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

8 Sec. 11-74.4-3.5. Completion dates for redevelopment
9 projects.

10 (a) Unless otherwise stated in this Section, the estimated
11 dates of completion of the redevelopment project and retirement
12 of obligations issued to finance redevelopment project costs
13 (including refunding bonds under Section 11-74.4-7) may not be
14 later than December 31 of the year in which the payment to the
15 municipal treasurer, as provided in subsection (b) of Section
16 11-74.4-8 of this Act, is to be made with respect to ad valorem
17 taxes levied in the 23rd calendar year after the year in which
18 the ordinance approving the redevelopment project area was
19 adopted if the ordinance was adopted on or after January 15,
20 1981.

21 (b) The estimated dates of completion of the redevelopment
22 project and retirement of obligations issued to finance
23 redevelopment project costs (including refunding bonds under

1 Section 11-74.4-7) may not be later than December 31 of the
2 year in which the payment to the municipal treasurer as
3 provided in subsection (b) of Section 11-74.4-8 of this Act is
4 to be made with respect to ad valorem taxes levied in the 33rd
5 calendar year after the year in which the ordinance approving
6 the redevelopment project area was adopted, if the ordinance
7 was adopted on May 20, 1985 by the Village of Wheeling.

8 (c) The estimated dates of completion of the redevelopment
9 project and retirement of obligations issued to finance
10 redevelopment project costs (including refunding bonds under
11 Section 11-74.4-7) may not be later than December 31 of the
12 year in which the payment to the municipal treasurer as
13 provided in subsection (b) of Section 11-74.4-8 of this Act is
14 to be made with respect to ad valorem taxes levied in the 35th
15 calendar year after the year in which the ordinance approving
16 the redevelopment project area was adopted:

17 (1) if the ordinance was adopted before January 15,
18 1981;

19 (2) if the ordinance was adopted in December 1983,
20 April 1984, July 1985, or December 1989;

21 (3) if the ordinance was adopted in December 1987 and
22 the redevelopment project is located within one mile of
23 Midway Airport;

24 (4) if the ordinance was adopted before January 1, 1987
25 by a municipality in Mason County;

26 (5) if the municipality is subject to the Local

1 Government Financial Planning and Supervision Act or the
2 Financially Distressed City Law;

3 (6) if the ordinance was adopted in December 1984 by
4 the Village of Rosemont;

5 (7) if the ordinance was adopted on December 31, 1986
6 by a municipality located in Clinton County for which at
7 least \$250,000 of tax increment bonds were authorized on
8 June 17, 1997, or if the ordinance was adopted on December
9 31, 1986 by a municipality with a population in 1990 of
10 less than 3,600 that is located in a county with a
11 population in 1990 of less than 34,000 and for which at
12 least \$250,000 of tax increment bonds were authorized on
13 June 17, 1997;

14 (8) if the ordinance was adopted on October 5, 1982 by
15 the City of Kankakee, or if the ordinance was adopted on
16 December 29, 1986 by East St. Louis;

17 (9) if the ordinance was adopted on November 12, 1991
18 by the Village of Sauget;

19 (10) if the ordinance was adopted on February 11, 1985
20 by the City of Rock Island;

21 (11) if the ordinance was adopted before December 18,
22 1986 by the City of Moline;

23 (12) if the ordinance was adopted in September 1988 by
24 Sauk Village;

25 (13) if the ordinance was adopted in October 1993 by
26 Sauk Village;

1 (14) if the ordinance was adopted on December 29, 1986
2 by the City of Galva;

3 (15) if the ordinance was adopted in March 1991 by the
4 City of Centreville;

5 (16) if the ordinance was adopted on January 23, 1991
6 by the City of East St. Louis;

7 (17) if the ordinance was adopted on December 22, 1986
8 by the City of Aledo;

9 (18) if the ordinance was adopted on February 5, 1990
10 by the City of Clinton;

11 (19) if the ordinance was adopted on September 6, 1994
12 by the City of Freeport;

13 (20) if the ordinance was adopted on December 22, 1986
14 by the City of Tuscola;

15 (21) if the ordinance was adopted on December 23, 1986
16 by the City of Sparta;

17 (22) if the ordinance was adopted on December 23, 1986
18 by the City of Beardstown;

19 (23) if the ordinance was adopted on April 27, 1981,
20 October 21, 1985, or December 30, 1986 by the City of
21 Belleville;

