



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0367

Introduced 1/29/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

See Index

Creates the Community Improvement Land Bank Act. Provides for the creation of community improvement land banks by a county, municipality, or township, or any combination of those units, for the main purposes of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area and facilitating the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the county, municipality, or township for whose benefit the land bank is being organized. Provides procedures for creating the community improvement land banks, the powers of a land bank (including to purchase and sell tax delinquent properties), and the creation and composition of the board of directors of land banks. Limits the liability of the community improvement land banks. Allows the county, municipality, or township to have the land bank create a land reutilization program to facilitate the effective reutilization of nonproductive land situated within its boundaries and contains requirements of such a program. Defines terms. Amends various Acts and Codes making conforming changes. Effective Immediately.

LRB102 00205 AWJ 10207 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Article 1. General Provisions.

5 Section 1-1. Short title. This Act may be cited as the
6 Community Improvement Land Bank Act.

7 Section 1-5. Definitions. As used in this Act:

8 "Abandoned property" means real property previously used
9 for, or that has the potential to be used for, commercial or
10 industrial purposes that reverted to the ownership of the
11 State, a county, a municipality, or a township, through
12 donation, purchase, tax delinquency, foreclosure, default, or
13 settlement, including conveyance by deed in lieu of
14 foreclosure; or privately owned property that has been vacant
15 for a period of not less than 3 years.

16 "Community improvement land bank" or "land bank" means an
17 economic development land bank or a county land reutilization
18 land bank.

19 "County land reutilization land bank" means a land bank
20 organized for the purposes described in paragraph (2) of
21 subsection (a) of Section 5-5.

22 "Economic development land bank" means a land bank

1 organized for the purposes described in paragraph (1) of
2 subsection (a) of Section 5-5.

3 "Delinquent land" means property deemed delinquent under
4 Article 21 of the Property Tax Code.

5 "Governmental unit" means a county, municipality, or
6 township.

7 "Land reutilization program" means the procedures and
8 activities concerning the acquisition, management, and
9 disposition of affected delinquent lands set forth in Sections
10 10-5 through 10-70.

11 "Land within a reutilization unit's boundaries" means land
12 within each county, municipality, or township which created
13 the reutilization unit.

14 "Minimum bid" means a bid in an amount equal to the sum of
15 the taxes, assessments, charges, penalties, and interest due
16 and payable on the parcel as noted in the certificate of
17 correctness under Section 21-195 of the Property Tax Code and
18 prior to the transfer of the deed of the parcel to the
19 purchaser following confirmation of sale, plus the costs of
20 foreclosure or forfeiture proceedings against the property.

21 "Nonproductive land" means a parcel of delinquent land
22 against which a foreclosure or forfeiture proceeding under
23 Article 21 of the Property Tax Code has been instituted and to
24 which one of the following criteria applies:

25 (1) there are no buildings or structures located on
26 the land;

1 (2) the land is abandoned property;

2 (3) none of the buildings or other structures located
3 on the parcel are occupied, and the county, township, or
4 municipality within whose boundaries the parcel is
5 situated has instituted proceedings for the removal or
6 demolition of such buildings or other structures because
7 of their insecure, unsafe, or structurally defective
8 condition; or

9 (4) none of the buildings or structures located on the
10 parcel are occupied at the time the foreclosure proceeding
11 is initiated, and the municipality, county, township, or
12 reutilization unit determines that the parcel is eligible
13 for acquisition through a land reutilization program.

14 "Occupancy" means the actual, continuous, and exclusive
15 use and possession of a parcel by a person having a lawful
16 right to such use and possession.

17 "Reutilization unit" means a community improvement land
18 bank that has elected to implement a land reutilization
19 program under subsection (a) of Section 10-5. A county land
20 reutilization land bank is automatically a "reutilization
21 unit" for all purposes of this Act, except as otherwise
22 provided in this Act.

23 Article 5. Community Improvement Land Banks.

24 Section 5-5. Community improvement land bank creation.

1 (a) A community improvement land bank may be created as
2 provided in this Section for the purposes of:

3 (1) advancing, encouraging, and promoting the
4 industrial, economic, commercial, and civic development of
5 a community or area;

6 (2) facilitating the reclamation, rehabilitation, and
7 reutilization of vacant, abandoned, tax-foreclosed, or
8 other real property within the governmental unit for whose
9 benefit the land bank is being organized, but not limited
10 to the purposes described in this paragraph;

11 (3) efficiently holding and managing vacant,
12 abandoned, or tax-foreclosed real property pending its
13 reclamation, rehabilitation, and reutilization;

14 (4) assisting governmental entities and other
15 nonprofit or for-profit persons to assemble, clear, and
16 clear the title of property described in this Act in a
17 coordinated manner; or

18 (5) promoting economic and housing development in the
19 governmental unit or region.

20 (b) A community improvement land bank may be created:

21 (1) by one or more governmental units for the
22 industrial, commercial, distribution, and research
23 development in each governmental unit if each governmental
24 unit has determined that the policy of the governmental
25 unit is to promote the health, safety, morals, and general
26 welfare of its inhabitants through the creation of a

1 community improvement land bank;

2 (2) solely by a county as the agency for the
3 reclamation, rehabilitation, and reutilization of vacant,
4 abandoned, tax-foreclosed, or other real property in the
5 county; or

6 (3) by a municipality or township for the reclamation,
7 rehabilitation, and reutilization of vacant, abandoned,
8 tax-foreclosed, or other real property within the
9 municipality or township if the municipality or township
10 enters into an intergovernmental agreement with a county
11 community improvement land bank creating the land bank as
12 the agency of the municipality or township.

13 (c) A land bank shall be created under this Section by
14 ordinance or intergovernmental agreement of the governing
15 board of the governmental unit. The ordinance or
16 intergovernmental agreement may allow the land bank to provide
17 any one or more of the following:

18 (1) Prepare a plan for the governmental unit or units
19 of industrial, commercial, distribution, and research
20 development, or of reclamation, rehabilitation, and
21 reutilization of vacant, abandoned, tax-foreclosed, or
22 other real property. The plan shall provide the extent to
23 which the community improvement land bank shall
24 participate in carrying out such plan. The plan shall be
25 confirmed by the governing board or boards of the
26 governmental unit or units. A community improvement land

1 bank may insure mortgage payments required by a first
2 mortgage on any industrial, economic, commercial, or civic
3 property for which funds have been loaned by any person,
4 corporation, bank, or financial or lending institution
5 upon such terms and conditions as the community
6 improvement land bank may prescribe. A community
7 improvement land bank may incur debt, mortgage its
8 property acquired under this Section or otherwise, and
9 issue its obligations, for the purpose of acquiring,
10 constructing, improving, and equipping buildings,
11 structures, and other properties, and acquire sites
12 therefor, for lease or sale by the community improvement
13 land bank in order to carry out its participation in such
14 plan. Except for moneys pledged by a unit of local
15 government from revenue from penalties and interest on
16 delinquent real property taxes, any such debt shall be
17 solely that of the land bank and shall not be secured by
18 the pledge of any moneys received or to be received from
19 any governmental units. All revenue bonds issued under
20 this Section are lawful investments of banks, savings and
21 loan associations, deposit guarantee associations, trust
22 companies, trustees, fiduciaries, trustees or other
23 officers having charge of sinking or bond retirement funds
24 of units of local government, and of domestic insurance
25 companies. Not less than two-fifths of the board of
26 directors of a economic development land bank shall be

1 composed of mayors, members of city councils, village
2 presidents, village trustees, township supervisors,
3 township trustees, members of county boards or boards of
4 county commissioners, or any other appointed or elected
5 officers of the governmental units, provided that at least
6 one officer from each governmental unit shall be a member
7 of the governing board of the land bank. Membership on the
8 board of directors of a community improvement land bank
9 does not constitute the holding of a public office or
10 employment. The governing board of a county land
11 reutilization land bank shall be comprised of the members
12 set forth in Section 5-15. Membership on such boards of
13 directors shall not constitute an interest, either direct
14 or indirect, in a contract or expenditure of money by any
15 municipality, township, county, or other unit of local
16 government. No member of such a board of directors shall
17 be disqualified from holding any public office or
18 employment, nor shall such member forfeit any such office
19 or employment, by reason of membership on the board of
20 director of a community improvement land bank,
21 notwithstanding any other provision of law.

