



Adopted in House Comm. on Mar 13, 2008

09500HB1867ham001

LRB095 09915 BDD 48240 a

1 AMENDMENT TO HOUSE BILL 1867

2 AMENDMENT NO. _____. Amend House Bill 1867 by replacing
3 everything after the enacting clause with the following:

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

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

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

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: shall not be later than
7 December 31 of the year in which the payment to the
8 municipal treasurer as provided in subsection (b) of
9 Section 11-74.4-8 of this Act is to be made with respect to
10 ad valorem taxes levied in the twenty-third calendar year
11 after the year in which the ordinance approving the
12 redevelopment project area is adopted if the ordinance was
13 adopted on or after January 15, 1981; shall not be later
14 than December 31 of the year in which the payment to the
15 municipal treasurer as provided in subsection (b) of
16 Section 11-74.4-8 of this Act is to be made with respect to
17 ad valorem taxes levied in the thirty-third calendar year
18 after the year in which the ordinance approving the
19 redevelopment project area if the ordinance was adopted on
20 May 20, 1985 by the Village of Wheeling; and shall not be
21 later than December 31 of the year in which the payment to
22 the municipal treasurer as provided in subsection (b) of
23 Section 11-74.4-8 of this Act is to be made with respect to
24 ad valorem taxes levied in the thirty-fifth calendar year
25 after the year in which the ordinance approving the
26 redevelopment project area is adopted:

1 (A) if the ordinance was adopted before January 15,
2 1981, or

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

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

8 (D) if the ordinance was adopted before January 1,
9 1987 by a municipality in Mason County, or

10 (E) if the municipality is subject to the Local
11 Government Financial Planning and Supervision Act or
12 the Financially Distressed City Law, or

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

15 (G) if the ordinance was adopted on December 31,
16 1986 by a municipality located in Clinton County for
17 which at least \$250,000 of tax increment bonds were
18 authorized on June 17, 1997, or if the ordinance was
19 adopted on December 31, 1986 by a municipality with a
20 population in 1990 of less than 3,600 that is located
21 in a county with a population in 1990 of less than
22 34,000 and for which at least \$250,000 of tax increment
23 bonds were authorized on June 17, 1997, or

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

1 (I) if the ordinance was adopted on November 12,
2 1991 by the Village of Sauget, or

3 (J) if the ordinance was adopted on February 11,
4 1985 by the City of Rock Island, or

5 (K) if the ordinance was adopted before December
6 18, 1986 by the City of Moline, or

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

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

11 (N) if the ordinance was adopted on December 29,
12 1986 by the City of Galva, or

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

15 (P) if the ordinance was adopted on January 23,
16 1991 by the City of East St. Louis, or

17 (Q) if the ordinance was adopted on December 22,
18 1986 by the City of Aledo, or

19 (R) if the ordinance was adopted on February 5,
20 1990 by the City of Clinton, or

21 (S) if the ordinance was adopted on September 6,
22 1994 by the City of Freeport, or

23 (T) if the ordinance was adopted on December 22,
24 1986 by the City of Tuscola, or

25 (U) if the ordinance was adopted on December 23,
26 1986 by the City of Sparta, or

1 (V) if the ordinance was adopted on December 23,
2 1986 by the City of Beardstown, or

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

6 (X) if the ordinance was adopted on December 29,
7 1986 by the City of Collinsville, or

8 (Y) if the ordinance was adopted on September 14,
9 1994 by the City of Alton, or

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

12 (AA) if the ordinance was adopted on November 5,
13 1984 by the City of LeRoy, or

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

16 (CC) if the ordinance was adopted on November 11,
17 1986 by the City of Pekin, or

18 (DD) if the ordinance was adopted on December 15,
19 1981 by the City of Champaign, or

20 (EE) if the ordinance was adopted on December 15,
21 1986 by the City of Urbana, or

22 (FF) if the ordinance was adopted on December 15,
23 1986 by the Village of Heyworth, or

24 (GG) if the ordinance was adopted on February 24,
25 1992 by the Village of Heyworth, or

26 (HH) if the ordinance was adopted on March 16, 1995

1 by the Village of Heyworth, or

2 (II) if the ordinance was adopted on December 23,
3 1986 by the Town of Cicero, or

4 (JJ) if the ordinance was adopted on December 30,
5 1986 by the City of Effingham, or

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

8 (LL) if the ordinance was adopted on October 20,
9 1986 by the City of Elmhurst, or

10 (MM) if the ordinance was adopted on January 19,
11 1988 by the City of Waukegan, or

12 (NN) if the ordinance was adopted on September 21,
13 1998 by the City of Waukegan, or

14 (OO) if the ordinance was adopted on December 31,
15 1986 by the City of Sullivan, or