22 (24) if the ordinance was adopted on December 29, 1986
23 by the City of Collinsville;

24 (25) if the ordinance was adopted on September 14, 1994
25 by the City of Alton;

26 (26) if the ordinance was adopted on November 11, 1996

1 by the City of Lexington;

2 (27) if the ordinance was adopted on November 5, 1984

3 by the City of LeRoy;

4 (28) if the ordinance was adopted on April 3, 1991 or
5 June 3, 1992 by the City of Markham;

6 (29) if the ordinance was adopted on November 11, 1986
7 by the City of Pekin;

8 (30) if the ordinance was adopted on December 15, 1981
9 by the City of Champaign;

10 (31) if the ordinance was adopted on December 15, 1986
11 by the City of Urbana;

12 (32) if the ordinance was adopted on December 15, 1986
13 by the Village of Heyworth;

14 (33) if the ordinance was adopted on February 24, 1992
15 by the Village of Heyworth;

16 (34) if the ordinance was adopted on March 16, 1995 by
17 the Village of Heyworth;

18 (35) if the ordinance was adopted on December 23, 1986
19 by the Town of Cicero;

20 (36) if the ordinance was adopted on December 30, 1986
21 by the City of Effingham;

22 (37) if the ordinance was adopted on May 9, 1991 by the
23 Village of Tilton;

24 (38) if the ordinance was adopted on October 20, 1986
25 by the City of Elmhurst;

26 (39) if the ordinance was adopted on January 19, 1988

1 by the City of Waukegan;

2 (40) if the ordinance was adopted on September 21, 1998

3 by the City of Waukegan;

4 (41) if the ordinance was adopted on December 31, 1986

5 by the City of Sullivan;

6 (42) if the ordinance was adopted on December 23, 1991

7 by the City of Sullivan;

8 (43) if the ordinance was adopted on December 31, 1986

9 by the City of Oglesby;

10 (44) if the ordinance was adopted on July 28, 1987 by

11 the City of Marion;

12 (45) if the ordinance was adopted on April 23, 1990 by

13 the City of Marion;

14 (46) if the ordinance was adopted on August 20, 1985 by

15 the Village of Mount Prospect;

16 (47) if the ordinance was adopted on February 2, 1998

17 by the Village of Woodhull;

18 (48) if the ordinance was adopted on April 20, 1993 by

19 the Village of Princeville;

20 (49) if the ordinance was adopted on July 1, 1986 by

21 the City of Granite City;

22 (50) if the ordinance was adopted on February 2, 1989

23 by the Village of Lombard;

24 (51) if the ordinance was adopted on December 29, 1986

25 by the Village of Gardner;

26 (52) if the ordinance was adopted on July 14, 1999 by

1 the Village of Paw Paw;

2 (53) if the ordinance was adopted on November 17, 1986
3 by the Village of Franklin Park;

4 (54) if the ordinance was adopted on November 20, 1989
5 by the Village of South Holland;

6 (55) if the ordinance was adopted on July 14, 1992 by
7 the Village of Riverdale;

8 (56) if the ordinance was adopted on December 29, 1986
9 by the City of Galesburg;

10 (57) if the ordinance was adopted on April 1, 1985 by
11 the City of Galesburg;

12 (58) if the ordinance was adopted on May 21, 1990 by
13 the City of West Chicago;

14 (59) if the ordinance was adopted on December 16, 1986
15 by the City of Oak Forest;

16 (60) if the ordinance was adopted in 1999 by the City
17 of Villa Grove;

18 (61) if the ordinance was adopted on January 13, 1987
19 by the Village of Mt. Zion;

20 (62) if the ordinance was adopted on December 30, 1986
21 by the Village of Manteno;

22 (63) if the ordinance was adopted on April 3, 1989 by
23 the City of Chicago Heights;

24 (64) if the ordinance was adopted on January 6, 1999 by
25 the Village of Rosemont;

26 (65) if the ordinance was adopted on December 19, 2000

1 by the Village of Stone Park;

2 (66) if the ordinance was adopted on December 22, 1986

3 by the City of DeKalb; ~~or~~

4 (67) if the ordinance was adopted on December 2, 1986

5 by the City of Aurora; ~~or~~

6 (68) ~~(67)~~ if the ordinance was adopted on December 31,

7 1986 by the Village of Milan; ~~or~~

8 (69) ~~(68)~~ if the ordinance was adopted on September 8,

9 1994 by the City of West Frankfort; ~~or~~

10 (70) if the ordinance was adopted on December 23, 1986

11 by the Village of Libertyville; or

12 (72) if the ordinance was adopted on August 7, 2000 by

13 the City of Des Plaines.