22 Actions taken under this paragraph (1) shall be in
23 accordance with any applicable planning or zoning
24 regulations.

25 (2) Authorization for the community improvement land
26 bank to sell or to lease any real property or interests in

1 real property owned by the governmental unit or units
2 determined from time to time by the governing board or
3 boards of the units not to be required by such
4 governmental unit or units for its purposes, for uses
5 determined by the governing board or boards as those that
6 will promote the welfare of the people of the governmental
7 unit or units, stabilize the economy, provide employment,
8 assist in the development of industrial, commercial,
9 distribution, and research activities to the benefit of
10 the people of the governmental unit or units, will provide
11 additional opportunities for their gainful employment, or
12 will promote the reclamation, rehabilitation, and
13 reutilization of vacant, abandoned, tax-foreclosed, or
14 other real property within the governmental unit or units.
15 The governing board or boards shall specify the
16 consideration for such sale or lease and any other terms.
17 Any determinations made by the governing board or boards
18 under this Act shall be conclusive. The community
19 improvement land bank acting through its officers and on
20 behalf of the governmental unit or units shall execute the
21 necessary instruments, including deeds conveying the title
22 of the governmental unit or units or leases, to accomplish
23 such sale or lease. Such conveyance or lease shall be made
24 without advertising and receipt of bids. A copy of such
25 agreement shall be recorded in the office of the county
26 recorder of deeds of any county in which real property or

1 interests in real property to be sold or leased are
2 situated prior to the recording of a deed or lease
3 executed pursuant to such agreement.

4 (3) That the governmental unit or units adopting the
5 ordinance or intergovernmental agreement shall convey to
6 the community improvement land bank real property and
7 interests in real property owned by the governmental unit
8 or units and determined by the governing board or boards
9 thereof not to be required by the governmental unit or
10 units for its purposes and that such conveyance of such
11 real property or interests in real property will promote
12 the welfare of the people of the governmental unit or
13 units, stabilize the economy, provide employment, assist
14 in the development of industrial, commercial,
15 distribution, and research activities to the benefit of
16 the people of the governmental unit or units, provide
17 additional opportunities for their gainful employment or
18 will promote the reclamation, rehabilitation, and
19 reutilization of vacant, abandoned, tax-foreclosed, or
20 other real property in the governmental unit or units, for
21 the consideration and upon the terms established in the
22 ordinance or intergovernmental agreement, and further
23 that, as the agency for development or land reutilization,
24 the community improvement land bank may acquire from
25 others additional real property or interests in real
26 property, and any real property or interests in real

1 property so conveyed by it for uses that will promote the
2 welfare of the people of the governmental unit or units,
3 stabilize the economy, provide employment, assist in the
4 development of industrial, commercial, distribution, and
5 research activities required for the people of the
6 governmental unit or units and for their gainful
7 employment or will promote the reclamation,
8 rehabilitation, and reutilization of vacant, abandoned,
9 tax-foreclosed, or other real property in the governmental
10 unit or units. Any conveyance or lease by the governmental
11 unit or units to the community improvement land bank shall
12 be made without advertising and receipt of bids. If any
13 real property or interests in real property conveyed by a
14 governmental unit or units under this Act are sold by the
15 community improvement land bank at a price in excess of
16 the consideration received by the governmental unit or
17 units from the community improvement land bank, such
18 excess shall be paid to such governmental unit or units
19 after deducting, to the extent and in the manner provided
20 in the ordinance or intergovernmental agreement, the costs
21 of such acquisition and sale, taxes, assessments, costs of
22 maintenance, costs of improvements to the real property by
23 the community improvement land bank, service fees, and any
24 debt service charges of the land bank attributable to such
25 real property or interests.

26 Any ordinance or intergovernmental agreement entered into

1 under this Section may be amended or supplemented from time to
2 time by the governmental unit or units.

3 An economic development land bank created under this
4 Section shall promote and encourage the establishment and
5 growth in such unit of industrial, commercial, distribution,
6 and research facilities. A county land reutilization land bank
7 created under this Section shall promote the reclamation,
8 rehabilitation, and reutilization of vacant, abandoned,
9 tax-foreclosed, or other real property in the county.

10 (d) A land bank created under this Section is a unit of
11 local government separate from the county, municipality, or
12 township that created the land bank.

13 Section 5-10. Community improvement land bank powers.

14 (a) A community improvement land bank has the following
15 powers in addition to those granted to the land bank under
16 Section 5-5:

17 (1) To borrow money for any of the purposes of the
18 community improvement land bank by means of loans, lines
19 of credit, or any other financial instruments or
20 securities, including the issuance of its bonds,
21 debentures, notes, or other evidences of indebtedness,
22 whether secured or unsecured, and to secure the same by
23 mortgage, pledge, deed of trust, or other lien on its
24 property, franchises, rights, and privileges of every kind
25 and nature or any part thereof or interest therein.

1 (2) A county land reutilization land bank may request,
2 by resolution, one or more of the following:

3 (A) That the county board or board of county
4 commissioners of the county served by the land bank
5 pledge revenue from penalties and interest on
6 delinquent real property taxes as security for such
7 borrowing by the land bank.

8 (B) If the land subject to reutilization is
9 located within an unincorporated area of the county,
10 that the county board or board of county commissioners
11 issue notes for the purpose of constructing public
12 infrastructure improvements and take other actions as
13 the board determines are in the interest of the county
14 and are authorized under law.

15 (C) If the land subject to reutilization is
16 located within a municipality or township, that the
17 municipality or township issue bonds for the purpose
18 of constructing public infrastructure improvements and
19 take such other actions as the municipality or
20 township determines are in its interest and are
21 authorized under law.

22 (3) To make loans to any person, firm, partnership,
23 land bank, joint stock company, association, or trust, and
24 to establish and regulate the terms and conditions with
25 respect to any such loans; provided that an economic
26 development land bank shall not approve any application

1 for a loan unless and until the person applying for said
2 loan shows that the person has applied for the loan
3 through ordinary banking or commercial channels and that
4 the loan has been refused by at least one bank or other
5 financial institution. Nothing in this paragraph shall
6 preclude a county land reutilization land bank from making
7 revolving loans to community development corporations,
8 private entities, or any person for the purposes contained
9 in the land bank's plan under Section 5-5.

10 (4) To purchase, receive, hold, manage, lease,
11 lease-purchase, or otherwise acquire and to sell, convey,
12 transfer, lease, sublease, or otherwise dispose of real
13 and personal property, including, but not limited to, any
14 real or personal property acquired by the community
15 improvement land bank from time to time in the
16 satisfaction of debts or enforcement of obligations, and
17 to enter into contracts with third parties, including the
18 federal government, the State, another unit of local
19 government, or any other entity. A community improvement
20 land bank shall not acquire an interest in real property
21 if such acquisition causes the number of occupied real
22 properties held by the land bank to exceed the greater of
23 either 50 properties or 25% of all real property held by
24 the land bank for reutilization, reclamation, or
25 rehabilitation.

26 As used in this paragraph (4), "occupied real

1 properties" includes all real properties where:

2 (A) a building, structure, land, or other
3 improvement that is subject to taxation and that is
4 located on the parcel is physically inhabited as a
5 dwelling;

6 (B) a trade or business is actively being
7 conducted on the parcel by the owner, a tenant, or
8 another party occupying the parcel pursuant to a lease
9 or other legal authority, or in a building, structure,
10 or other improvement that is subject to taxation and
11 that is located on the parcel; or

12 (C) the parcel is inhabited and there are signs
13 that it is undergoing a change in tenancy and remains
14 legally habitable, or that it is undergoing
15 improvements, as indicated by an application for a
16 building permit or other facts indicating that the
17 parcel is experiencing ongoing improvements.