16 (PP) if the ordinance was adopted on December 23,
17 1991 by the City of Sullivan, or

18 (QQ) if the ordinance was adopted on December 31,
19 1986 by the City of Oglesby, or

20 (RR) if the ordinance was adopted on July 28, 1987
21 by the City of Marion, or

22 (SS) if the ordinance was adopted on April 23, 1990
23 by the City of Marion, or

24 (TT) if the ordinance was adopted on August 20,
25 1985 by the Village of Mount Prospect, or

26 (UU) if the ordinance was adopted on February 2,

1 1998 by the Village of Woodhull, or

2 (VV) if the ordinance was adopted on April 20, 1993
3 by the Village of Princeville, or

4 (WW) if the ordinance was adopted on July 1, 1986
5 by the City of Granite City, or

6 (XX) if the ordinance was adopted on February 2,
7 1989 by the Village of Lombard, or

8 (YY) if the ordinance was adopted on December 29,
9 1986 by the Village of Gardner, or

10 (ZZ) if the ordinance was adopted on July 14, 1999
11 by the Village of Paw Paw, or

12 (AAA) if the ordinance was adopted on November 17,
13 1986 by the Village of Franklin Park, or

14 (BBB) if the ordinance was adopted on November 20,
15 1989 by the Village of South Holland, or

16 (CCC) if the ordinance was adopted on July 14, 1992
17 by the Village of Riverdale, or

18 (DDD) ~~(CCC)~~ if the ordinance was adopted on
19 December 29, 1986 by the City of Galesburg, or

20 (EEE) ~~(DDD)~~ if the ordinance was adopted on April
21 1, 1985 by the City of Galesburg, or

22 (FFF) ~~(CCC)~~ if the ordinance was adopted on May 21,
23 1990 by the City of West Chicago, or

24 (GGG) ~~(CCC)~~ if the ordinance was adopted on
25 December 16, 1986 by the City of Oak Forest, or

26 (HHH) ~~(AAA)~~ if the ordinance was adopted in 1999 by

1 the City of Villa Grove, or

2 (III) ~~(CCC)~~ if the ordinance was adopted on January
3 13, 1987 by the Village of Mt. Zion, or

4 (JJJ) ~~(CCC)~~ if the ordinance was adopted on
5 December 30, 1986 by the Village of Manteno, or

6 (KKK) ~~(DDD)~~ if the ordinance was adopted on April
7 3, 1989 by the City of Chicago Heights, or

8 (LLL) ~~(EEE)~~ if the ordinance was adopted on January
9 6, 1999 by the Village of Rosemont, or

10 (MMM) ~~(FFF)~~ if the ordinance was adopted on
11 December 19, 2000 by the Village of Stone Park, or

12 (NNN) ~~(CCC)~~ if the ordinance was adopted on
13 December 22, 1986 by the City of DeKalb.

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

1 Section 11-74.4-8.

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

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

23 Those dates, for purposes of real property tax
24 increment allocation financing pursuant to Section
25 11-74.4-8 only, shall be not more than 35 years for
26 redevelopment project areas that were established on or

1 after December 1, 1981 but before January 1, 1982 and for
2 which at least \$1,500,000 worth of tax increment revenue
3 bonds were authorized on or after September 30, 1990 but
4 before July 1, 1991; provided that the municipality elects
5 to extend the life of the redevelopment project area to 35
6 years by the adoption of an ordinance after at least 14 but
7 not more than 30 days' written notice to the taxing bodies,
8 that would otherwise constitute the joint review board for
9 the redevelopment project area, before the adoption of the
10 ordinance.

11 (3.5) The municipality finds, in the case of an
12 industrial park conservation area, also that the
13 municipality is a labor surplus municipality and that the
14 implementation of the redevelopment plan will reduce
15 unemployment, create new jobs and by the provision of new
16 facilities enhance the tax base of the taxing districts
17 that extend into the redevelopment project area.

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

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

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

26 Part II of the housing impact study shall identify the

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

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

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

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

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

18 (9) For redevelopment project areas designated prior
19 to November 1, 1999, the redevelopment plan may be amended
20 without further joint review board meeting or hearing,
21 provided that the municipality shall give notice of any
22 such changes by mail to each affected taxing district and
23 registrant on the interested party registry, to authorize
24 the municipality to expend tax increment revenues for
25 redevelopment project costs defined by paragraphs (5) and
26 (7.5), subparagraphs (E) and (F) of paragraph (11), and

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

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

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

25 (q) "Redevelopment project costs" mean and include the sum
26 total of all reasonable or necessary costs incurred or

1 estimated to be incurred, and any such costs incidental to a
2 redevelopment plan and a redevelopment project. Such costs
3 include, without limitation, the following:

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

1 municipality. This requirement shall be satisfied by the
2 consultant or advisor before the commencement of services
3 for the municipality and thereafter whenever any other
4 contracts with those individuals or entities are executed
5 by the consultant or advisor;

6 (1.5) After July 1, 1999, annual administrative costs
7 shall not include general overhead or administrative costs
8 of the municipality that would still have been incurred by
9 the municipality if the municipality had not designated a
10 redevelopment project area or approved a redevelopment
11 plan;

12 (1.6) The cost of marketing sites within the
13 redevelopment project area to prospective businesses,
14 developers, and investors;

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

23 (3) Costs of rehabilitation, reconstruction or repair
24 or remodeling of existing public or private buildings,
25 fixtures, and leasehold improvements; and the cost of
26 replacing an existing public building if pursuant to the

1 implementation of a redevelopment project the existing
2 public building is to be demolished to use the site for
3 private investment or devoted to a different use requiring
4 private investment;

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

24 (5) Costs of job training and retraining projects,
25 including the cost of "welfare to work" programs
26 implemented by businesses located within the redevelopment

1 project area;

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

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

16 (7.5) For redevelopment project areas designated (or
17 redevelopment project areas amended to add or increase the
18 number of tax-increment-financing assisted housing units)
19 on or after November 1, 1999, an elementary, secondary, or
20 unit school district's increased costs attributable to
21 assisted housing units located within the redevelopment
22 project area for which the developer or redeveloper
23 receives financial assistance through an agreement with
24 the municipality or because the municipality incurs the
25 cost of necessary infrastructure improvements within the
26 boundaries of the assisted housing sites necessary for the

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

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

24 (i) for unit school districts with a district
25 average 1995-96 Per Capita Tuition Charge of less
26 than \$5,900, no more than 25% of the total amount

1 of property tax increment revenue produced by
2 those housing units that have received tax
3 increment finance assistance under this Act;

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

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

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

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

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

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

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

26 (C) For any school district in a municipality with

1 a population in excess of 1,000,000, the following
2 restrictions shall apply to the reimbursement of
3 increased costs under this paragraph (7.5):

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

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

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

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

1 right to all or a portion of the reimbursement
2 otherwise required by this paragraph (7.5). By
3 acceptance of this reimbursement the school district
4 waives the right to directly or indirectly set aside,
5 modify, or contest in any manner the establishment of
6 the redevelopment project area or projects;

7 (7.7) For redevelopment project areas designated (or
8 redevelopment project areas amended to add or increase the
9 number of tax-increment-financing assisted housing units)
10 on or after January 1, 2005 (the effective date of Public
11 Act 93-961), a public library district's increased costs
12 attributable to assisted housing units located within the
13 redevelopment project area for which the developer or
14 redeveloper receives financial assistance through an
15 agreement with the municipality or because the
16 municipality incurs the cost of necessary infrastructure
17 improvements within the boundaries of the assisted housing
18 sites necessary for the completion of that housing as
19 authorized by this Act shall be paid to the library
20 district by the municipality from the Special Tax
21 Allocation Fund when the tax increment revenue is received
22 as a result of the assisted housing units. This paragraph
23 (7.7) applies only if (i) the library district is located
24 in a county that is subject to the Property Tax Extension
25 Limitation Law or (ii) the library district is not located
26 in a county that is subject to the Property Tax Extension

1 Limitation Law but the district is prohibited by any other
2 law from increasing its tax levy rate without a prior voter
3 referendum.

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

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

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

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

1 (9) Payment in lieu of taxes;

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

26 (11) Interest cost incurred by a redeveloper related to

1 the construction, renovation or rehabilitation of a
2 redevelopment project provided that:

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

6 (B) such payments in any one year may not exceed
7 30% of the annual interest costs incurred by the
8 redeveloper with regard to the redevelopment project
9 during that year;

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

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

22 (E) the cost limits set forth in subparagraphs (B)
23 and (D) of paragraph (11) shall be modified for the
24 financing of rehabilitated or new housing units for
25 low-income households and very low-income households,
26 as defined in Section 3 of the Illinois Affordable

1 Housing Act. The percentage of 75% shall be substituted
2 for 30% in subparagraphs (B) and (D) of paragraph (11).

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

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

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

1 for costs associated with the units or for the
2 retirement of bonds issued to finance the units or for
3 the life of the redevelopment project area, whichever
4 is later.