14 (d) For redevelopment project areas for which bonds were
15 issued before July 29, 1991, or for which contracts were
16 entered into before June 1, 1988, in connection with a
17 redevelopment project in the area within the State Sales Tax
18 Boundary, the estimated dates of completion of the
19 redevelopment project and retirement of obligations to finance
20 redevelopment project costs (including refunding bonds under
21 Section 11-74.4-7) may be extended by municipal ordinance to
22 December 31, 2013. The termination procedures of subsection (b)
23 of Section 11-74.4-8 are not required for these redevelopment
24 project areas in 2009 but are required in 2013. The extension
25 allowed by Public Act 87-1272 shall not apply to real property
26 tax increment allocation financing under Section 11-74.4-8.

1 (e) Those dates, for purposes of real property tax
2 increment allocation financing pursuant to Section 11-74.4-8
3 only, shall be not more than 35 years for redevelopment project
4 areas that were adopted on or after December 16, 1986 and for
5 which at least \$8 million worth of municipal bonds were
6 authorized on or after December 19, 1989 but before January 1,
7 1990; provided that the municipality elects to extend the life
8 of the redevelopment project area to 35 years by the adoption
9 of an ordinance after at least 14 but not more than 30 days'
10 written notice to the taxing bodies, that would otherwise
11 constitute the joint review board for the redevelopment project
12 area, before the adoption of the ordinance.

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

26 (g) In consolidating the material relating to completion

1 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
2 it is not the intent of the ~~95th~~ General Assembly to make any
3 substantive change in the law, except for the extension of the
4 completion dates ~~date~~ for the City of Aurora, the Village of
5 Milan, ~~and~~ the City of West Frankfort, and the Village of
6 Libertyville set forth under items ~~item~~ (67), and (68), (69),
7 and (70) of subsection (c) of this Section.

8 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08;
9 incorporates P.A. 95-777, eff. 9-22-08; revised 10-14-08.)

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

11 Sec. 11-74.4-3.5. Completion dates for redevelopment
12 projects.

13 (a) Unless otherwise stated in this Section, the estimated
14 dates of completion of the redevelopment project and retirement
15 of obligations issued to finance redevelopment project costs
16 (including refunding bonds under Section 11-74.4-7) may not be
17 later than December 31 of the year in which the payment to the
18 municipal treasurer, as provided in subsection (b) of Section
19 11-74.4-8 of this Act, is to be made with respect to ad valorem
20 taxes levied in the 23rd calendar year after the year in which
21 the ordinance approving the redevelopment project area was
22 adopted if the ordinance was adopted on or after January 15,
23 1981.

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

1 redevelopment project costs (including refunding bonds under
2 Section 11-74.4-7) may not be later than December 31 of the
3 year in which the payment to the municipal treasurer as
4 provided in subsection (b) of Section 11-74.4-8 of this Act is
5 to be made with respect to ad valorem taxes levied in the 33rd
6 calendar year after the year in which the ordinance approving
7 the redevelopment project area was adopted, if the ordinance
8 was adopted on May 20, 1985 by the Village of Wheeling.

9 (c) The estimated dates of completion of the redevelopment
10 project and retirement of obligations issued to finance
11 redevelopment project costs (including refunding bonds under
12 Section 11-74.4-7) may not be later than December 31 of the
13 year in which the payment to the municipal treasurer as
14 provided in subsection (b) of Section 11-74.4-8 of this Act is
15 to be made with respect to ad valorem taxes levied in the 35th
16 calendar year after the year in which the ordinance approving
17 the redevelopment project area was adopted:

18 (1) if the ordinance was adopted before January 15,
19 1981;

20 (2) if the ordinance was adopted in December 1983,
21 April 1984, July 1985, or December 1989;

22 (3) if the ordinance was adopted in December 1987 and
23 the redevelopment project is located within one mile of
24 Midway Airport;

25 (4) if the ordinance was adopted before January 1, 1987
26 by a municipality in Mason County;

1 (5) if the municipality is subject to the Local
2 Government Financial Planning and Supervision Act or the
3 Financially Distressed City Law;

4 (6) if the ordinance was adopted in December 1984 by
5 the Village of Rosemont;