18 (5) To acquire the good will, business, rights, real
19 and personal property, and other assets, or any part
20 thereof or interest therein, of any persons, firms,
21 partnerships, corporations, joint stock companies,
22 associations, or trusts and to assume, undertake, or pay
23 the obligations, debts, and liabilities of any such
24 person, firm, partnership, corporation, joint stock
25 company, association, or trust; to acquire, reclaim,
26 manage, or contract for the management of improved or

1 unimproved and underutilized real estate for the purpose
2 of constructing industrial plants, other business
3 establishments, or housing thereon, or causing the same to
4 occur, for the purpose of assembling and enhancing
5 utilization of the real estate, or for the purpose of
6 disposing of such real estate to others in whole or in part
7 for the construction of industrial plants, other business
8 establishments, or housing; and to acquire, reclaim,
9 manage, contract for the management of, construct or
10 reconstruct, alter, repair, maintain, operate, sell,
11 convey, transfer, lease, sublease, or otherwise dispose of
12 industrial plants, business establishments, or housing.

13 (6) To acquire, subscribe for, own, hold, sell,
14 assign, transfer, mortgage, pledge, or otherwise dispose
15 of the stock, shares, bonds, debentures, notes, or other
16 securities and evidences of interest in, or indebtedness
17 of, any person, firm, corporation, joint stock company,
18 association, or trust, and while the owner or holder
19 thereof, to exercise all the rights, powers, and
20 privileges of ownership, including the right to vote
21 therein, provided that no tax revenue, if any, received by
22 a community improvement land bank shall be used for such
23 acquisition or subscription.

24 (7) To mortgage, pledge, or otherwise encumber any
25 property acquired pursuant to the powers contained in
26 paragraph (4), (5), or (6).

1 (8) To become a member of or a stockholder in a
2 community or State development corporation or development
3 authority.

4 (9) To serve as an agent for grant applications and
5 for the administration of grants, or to make applications
6 as principal for grants for county land reutilization land
7 banks.

8 (10) To exercise the powers enumerated under Article
9 10.

10 (11) To engage in code enforcement and nuisance
11 abatement, including, but not limited to, cutting grass
12 and weeds, boarding up vacant or abandoned structures, and
13 demolishing condemned structures on properties that are
14 subject to a delinquent tax or assessment lien, or
15 property for which a unit of local government has
16 contracted with a community improvement land bank to
17 provide code enforcement or nuisance abatement assistance.

18 (12) To charge fees or exchange in-kind goods or
19 services for services rendered to units of local
20 government and other persons or entities for whom services
21 are rendered.

22 (13) To employ and provide compensation for an
23 executive director who shall manage the operations of a
24 community improvement land bank and employ others for the
25 benefit of the land bank as approved and funded by the
26 board of directors. No employee of the land bank is or

1 shall be deemed to be an employee of the governmental unit
2 whose benefit the land bank is organized solely because
3 the employee is employed by the land bank.

4 (14) To purchase tax certificates at auction,
5 negotiated sale, or from a third party who purchased and
6 is a holder of one or more tax certificates issued under
7 Article 21 of the Property Tax Code.

8 (15) To be assigned a mortgage on real property from a
9 mortgagee in lieu of acquiring such real property subject
10 to a mortgage.

11 (16) To do all acts and things necessary or convenient
12 to carry out the purposes of this Act including, but not
13 limited to, contracting with the federal government, the
14 State, a unit of local government, an elected or appointed
15 official, or any other party, whether nonprofit or
16 for-profit, to provide services to the land bank.

17 (b) The powers enumerated in this Act shall not be
18 construed to limit the general powers of a community
19 improvement land bank.

20 (c) Ownership of real property by an economic development
21 land bank does not constitute public ownership unless the
22 economic development land bank has applied for and been
23 granted a tax exemption for the property.

24 Section 5-15. County land reutilization land bank board of
25 directors.

1 (a) The board of directors of a county land reutilization
2 land bank shall be composed of 5, 7, or 9 members, including
3 the county treasurer, at least 2 of the members of the county
4 board or board of county commissioners, one representative of
5 the largest municipality, based on the population according to
6 the most recent federal decennial census, that is located in
7 the county, one representative of a township, or, if no
8 townships in a county, one representative from an
9 unincorporated area of the county, and the remaining members
10 selected by the county board members or county commissioners.
11 The township representative shall be chosen by a majority of
12 the boards of township trustees of townships in the county. At
13 least one board member shall have private sector or nonprofit
14 experience in rehabilitation or real estate acquisitions. The
15 county treasurer and the county board members or county
16 commissioners each may appoint one representative to act, as a
17 director of the land bank, for each officer at any of the
18 meetings of the land bank. Except as may otherwise be
19 authorized by the regulations of the land bank, all members of
20 the board of directors shall serve without compensation, but
21 shall be reimbursed for actual and necessary expenses.

22 (b) At the first meeting of the board of directors of a
23 county land reutilization land bank, the board shall adopt
24 regulations for governing the land bank, the conduct of its
25 affairs, and the management of its property, consistent with
26 this Act.

1 Section 5-20. Annual financial report.

2 (a) Each community improvement land bank shall prepare an
3 annual financial report that is prepared according to
4 generally accepted accounting principles and is certified by
5 the board of directors of the land bank, its treasurer, or
6 other chief fiscal officer to the best knowledge and belief of
7 those persons certifying the report. The financial report
8 shall be filed with the Auditor General within 120 days
9 following the last day of the land bank's fiscal year, unless
10 the Auditor General extends that deadline. The Auditor General
11 may establish terms and conditions for granting any extension
12 of that deadline. The financial report shall be published on
13 the land bank's web site, or if the land bank does not have a
14 web site, on the web site of the county in which the land bank
15 is located.

16 Each community improvement land bank shall submit to
17 audits by the Auditor General. However, a community
18 improvement land bank may request the performance of any of
19 those audits by an independent CPA or CPA firm, as those terms
20 are defined in the Illinois Public Accounting Act.

21 The Auditor General is authorized to receive and file the
22 annual financial reports required by this Section and the
23 reports of all audits performed in accordance with this
24 Section. The Auditor General shall analyze those annual
25 financial reports and the reports of those audits to determine

1 whether the activities of a community improvement land bank
2 involved are in accordance with this Section.

3 (b) If any community improvement land bank fails to
4 prepare an annual financial report as required by subsection
5 (a) and to file that report with the Auditor General within 90
6 after the time prescribed for that filing by subsection (a)
7 or, if the Auditor General determines that any community
8 improvement land bank cannot be audited and declares it to be
9 unauditabile and the land bank fails to then prepare an annual
10 financial report as required by subsection (a) and to file
11 that report with the Auditor General within 90 days after the
12 time that the Auditor General declared the land bank to be
13 unauditabile, the Auditor General shall certify that fact to
14 the governmental unit that created the land bank. The
15 governmental unit then shall dissolve the community
16 improvement land bank involved by adopting a resolution and by
17 attaching the certificate of the Auditor General or a true
18 copy of it. All of the rights, privileges, and franchises
19 conferred upon that community improvement land bank by
20 ordinance approving the land bank shall cease. The county
21 clerk shall immediately notify that community improvement land
22 bank of the action taken. Reinstatement may be accomplished
23 within 2 years after the dissolution upon proper filing of all
24 delinquent annual financial reports to the satisfaction of the
25 Auditor General and the filing of the Auditor General's
26 certificate reflecting that satisfaction with the county

1 clerk. That filing may be made by any officer, member,
2 creditor, receiver, lessee, or sublessee of the community
3 improvement land bank involved, and any such person or agent
4 of any such person shall be granted access to the books and
5 records of the land bank for that purpose. The rights,
6 privileges, and franchises of a community improvement land
7 bank whose articles have been reinstated or restored under
8 this Act.