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

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

24 (13) After November 1, 1999 (the effective date of
25 Public Act 91-478), none of the redevelopment project costs
26 enumerated in this subsection shall be eligible

1 redevelopment project costs if those costs would provide
2 direct financial support to a retail entity initiating
3 operations in the redevelopment project area while
4 terminating operations at another Illinois location within
5 10 miles of the redevelopment project area but outside the
6 boundaries of the redevelopment project area municipality.
7 For purposes of this paragraph, termination means a closing
8 of a retail operation that is directly related to the
9 opening of the same operation or like retail entity owned
10 or operated by more than 50% of the original ownership in a
11 redevelopment project area, but it does not mean closing an
12 operation for reasons beyond the control of the retail
13 entity, as documented by the retail entity, subject to a
14 reasonable finding by the municipality that the current
15 location contained inadequate space, had become
16 economically obsolete, or was no longer a viable location
17 for the retailer or serviceman.

18 (14) A school district's: (i) property assembly costs
19 including, but not limited to, the acquisition of land and
20 other property, real or personal, or rights or interests
21 therein, the demolition of buildings, site preparation,
22 site improvements that serve as an engineered barrier
23 addressing ground-level or below-ground environmental
24 contamination including, but not limited to, parking lots
25 and other concrete or asphalt barriers, and the clearing
26 and grading of land; (ii) costs of rehabilitation,

1 reconstruction, repair, or remodeling of existing school
2 district or private buildings, fixtures, and leasehold
3 improvements and the cost of replacing an existing school
4 district building if the existing school district building
5 is to be demolished to use the site for private investment
6 or devoted to a different use requiring private investment;
7 and (iii) costs of the construction of public works or
8 improvements. The redevelopment project costs do not
9 include the cost of constructing a new school district
10 building that is principally used to provide offices,
11 storage space, or conference facilities or for the storage,
12 maintenance, or repair of vehicles for administrative or
13 public safety personnel and that is not intended to replace
14 an existing school district building, unless the school
15 district makes a reasonable determination, supported by
16 information that provides the basis for that
17 determination, that the new school district building is
18 required to meet an increase in school district needs due
19 to an increase in students. The redevelopment project costs
20 under this item (14) are subject to all of the following
21 limitations:

22 (A) "School district" means any community college
23 district and any school district coming under the
24 authority of the School Code including, without
25 limitation, elementary districts, high school
26 districts, and local community unit school districts.

1 (B) The school district or a portion of the school
2 district must be located within the redevelopment
3 project area or within one mile of the redevelopment
4 project area from which the school district seeks
5 reimbursement.

6 (C) Upon application for reimbursement, the school
7 district must provide the municipality with reasonable
8 evidence to support its request for reimbursement.
9 After receiving a school district's request for
10 reimbursement, a municipality may choose to reimburse
11 the school district for the total amount requested,
12 reimburse the school district for a portion of the
13 amount requested, or deny the request for
14 reimbursement. If the municipality decides to
15 reimburse a school district, the reimbursement must be
16 paid directly to the main office of the school district
17 from the municipality's Special Tax Allocation Fund
18 with funds derived from the proceeds of bonds issued by
19 the municipality under this Act or other
20 constitutional or statutory authority or from other
21 sources of municipal revenue that may be reimbursed
22 from tax increment revenues.

23 (D) If the school district or a portion thereof is
24 located within one mile of multiple redevelopment
25 project areas, then the school district may seek
26 reimbursement from one, some, or all of the

1 redevelopment project areas; provided that the school
2 district provides the municipality or municipalities
3 with the names of all of the project redevelopment
4 areas that it is seeking reimbursement from and sets
5 forth the reimbursement amounts that it is seeking from
6 each project redevelopment area. In no event may a
7 school district seek or accept reimbursement for more
8 than the school district has or will actually expend on
9 eligible redevelopment project costs.

10 (E) By accepting this reimbursement, the school
11 district waives the right to directly or indirectly set
12 aside, modify, or contest in any manner the
13 establishment of the redevelopment project area or
14 projects.

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

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

1 appropriate boundaries eligible for the determination of State
2 Sales Tax Increment.

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

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

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

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

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

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

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

23 (w) "Annual Total Increment" means the sum of each
24 municipality's annual Net Sales Tax Increment and each
25 municipality's annual Net Utility Tax Increment. The ratio of
26 the Annual Total Increment of each municipality to the Annual

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

5 (Source: P.A. 94-260, eff. 7-19-05; 94-268, eff. 7-19-05;
6 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff.
7 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.
8 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,
9 eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07;
10 94-1092, eff. 1-26-07; 95-15, eff. 7-16-07; 95-164, eff.
11 1-1-08; 95-331, eff. 8-21-07; 95-346, eff. 8-21-07; 95-459,
12 eff. 8-27-07; 95-653, eff. 1-1-08; 95-662, eff. 10-11-07;
13 95-683, eff. 10-19-07; 95-709, eff. 1-29-08; revised
14 1-31-08.)".