6 (7) if the ordinance was adopted on December 31, 1986
7 by a municipality located in Clinton County for which at
8 least \$250,000 of tax increment bonds were authorized on
9 June 17, 1997, or if the ordinance was adopted on December
10 31, 1986 by a municipality with a population in 1990 of
11 less than 3,600 that is located in a county with a
12 population in 1990 of less than 34,000 and for which at
13 least \$250,000 of tax increment bonds were authorized on
14 June 17, 1997;

15 (8) if the ordinance was adopted on October 5, 1982 by
16 the City of Kankakee, or if the ordinance was adopted on
17 December 29, 1986 by East St. Louis;

18 (9) if the ordinance was adopted on November 12, 1991
19 by the Village of Sauget;

20 (10) if the ordinance was adopted on February 11, 1985
21 by the City of Rock Island;

22 (11) if the ordinance was adopted before December 18,
23 1986 by the City of Moline;

24 (12) if the ordinance was adopted in September 1988 by
25 Sauk Village;

26 (13) if the ordinance was adopted in October 1993 by

1 Sauk Village;

2 (14) if the ordinance was adopted on December 29, 1986
3 by the City of Galva;

4 (15) if the ordinance was adopted in March 1991 by the
5 City of Centreville;

6 (16) if the ordinance was adopted on January 23, 1991
7 by the City of East St. Louis;

8 (17) if the ordinance was adopted on December 22, 1986
9 by the City of Aledo;

10 (18) if the ordinance was adopted on February 5, 1990
11 by the City of Clinton;

12 (19) if the ordinance was adopted on September 6, 1994
13 by the City of Freeport;

14 (20) if the ordinance was adopted on December 22, 1986
15 by the City of Tuscola;

16 (21) if the ordinance was adopted on December 23, 1986
17 by the City of Sparta;

18 (22) if the ordinance was adopted on December 23, 1986
19 by the City of Beardstown;

20 (23) if the ordinance was adopted on April 27, 1981,
21 October 21, 1985, or December 30, 1986 by the City of
22 Belleville;

23 (24) if the ordinance was adopted on December 29, 1986
24 by the City of Collinsville;

25 (25) if the ordinance was adopted on September 14, 1994
26 by the City of Alton;

1 (26) if the ordinance was adopted on November 11, 1996
2 by the City of Lexington;

3 (27) if the ordinance was adopted on November 5, 1984
4 by the City of LeRoy;

5 (28) if the ordinance was adopted on April 3, 1991 or
6 June 3, 1992 by the City of Markham;

7 (29) if the ordinance was adopted on November 11, 1986
8 by the City of Pekin;

9 (30) if the ordinance was adopted on December 15, 1981
10 by the City of Champaign;

11 (31) if the ordinance was adopted on December 15, 1986
12 by the City of Urbana;

13 (32) if the ordinance was adopted on December 15, 1986
14 by the Village of Heyworth;

15 (33) if the ordinance was adopted on February 24, 1992
16 by the Village of Heyworth;

17 (34) if the ordinance was adopted on March 16, 1995 by
18 the Village of Heyworth;

19 (35) if the ordinance was adopted on December 23, 1986
20 by the Town of Cicero;

21 (36) if the ordinance was adopted on December 30, 1986
22 by the City of Effingham;

23 (37) if the ordinance was adopted on May 9, 1991 by the
24 Village of Tilton;

25 (38) if the ordinance was adopted on October 20, 1986
26 by the City of Elmhurst;

1 (39) if the ordinance was adopted on January 19, 1988
2 by the City of Waukegan;

3 (40) if the ordinance was adopted on September 21, 1998
4 by the City of Waukegan;

5 (41) if the ordinance was adopted on December 31, 1986
6 by the City of Sullivan;

7 (42) if the ordinance was adopted on December 23, 1991
8 by the City of Sullivan;

9 (43) if the ordinance was adopted on December 31, 1986
10 by the City of Oglesby;

11 (44) if the ordinance was adopted on July 28, 1987 by
12 the City of Marion;

13 (45) if the ordinance was adopted on April 23, 1990 by
14 the City of Marion;

15 (46) if the ordinance was adopted on August 20, 1985 by
16 the Village of Mount Prospect;

17 (47) if the ordinance was adopted on February 2, 1998
18 by the Village of Woodhull;

19 (48) if the ordinance was adopted on April 20, 1993 by
20 the Village of Princeville;