9 Section 5-25. Dissolution, liquidation, or failure to
10 reinstate. If there is a voluntary or involuntary dissolution,
11 liquidation, or failure to reinstate a community improvement
12 land bank after dissolution of the land bank under Section
13 5-20, any remaining assets shall be applied as follows:

14 (1) For an economic development land bank, to such
15 civic projects or public charitable purposes in the
16 community or area as may be determined by the board of
17 directors with the approval of the circuit court of the
18 county.

19 (2) For a county land reutilization land bank, as
20 determined by the county board or board of county
21 commissioners with the written approval of the county
22 treasurer. Pending the determination, the remaining assets
23 shall be transferred to the general fund of the county to
24 be held and accounted for in a separate account until
25 applied as determined by the county board or board of

1 county commissioners. For land banks created under
2 paragraph (3) of subsection (b) of Section 5-5, the
3 remaining assets shall be distributed as provided by the
4 intergovernmental agreement.

5 Section 5-30. Confidentiality of information; open
6 meetings.

7 (a) After a community improvement land bank is created
8 under Section 5-5, the following apply:

9 (1) Financial and proprietary information, including
10 trade secrets, submitted by or on behalf of an entity to
11 the community improvement land bank in connection with the
12 relocation, location, expansion, improvement, or
13 preservation of the business of that entity, or in the
14 pursuit of any one or more of the purposes under this Act
15 is confidential information and is not a public record
16 subject to the Freedom of Information Act.

17 (2) Any other information submitted by or on behalf of
18 an entity to the community improvement land bank in
19 connection with the relocation, location, expansion,
20 improvement, or preservation of the business of that
21 entity held or kept by the community improvement land
22 bank, or by any governmental unit for which the community
23 improvement land bank is acting as agent, is confidential
24 information and is not a public record subject to the
25 Freedom of Information Act, until the entity commits in

1 writing to proceed with the relocation, location,
2 expansion, improvement, preservation of its business, or
3 other purpose under this Act.

4 (b) When the board of directors of a community improvement
5 land bank or any committee or subcommittee of such a board
6 meets to consider information that is not a public record
7 pursuant to subsection (a), the board, committee, or
8 subcommittee, by majority vote of all members present, may
9 close the meeting during consideration of the confidential
10 information. The board, committee, or subcommittee shall
11 consider no other information during the closed session.

12 (c) Except as provided in subsection (b), all meetings
13 shall be open to the public.

14 Section 5-35. Community improvement land banks in
15 redevelopment project areas. The board of directors of a
16 community improvement land bank in which all or a part of a
17 redevelopment project area, created pursuant to the Tax
18 Increment Allocation Redevelopment Act, is located may accept
19 funds from the special tax allocation fund from the
20 municipality that created the redevelopment project area. The
21 board shall use all such contributions to promote the
22 redevelopment project area to potential business patrons, to
23 recruit businesses to relocate or expand to the redevelopment
24 project area, and to attract and promote events and activities
25 that generate revenue or enhance public welfare within the

1 redevelopment project area. The board shall periodically
2 report to the city council of the municipality on the
3 expenditure of the contributions and plans for the utilization
4 of future contributions. If any contributions received by a
5 community improvement land bank under this Section remain
6 after the dissolution or expiration of the redevelopment
7 project area, the board shall pay the remaining amount to the
8 contributing municipality, which shall credit the money to its
9 general fund.

10 Section 5-40. Immunity of community improvement land
11 banks. A community improvement land bank is not liable for
12 civil or other damages as a result of conduct, other than
13 willful or wanton misconduct, in connection with a parcel of
14 land acquired by the community improvement land bank under
15 this Act, including, but not limited to, a violation of
16 permit, license, variance, or plan approval requirements.

17 Article 10. Land Reutilization Program.

18 Section 10-5. Procedures to facilitate reutilization of
19 nonproductive land.

20 (a) A governmental unit may elect to have the community
21 improvement land bank facilitate the effective reutilization
22 of nonproductive land situated within its boundaries as
23 provided in this Article. The ordinance or intergovernmental

1 agreement creating the community improvement land bank under
2 this Article shall also state that: (i) the existence of
3 nonproductive land within its boundaries is such as to
4 necessitate the implementation of a land reutilization program
5 to foster either the return of such nonproductive land to tax
6 revenue generating status or the devotion thereof to public
7 use; and (ii) the county auditor, or the county clerk if the
8 county does not have an auditor, shall prepare delinquent
9 property tax ledgers for the community improvement land bank.

10 (b) If a governmental unit designates a community
11 improvement land bank as a reutilization unit under subsection
12 (a), the powers extended to the land bank under this Article
13 shall be construed as additional powers.

14 (c) A governmental unit shall promptly deliver certified
15 copies of such ordinance to the county auditor, or, if none,
16 the county clerk, and treasurer of each county in which the
17 reutilization unit is situated. On and after the effective
18 date of such ordinance, the foreclosure, sale, management, and
19 disposition of all nonproductive land within the reutilization
20 unit's boundaries shall be governed by the procedures set
21 forth in this Article.

22 (d) If a county land reutilization land bank and a
23 municipality or township enters into an intergovernmental
24 agreement to implement a land reutilization program within the
25 boundaries of the municipality or township through the county
26 land reutilization land bank for the purposes of this Article,

1 any property acquired by a county land reutilization land bank
2 under such an intergovernmental agreement, other than the tax
3 foreclosure procedures, shall be subject to a priority right
4 of acquisition by the municipality or township in which the
5 property is located for a period of 30 days after the county
6 land reutilization land bank first records the deed evidencing
7 acquisition of such property with the county recorder. A
8 municipality or township claiming a priority right of
9 acquisition shall file, and the county recorder shall record,
10 an instrument evidencing such right within the 30-day period.
11 The instrument shall include the name and address of the
12 applicable municipality or township, the parcel or other
13 identifying number, and an affirmative statement by the
14 municipality or township that it intends to acquire the
15 property. If the municipality or township records such an
16 instrument within the 30-day period, then the priority right
17 of acquisition shall be effective for a period of 90 days after
18 the instrument is recorded. If the municipality or township
19 does not record the instrument expressing its intent to
20 acquire the property or, if having timely recorded such
21 instrument does not thereafter acquire and record a deed
22 within the 90-day period following the recording of its intent
23 to acquire the property, then the county land reutilization
24 land bank may dispose of such property free and clear of any
25 claim or interest of such municipality or township. If a
26 municipality or township does not record an instrument of

1 intent to acquire property within the 30-day period, or if a
2 municipality or township, after timely recording an instrument
3 of intent to acquire a parcel, does not thereafter acquire the
4 parcel within 90 days and record a deed subsequently with the
5 county recorder, the municipality or township has no
6 statutory, legal, or equitable claim or estate in property
7 acquired by the county land reutilization land bank. This
8 Section shall not be construed to constitute an exception to
9 free and clear title to the property held by a county land
10 reutilization land bank or any of its subsequent transferees,
11 or to preclude a county land reutilization land bank and any
12 municipality or township from entering into an agreement that
13 disposes of property on terms to which they may thereafter
14 mutually agree.

15 Section 10-10. Sale of nonproductive delinquent land to
16 reutilization unit.

17 (a) On and after the effective date of an ordinance or
18 intergovernmental agreement adopted pursuant to Section 10-5,
19 nonproductive land within a reutilization unit's boundaries
20 that the unit wishes to acquire and that has either been
21 advertised and offered for sale or is otherwise available for
22 acquisition pursuant to a foreclosure proceeding as provided
23 in Article 21 of the Property Tax Code, but is not sold for
24 want of a minimum bid, shall be sold or transferred to the
25 reutilization unit in the manner set forth in this Section and

1 Article 21 of the Property Tax Code.

2 (b) Upon receipt of an ordinance under Section 10-5, the
3 county auditor or county clerk shall compile and deliver to
4 the reutilization unit the delinquent property tax ledger of
5 land within the reutilization unit of which a foreclosure
6 proceeding under Article 21 of the Property Tax Code has been
7 instituted and is pending. The county auditor or county clerk
8 shall notify the reutilization unit of the identity of all
9 delinquent land within the reutilization unit whenever a
10 foreclosure proceeding pursuant to Article 21 of the Property
11 Tax Code is commenced with respect to that land that is not on
12 the delinquent property tax ledger last sent to the
13 reutilization unit.

14 (c) The reutilization unit may select from the delinquent
15 property tax ledger the delinquent lands that constitute
16 nonproductive lands that it will acquire and shall notify the
17 county collector of its selection prior to the advertisement
18 and sale of the nonproductive lands. Selected nonproductive
19 lands subject to such foreclosure or forfeiture proceedings
20 that require a sale shall be advertised for sale and be sold,
21 without appraisal, as provided in Article 21 of the Property
22 Tax Code. Except for properties being redeemed under Division
23 7 of Article 21 of the Property Tax Code, all nonproductive
24 lands so selected, when advertised for sale pursuant to a
25 foreclosure proceeding, shall be advertised separately from
26 the advertisement applicable to other delinquent lands. The

1 minimum amount for which selected nonproductive lands will be
2 sold, including those lands subject to a foreclosure
3 proceeding, as specified in the advertisement for sale, shall
4 equal the sum of the taxes, assessments, charges, penalties,
5 interest, and costs due on the parcel as determined under
6 Article 21 of the Property Tax Code. The advertisement
7 relating to the selected nonproductive lands also shall
8 include a statement that the lands have been determined by the
9 reutilization unit to be nonproductive lands and that, if no
10 bid for the appropriate amount specified in this Section is
11 received, such lands shall be sold or transferred to the
12 reutilization unit.

13 (d) If any nonproductive land selected by a reutilization
14 unit is advertised and offered for sale at one sale pursuant to
15 this Section but is not sold for want of a minimum bid, the
16 reutilization unit that selected the nonproductive land shall
17 be deemed to have submitted the winning bid at such sale, and
18 the land is deemed sold to the reutilization unit for no
19 consideration other than the amounts charged under subsection
20 (e) and (f). If more than one reutilization unit selects the
21 same parcel or parcels of land, the unit that first notifies
22 the county collector of such selection shall be the
23 reutilization unit deemed to have submitted the winning bid
24 under this Section. The county collector conducting the sale
25 shall announce the bid of the reutilization unit at the sale
26 and shall report the proceedings to the court for confirmation

1 of sale.

2 (e) Upon the sale or transfer of any nonproductive land to
3 a reutilization unit, the county collector shall charge the
4 costs, as determined by the court, incurred in the foreclosure
5 proceeding instituted under Article 21 of the Property Tax
6 Code and applicable to the nonproductive land to the taxing
7 districts, including the reutilization unit, in direct
8 proportion to their interest in the taxes, assessments,
9 charges, penalties, and interest on the nonproductive land due
10 and payable at the time the land was sold pursuant to the
11 foreclosure proceeding. The interest of each taxing district
12 in the taxes, assessments, charges, penalties, and interest on
13 the nonproductive land shall bear the same proportion to the
14 amount of those taxes, assessments, charges, penalties, and
15 interest that the amount of taxes levied by each district
16 against the nonproductive land in the preceding tax year bears
17 to the taxes levied by all such districts against the
18 nonproductive land in the preceding tax year, except that the
19 reutilization unit shall be deemed to have the proportionate
20 interest of the governmental unit or units that created the
21 reutilization unit in the taxes, assessments, charges,
22 penalties, and interest on the nonproductive land in that
23 governmental unit or units. The collector shall retain at the
24 next apportionment the amount charged to each such taxing
25 district, except that in the case of nonproductive land sold
26 or transferred to a reutilization unit, the auditor shall

1 provide an invoice to the reutilization unit for the amount
2 charged to it.

3 (f) The county collector conducting the sale shall execute
4 and record a deed conveying title to the land upon the filing
5 of the entry of the confirmation of sale, unless the
6 nonproductive land is redeemed under Division 7 of Article 21
7 of the Property Tax Code. Once the deed has been recorded, the
8 collector shall deliver the deed to the reutilization unit;
9 thereupon, title to the land is incontestable in the
10 reutilization unit and free and clear of all liens and
11 encumbrances, except those easements and covenants of record
12 running with the land and created prior to the time at which
13 the taxes or assessments, for the nonpayment of which the land
14 is sold or transferred at foreclosure, became due and payable.

15 When title to a parcel of land upon which a lien has been
16 placed under Article 21 of the Property Tax Code is
17 transferred to a reutilization unit under this Section, the
18 lien on the parcel shall be extinguished if the lien is for
19 costs or charges that were incurred before the date of the
20 transfer to the unit and if the unit did not incur the costs or
21 charges, regardless of whether the lien was attached or the
22 costs or charges were certified before the date of transfer.
23 In such a case, the unit and its successors in title shall take
24 title to the property free and clear of any such lien and shall
25 be immune from liability in any action to collect such costs or
26 charges.

1 If a reutilization unit takes title to property under this
2 Section before any costs or charges have been certified or any
3 lien has been placed with respect to the property under
4 Article 21 of the Property Tax Code, the unit shall be deemed a
5 bona fide purchaser for value without knowledge of such costs
6 or lien, regardless of whether the unit had actual or
7 constructive knowledge of the costs or lien, and any such lien
8 shall be void and unenforceable against the unit and its
9 successors in title.

10 At the time of the sale or transfer, the collector shall
11 collect and the reutilization unit shall pay the fee required
12 by law for transferring and recording of deeds.

13 The title is not invalid because of any irregularity,
14 informality, or omission of any proceeding or in any processes
15 of taxation if such irregularity, informality, or omission
16 does not abrogate any provision for notice to holders of
17 title, lien, or mortgage to, or other interests in, the
18 foreclosed lands.

19 Section 10-15. Petition to vacate transfer of delinquent
20 land by reutilization unit.

21 (a) If, in any foreclosure proceeding initiated under
22 Article 21 of the Property Tax Code, a county board of review
23 or circuit court issues an order of foreclosure, order of
24 sale, or confirmation of sale that transfers a delinquent land
25 to a reutilization unit, the reutilization unit may file a

1 petition with the board or court to vacate the order or
2 confirmation of sale on the basis that such reutilization unit
3 does not wish to acquire the land. The reutilization unit may
4 file such a petition notwithstanding any prior request by the
5 reutilization unit or a party acting on behalf of the
6 reutilization unit to acquire the land.

7 If the reutilization unit files the petition within 60
8 days after the order or confirmation of sale, the board or
9 court shall vacate the order or confirmation of sale. If the
10 reutilization unit files the petition more than 60 days after
11 the order or confirmation of sale, the board or court may
12 vacate the order or confirmation of sale at its discretion
13 based upon clerical mistakes; mistake, inadvertence, surprise,
14 or excusable neglect; newly discovered evidence which by due
15 diligence could not have been discovered in time for the prior
16 proceedings; fraud, misrepresentation, or other misconduct of
17 an adverse party; or any other reason justifying relief from
18 the judgment.

19 (b) A reutilization unit that files a petition under
20 subsection (a) shall not be required to intervene in the
21 proceeding to which the petition relates, but shall file the
22 petition in the same manner as would a party to the action.
23 Upon filing the petition, the reutilization unit shall serve
24 notice of the petition upon all parties to the action, except
25 any party that previously failed to answer, plead, or appear
26 in the proceeding or that is deemed to be in default.