21 (49) if the ordinance was adopted on July 1, 1986 by
22 the City of Granite City;

23 (50) if the ordinance was adopted on February 2, 1989
24 by the Village of Lombard;

25 (51) if the ordinance was adopted on December 29, 1986
26 by the Village of Gardner;

1 (52) if the ordinance was adopted on July 14, 1999 by
2 the Village of Paw Paw;

3 (53) if the ordinance was adopted on November 17, 1986
4 by the Village of Franklin Park;

5 (54) if the ordinance was adopted on November 20, 1989
6 by the Village of South Holland;

7 (55) if the ordinance was adopted on July 14, 1992 by
8 the Village of Riverdale;

9 (56) if the ordinance was adopted on December 29, 1986
10 by the City of Galesburg;

11 (57) if the ordinance was adopted on April 1, 1985 by
12 the City of Galesburg;

13 (58) if the ordinance was adopted on May 21, 1990 by
14 the City of West Chicago;

15 (59) if the ordinance was adopted on December 16, 1986
16 by the City of Oak Forest;

17 (60) if the ordinance was adopted in 1999 by the City
18 of Villa Grove;

19 (61) if the ordinance was adopted on January 13, 1987
20 by the Village of Mt. Zion;

21 (62) if the ordinance was adopted on December 30, 1986
22 by the Village of Manteno;

23 (63) if the ordinance was adopted on April 3, 1989 by
24 the City of Chicago Heights;

25 (64) if the ordinance was adopted on January 6, 1999 by
26 the Village of Rosemont;

1 (65) if the ordinance was adopted on December 19, 2000
2 by the Village of Stone Park;

3 (66) if the ordinance was adopted on December 22, 1986
4 by the City of DeKalb; ~~or~~

5 (67) if the ordinance was adopted on December 2, 1986
6 by the City of Aurora;~~or~~

7 (68) ~~(67)~~ if the ordinance was adopted on December 31,
8 1986 by the Village of Milan; ~~or~~

9 (69) ~~(68)~~ if the ordinance was adopted on September 8,
10 1994 by the City of West Frankfort;~~or~~

11 (70) if the ordinance was adopted on December 23, 1986
12 by the Village of Libertyville;

13 (71) if the ordinance was adopted on December 22, 1986
14 by the Village of Hoffman Estates; or

15 (72) if the ordinance was adopted on August 7, 2000 by
16 the City of Des Plaines.

17 (d) For redevelopment project areas for which bonds were
18 issued before July 29, 1991, or for which contracts were
19 entered into before June 1, 1988, in connection with a
20 redevelopment project in the area within the State Sales Tax
21 Boundary, the estimated dates of completion of the
22 redevelopment project and retirement of obligations to finance
23 redevelopment project costs (including refunding bonds under
24 Section 11-74.4-7) may be extended by municipal ordinance to
25 December 31, 2013. The termination procedures of subsection (b)
26 of Section 11-74.4-8 are not required for these redevelopment

1 project areas in 2009 but are required in 2013. The extension
2 allowed by Public Act 87-1272 shall not apply to real property
3 tax increment allocation financing under Section 11-74.4-8.

4 (e) Those dates, for purposes of real property tax
5 increment allocation financing pursuant to Section 11-74.4-8
6 only, shall be not more than 35 years for redevelopment project
7 areas that were adopted on or after December 16, 1986 and for
8 which at least \$8 million worth of municipal bonds were
9 authorized on or after December 19, 1989 but before January 1,
10 1990; provided that the municipality elects to extend the life
11 of the redevelopment project area to 35 years by the adoption
12 of an ordinance after at least 14 but not more than 30 days'
13 written notice to the taxing bodies, that would otherwise
14 constitute the joint review board for the redevelopment project
15 area, before the adoption of the ordinance.

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

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

3 (g) In consolidating the material relating to completion
4 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
5 it is not the intent of the ~~95th~~ General Assembly to make any
6 substantive change in the law, except for the extension of the
7 completion dates ~~date~~ for the City of Aurora, the Village of
8 Milan, and the City of West Frankfort, the Village of
9 Libertyville, and the Village of Hoffman Estates set forth
10 under items ~~item~~ (67), and (68), (69), (70), and (71) of
11 subsection (c) of this Section.

12 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08;
13 incorporates P.A. 95-777, eff. 9-22-08, and 95-1028, eff.
14 1-1-10; revised 1-27-09.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.