1 (c) Upon the vacation of a order or confirmation of sale
2 under subsection (a), the circuit court or board of review
3 shall reinstate the proceeding and schedule any further
4 hearing or disposition required by law. The court or board
5 shall not issue any further order or confirmation of sale
6 transferring the delinquent land to the reutilization unit
7 unless the reutilization unit petitions the court or board to
8 acquire the land under Section 10-10 at least 7 days before a
9 scheduled final hearing or sale of the land pursuant to the
10 proceeding. In such a case, the reutilization unit shall not
11 file, and the court or board shall not approve, any subsequent
12 petition to vacate a order or confirmation of sale
13 transferring the land to the reutilization unit.

14 Section 10-20. Selection of forfeited lands that
15 constitute nonproductive lands that reutilization unit wishes
16 to acquire.

17 (a) Upon receipt of an ordinance adopted pursuant to
18 Section 10-5, the county auditor or county clerk shall include
19 in the delinquent tax ledger a list of all delinquent lands
20 within a reutilization unit's boundaries that have been
21 forfeited to the State pursuant to Article 21 of the Property
22 Tax Code and thereafter shall notify the reutilization unit of
23 any additions to or deletions from such list.

24 The reutilization unit may select from such lists the
25 forfeited lands that constitute nonproductive lands that the

1 unit wishes to acquire, and shall notify the county collector
2 of its selection prior to the advertisement and sale of such
3 lands. The selected nonproductive lands shall be advertised
4 for sale and be sold to the highest bidder for an amount at
5 least sufficient to pay the amount determined under Article 21
6 of the Property Tax Code. All nonproductive lands forfeited to
7 the State and selected by a reutilization unit, when
8 advertised for sale pursuant to the relevant procedures, shall
9 be advertised separately from the advertisement applicable to
10 other forfeited lands. The advertisement relating to the
11 selected nonproductive lands also shall include a statement
12 that the lands have been selected by the reutilization unit as
13 nonproductive lands that it wishes to acquire and that, if at
14 the forfeiture sale no bid for the sum of the taxes,
15 assessments, charges, penalties, interest, and costs due on
16 the parcel is received, the lands shall be sold to the
17 reutilization unit.

18 (b) If any nonproductive land that has been forfeited to
19 the State and selected by a reutilization unit is advertised
20 and offered for sale by the collector pursuant to Article 21 of
21 the Property Tax Code, but no minimum bid is received, the
22 reutilization unit shall be deemed to have submitted the
23 winning bid, and the land is deemed sold to the reutilization
24 unit for no consideration other than the fee charged under
25 subsection (c). If more than one reutilization unit selects
26 the same parcel or parcels of land, the reutilization unit

1 deemed to have submitted the winning bid under this subsection
2 shall be determined as provided in subsection (d) of Section
3 10-10.

4 The collector shall announce the bid at the sale and shall
5 declare the selected nonproductive land to be sold to the
6 reutilization unit. The land shall be sold and transferred to
7 the reutilization unit as provided in Section 21 of the
8 Property Tax Code.

9 (c) Upon transfer of the nonproductive land to the
10 reutilization unit under subsection (b), all previous title is
11 extinguished, and the title in the reutilization unit is
12 incontestable and free and clear from all liens and
13 encumbrances, except taxes and special assessments that are
14 not due at the time of the sale and any easements and covenants
15 of record running with the land and created prior to the time
16 at which the taxes or assessments, for the nonpayment of which
17 the nonproductive land was forfeited, became due and payable.

18 When title to a parcel of land upon which a lien has been
19 placed under Article 21 of the Property Tax Code is
20 transferred to a reutilization unit under this Section, the
21 lien on the parcel shall be extinguished if the lien is for
22 costs or charges that were incurred before the date of the
23 transfer to the unit and if the unit did not incur the costs or
24 charges, regardless of whether the lien was attached or the
25 costs or charges were certified before the date of transfer.
26 In such a case, the unit and its successors in title shall take

1 title to the property free and clear of any such lien and shall
2 be immune from liability in any action to collect such costs or
3 charges.

4 If a reutilization unit takes title to property before any
5 costs or charges have been certified or any lien has been
6 placed with respect to the property under Article 21 of the
7 Property Tax Code, the unit shall be deemed a bona fide
8 purchaser for value without knowledge of such costs or lien,
9 regardless of whether the unit had actual or constructive
10 knowledge of the costs or lien, and any such lien shall be void
11 and unenforceable against the unit and its successors in
12 title.

13 At the time of the sale, the collector shall collect and
14 the reutilization unit shall pay the fee required by law for
15 transferring and recording of deeds, incurred in any
16 proceeding instituted under Article 21 of the Property Tax
17 Code or incurred as a result of the forfeiture and sale of the
18 nonproductive land to the taxing districts, including the
19 reutilization unit, in direct proportion to their interest in
20 the taxes, assessments, charges, interest, and penalties on
21 the nonproductive land due and payable at the time the land was
22 sold at the forfeiture sale. The interest of each taxing
23 district in the taxes, assessments, charges, penalties, and
24 interest on the nonproductive land shall bear the same
25 proportion to the amount of those taxes, assessments, charges,
26 penalties, and interest that the amount of taxes levied by

1 each district against the nonproductive land in the preceding
2 tax year bears to the taxes levied by all such districts
3 against the nonproductive land in the preceding tax year,
4 except that the reutilization unit shall be deemed to have the
5 proportionate interest of the governmental unit or units that
6 created the reutilization unit in the taxes, assessments,
7 charges, penalties, and interest on the nonproductive land in
8 the governmental unit or units. The collector shall retain at
9 the next apportionment the amount charged to each such taxing
10 district, except that in the case of nonproductive land
11 conveyed to a reutilization unit the collector shall invoice
12 the unit the amount charged to it.

13 (d) If no unit of local government, including a
14 reutilization unit, has requested to purchase a parcel of land
15 at a foreclosure sale, any lands otherwise forfeited to the
16 State for want of a bid at the foreclosure sale may, upon the
17 request of a reutilization unit, be transferred directly to
18 the reutilization unit without appraisal or public bidding.

19 Section 10-25. Title to land incontestable after one year
20 from recording of deed. Whenever nonproductive land is sold
21 under Section 10-10, 10-15, or 10-20 to a reutilization unit,
22 no action shall be commenced, nor shall any defense be
23 asserted, after one year from the date the deed conveying such
24 land to the reutilization unit is recorded, to question the
25 validity of the title vested in the reutilization unit by such

1 sale for any irregularity, informality, or omission in the
2 proceedings relative to the foreclosure, forfeiture, or sale
3 of such nonproductive land to the reutilization unit.

4 Section 10-30. Land management in the reutilization
5 program. A reutilization unit, other than a county land
6 reutilization land bank, shall assume possession and control
7 of any nonproductive land acquired by it under Section 10-10,
8 10-15, 10-20, or 10-50 and any other land it acquires as a part
9 of its land reutilization program. The reutilization unit
10 shall hold and administer such property for the benefit of
11 itself and of other taxing districts having an interest in the
12 taxes, assessments, charges, interest, and penalties due and
13 owing thereon at the time of the property's acquisition by the
14 reutilization unit. In its administration of such
15 nonproductive land as a part of a land reutilization program,
16 the reutilization unit shall:

17 (1) Manage, maintain, and protect, or temporarily use
18 for a public purpose such land in such manner as it deems
19 appropriate.

20 (2) Compile and maintain a written inventory of all
21 such land. The inventory shall be available for public
22 inspection and distribution at all times.

23 (3) Study, analyze, and evaluate potential, present,
24 and future uses for such land which would provide for the
25 effective reutilization of the nonproductive land.

1 (4) Plan for, and use its best efforts to consummate,
2 the sale or other disposition of such land at such times
3 and upon such terms and conditions as it deems appropriate
4 to the fulfillment of the purposes and objectives of its
5 land reutilization program.

6 (5) Establish and maintain records and accounts
7 reflecting all transactions, expenditures, and revenues
8 relating to its land reutilization program, including
9 separate itemizations of all transactions, expenditures,
10 and revenues concerning each individual parcel of real
11 property acquired as a part of such program.

12 Section 10-35. Sale of land acquired in land reutilization
13 program.

14 (a) As used in this Section, "fair market value" means the
15 appraised value of the nonproductive land made with reference
16 to such redevelopment and reutilization restrictions as may be
17 imposed by the reutilization unit as a condition of sale or as
18 may be otherwise applicable to such land.

19 (b) A reutilization unit may, without competitive bidding,
20 sell any land acquired by it as a part of its land
21 reutilization program at such times, to such persons, and upon
22 such terms and conditions, and subject to such restrictions
23 and covenants as it deems necessary or appropriate to assure
24 the land's effective reutilization. Such land shall be sold at
25 not less than its fair market value. However, upon the

1 approval of the governing boards of those taxing districts
2 entitled to share in the proceeds from the sale thereof, the
3 reutilization unit may either retain such land for devotion by
4 it to public use, or sell, lease, or otherwise transfer any
5 such land to another unit of local government for the devotion
6 to public use by such unit of local government for a
7 consideration less than fair market value.

8 Whenever a reutilization unit sells any land acquired as
9 part of its land reutilization program for an amount equal to
10 or greater than fair market value, it shall execute and
11 deliver all agreements and instruments incident thereto. The
12 reutilization unit may execute and deliver all agreements and
13 instruments without procuring any approval, consent,
14 conveyance, or other instrument from any other person or
15 entity, including the other taxing districts entitled to share
16 in the proceeds from the sale thereof.

17 A reutilization unit may, for purposes of land
18 disposition, consolidate, assemble, or subdivide individual
19 parcels of land acquired as part of its land reutilization
20 program.

21 Section 10-40. Disposing of proceeds of sale. When a
22 reutilization unit sells any land acquired as a part of its
23 land reutilization program, the proceeds from such sale shall
24 be applied and distributed in the following order:

25 (1) To the reutilization unit in reimbursement of its

1 expenses incurred on account of the acquisition,
2 administration, management, maintenance, and disposition
3 of such land, and such other expenses of the land
4 reutilization program as the reutilization unit may
5 apportion to such land.

6 (2) To the county treasurer to reimburse those taxing
7 districts to which the county auditor charged the costs of
8 foreclosure pursuant to Section 10-15, or costs of
9 forfeiture pursuant to Section 10-20. If the proceeds of
10 the sale of the nonproductive lands, after making the
11 payment required under this Section, are not sufficient to
12 reimburse the full amounts charged to taxing districts as
13 costs under Section 10-15 or 10-20, the balance of the
14 proceeds shall be used to reimburse the taxing districts
15 in the same proportion as the costs were charged.

16 (3) To the county treasurer for distribution to the
17 taxing districts charged costs under Section 10-15 or
18 10-20, in the same proportion as they were charged costs
19 by the county collector, an amount representing both of
20 the following:

21 (A) the taxes, assessments, charges, penalties,
22 and interest due and owing on such land as of the date
23 of acquisition by the reutilization unit; and

24 (B) the taxes, assessments, charges, penalties,
25 and interest that would have been due and payable with
26 respect to such land from such date of acquisition

1 were such land not exempt from taxation pursuant to
2 Section 10-55.

3 (4) The balance, if any, to be retained by the
4 reutilization unit for application to the payment of costs
5 and expenses of its land reutilization program.

6 Section 10-45. Committee of representatives of taxing
7 districts; neighborhood advisory committee.

8 (a) A reutilization unit shall keep all taxing districts
9 having an interest in the taxes, assessments, charges,
10 interest, and penalties on the real property acquired as part
11 of the land reutilization program informed concerning the
12 administration of its land reutilization program and may
13 establish a committee comprised of a representative of each
14 such taxing district. Each member of the committee shall be
15 appointed by, and serve at the pleasure of, the taxing
16 district the member represents. A representative may be an
17 employee of the taxing district. All members shall serve
18 without compensation. The committee may meet in person or by
19 electronic or telephonic means, at the discretion of the
20 reutilization unit, at least annually to review the operations
21 of the land reutilization program and to advise the
22 reutilization unit concerning any matter relating to such
23 program which comes before the committee.

24 (b) A reutilization unit, as a part of its land
25 reutilization program, may establish separate neighborhood

1 advisory committees consisting of persons living or owning
2 property within each neighborhood affected by the program. The
3 reutilization unit shall determine the boundaries of each
4 neighborhood and which neighborhoods are affected by the
5 program. Each neighborhood advisory committee shall be
6 appointed by the chief executive officer of the reutilization
7 unit for 2-year overlapping terms and shall be composed of at
8 least 3 persons. The reutilization unit shall consult with
9 each neighborhood advisory committee at least annually to
10 review the operations of the land reutilization program and to
11 receive the advice of the members of the neighborhood advisory
12 committee concerning any matter relating to the program which
13 comes before the committees, including a specific interim use
14 plan for the land.

15 Section 10-50. Accepting conveyance in lieu of
16 foreclosure. A reutilization unit may accept a conveyance in
17 lieu of foreclosure of delinquent land from the owners
18 thereof. Such conveyance may only be accepted with the consent
19 of the county collector if acting under foreclosure or
20 forfeiture proceedings under Article 21 of the Property Tax
21 Code. If a reutilization unit certifies to the collector in
22 writing that the delinquent land is abandoned property, the
23 collector shall consent to the conveyance. If the
24 reutilization unit does not certify to the collector in
25 writing that the delinquent land is abandoned property, the

1 collector may consent to the conveyance for any purpose
2 authorized in this Article. The owners or the reutilization
3 unit shall pay, as agreed between the owner and reutilization
4 unit, all expenses incurred by the county in connection with
5 any foreclosure or forfeiture proceeding filed pursuant to
6 Article 21 of the Property Tax Code relative to such land. The
7 owner shall present the reutilization unit with satisfactory
8 evidence that the reutilization unit will obtain by such
9 conveyance fee simple title to such delinquent land. Unless
10 otherwise agreed to by the reutilization unit accepting the
11 conveyance, the title shall be free and clear of all liens and
12 encumbrances, except such easements and covenants of record
13 running with the land as were created prior to the time of the
14 conveyance and delinquent taxes, assessments, penalties,
15 interest, and charges, and taxes and special assessments that
16 are a lien on the real property at the time of the conveyance.

17 Real property acquired by a reutilization unit under this
18 Section shall not be subject to foreclosure or forfeiture
19 under Article 21 of the Property Tax Code. The sale or other
20 transfer, as authorized by Section 10-35, of real property
21 acquired under this Section shall extinguish the lien on the
22 title for all taxes, assessments, penalties, interest, and
23 charges delinquent at the time of the conveyance of the
24 delinquent land to the reutilization unit.

25 Section 10-55. Tax exemption for lands acquired. All lands

1 acquired and held by a reutilization unit pursuant to this
2 Article shall be deemed real property used for a public
3 purpose and shall be exempt from taxation until sold.

4 Section 10-60. Discontinuing land reutilization program. A
5 reutilization unit may discontinue its land reutilization
6 program at any time by repealing the provisions of the
7 ordinance enacted under Section 10-5 establishing the program,
8 but it shall continue to be governed by the procedures set
9 forth in this Article concerning the administration and
10 disposition of real property acquired as a part of its land
11 reutilization program until all such lands have been sold or
12 otherwise transferred and the proceeds thereof distributed in
13 compliance with this Article.

14 Section 10-65. Public auction of land after 15 years. Real
15 property acquired and held by a reutilization unit pursuant to
16 this Article that is not sold or otherwise transferred within
17 15 years after such acquisition shall be offered for sale at
18 public auction during the 16th year after acquisition. If the
19 real property is not sold at that time, it may be disposed of
20 or retained for any lawful purpose without further application
21 of this Article.

22 Notice of the sale shall contain a description of each
23 parcel, the parcel number, and the full street address when
24 available. The notice shall be published once a week for 3

1 consecutive weeks prior to the sale in a newspaper of general
2 circulation within the reutilization unit.

3 Each parcel, subsequent to the 15th year after its
4 acquisition as part of a land reutilization program, shall be
5 sold for an amount not less than the greater of:

6 (A) two-thirds of its fair market value; or

7 (B) the total amount of accrued taxes, assessments,
8 penalties, interest, charges, and costs incurred by the
9 reutilization unit in the acquisition, maintenance, and
10 disposal of each parcel and the parcel's share of the
11 costs and expenses of the land reutilization program.

12 Section 10-70. Removing unpaid taxes and assessments from
13 tax lists after purchase.

14 (a) When a reutilization unit purchases nonproductive land
15 under Section 10-10, 10-15, or 10-20, the county collector
16 shall remove from the collector's tax lists and duplicates all
17 taxes, assessments, charges, penalties, and interest that are
18 due and payable on the land at the time of the sale in the same
19 manner as if the property had been sold to any other buyer at
20 the foreclosure or forfeiture sale.

21 (b) The county collector shall certify to a reutilization
22 unit, other than a county land reutilization land bank, that
23 purchases nonproductive land under Section 10-10, 10-15, or
24 10-20 a record of all of the taxes, assessments, charges,
25 interest, and penalties that were due on the parcel at the time

1 of the sale; the taxing districts to which they were owed; and
2 the proportion of that amount that was owed to each taxing
3 district. Except with respect to a county land reutilization
4 land bank, the certification shall be used by such a
5 reutilization unit in distributing the proceeds of any sale of
6 the land in accordance with subparagraph (A) of paragraph (3)
7 of Section 10-40.

8 Section 10-75. Acquisition of tax-delinquent real property
9 for redevelopment free from lien for delinquent taxes.

10 (a) As used in this Section:

11 "Delinquent taxes" means the cumulative amount of
12 unpaid taxes, assessments, recoupment charges, penalties,
13 and interest charged against eligible delinquent land that
14 became delinquent before transfer of title to a
15 reutilization unit.

16 "Eligible delinquent land" means delinquent land
17 included in a delinquent tax ledger under Section 21-11 of
18 the Property Tax Code, excluding land for which a
19 certificate of purchase has been made and delivered under
20 Section 21-250 of the Property Tax Code.

21 "Foreclosure costs" means the sum of all costs or
22 other charges of publication, service of notice,
23 prosecution, or other proceedings against the land under
24 Article 21 of the Property Tax Code as may pertain to
25 delinquent land or be fairly apportioned to it by the

1 county treasurer.

2 "Tax foreclosure sale" means a sale of delinquent land
3 pursuant to foreclosure proceedings under Article 21 of
4 the Property Tax Code.

5 "Taxing authority" means the governing body of any
6 taxing unit in which is located a parcel of eligible
7 delinquent land acquired or to be acquired by a
8 reutilization unit in which a declaration under subsection
9 (b) is in effect.

10 (b) The board of directors of a reutilization unit may
11 declare by resolution that it is in the public interest for the
12 reutilization unit to acquire tax-delinquent real property
13 within the governmental unit that organized the reutilization
14 unit for the public purpose of redeveloping the property or
15 otherwise rendering it suitable for productive, tax-paying
16 use. If a reutilization unit has made such a declaration, the
17 reutilization unit may purchase or otherwise acquire title to
18 eligible delinquent land, other than by appropriation, and the
19 title shall pass free and clear of the lien for delinquent
20 taxes as provided in subsection (d).

21 (c) With respect to any parcel of eligible delinquent land
22 purchased or acquired by a reutilization unit in which a
23 declaration is in effect under this Section, the reutilization
24 unit may obtain the consent of each taxing authority for
25 release of any claim on the delinquent taxes and associated
26 costs attaching to that property at the time of conveyance to

1 the reutilization unit. Consent shall be obtained in writing,
2 and shall be certified by the taxing authority granting
3 consent or by the fiscal officer or other person authorized by
4 the taxing authority to provide such consent. Consent may be
5 obtained before or after title to the eligible delinquent land
6 is transferred to the reutilization unit.

7 The taxing authority of a taxing unit and a reutilization
8 unit in which a declaration is in effect under this Section may
9 enter into an agreement whereby the taxing authority consents
10 in advance to release of the taxing authority's claim on
11 delinquent taxes and associated costs with respect to all or a
12 specified number of parcels of eligible delinquent land that
13 may be purchased or acquired by the reutilization unit for the
14 purposes of this Section. The agreement shall provide for: any
15 terms and conditions on the release of such claim as are
16 mutually agreeable to the taxing authority and reutilization
17 unit, including any notice to be provided by the reutilization
18 unit to the taxing authority of the purchase or acquisition of
19 eligible delinquent land situated in the taxing unit; any
20 option vesting in the taxing authority to revoke its release
21 with respect to any parcel of eligible delinquent land before
22 the release becomes effective; and the manner in which notice
23 of such revocation shall be effected. Nothing in this Section
24 or in such an agreement shall be construed to bar a taxing
25 authority from revoking its advance consent with respect to
26 any parcels of eligible delinquent land purchased or acquired

1 by the reutilization unit before the reutilization unit enters
2 into a purchase or other agreement for acquisition of the
3 parcels.

4 (d) The lien for the delinquent taxes and associated costs
5 for which all of the taxing authorities have consented to
6 release their claims under this Section is hereby
7 extinguished, and the transfer of title to such delinquent
8 land to the reutilization unit shall be transferred free and
9 clear of the lien for such taxes and costs. If a taxing
10 authority does not consent to the release of its claim on
11 delinquent taxes and associated costs, the entire amount of
12 the lien for such taxes and costs shall continue as otherwise
13 provided by law until paid or otherwise discharged according
14 to law.

15 (e) All eligible delinquent land acquired by a
16 reutilization unit under this Section is real property held
17 for a public purpose and is exempted from taxation until the
18 reutilization unit sells or otherwise disposes of property.

19 (f) If a reutilization unit sells or otherwise disposes of
20 delinquent land it purchased or acquired and for which all or a
21 portion of a taxing authority's claim for delinquent taxes was
22 released under this Section, whether by consent of the taxing
23 authority or pursuant to subsection (d), the net proceeds from
24 such sale or disposition shall be used for such redevelopment
25 purposes the governing board of the reutilization unit.

1 Article 90. Amendatory Provisions.

2 Section 90-5. The Freedom of Information Act is amended by
3 changing Section 7 as follows:

4 (5 ILCS 140/7) (from Ch. 116, par. 207)

5 Sec. 7. Exemptions.

6 (1) When a request is made to inspect or copy a public
7 record that contains information that is exempt from
8 disclosure under this Section, but also contains information
9 that is not exempt from disclosure, the public body may elect
10 to redact the information that is exempt. The public body
11 shall make the remaining information available for inspection
12 and copying. Subject to this requirement, the following shall
13 be exempt from inspection and copying:

14 (a) Information specifically prohibited from
15 disclosure by federal or State law or rules and
16 regulations implementing federal or State law.

17 (b) Private information, unless disclosure is required
18 by another provision of this Act, a State or federal law or
19 a court order.

20 (b-5) Files, documents, and other data or databases
21 maintained by one or more law enforcement agencies and
22 specifically designed to provide information to one or
23 more law enforcement agencies regarding the physical or
24 mental status of one or more individual subjects.

1 (c) Personal information contained within public
2 records, the disclosure of which would constitute a
3 clearly unwarranted invasion of personal privacy, unless
4 the disclosure is consented to in writing by the
5 individual subjects of the information. "Unwarranted
6 invasion of personal privacy" means the disclosure of
7 information that is highly personal or objectionable to a
8 reasonable person and in which the subject's right to
9 privacy outweighs any legitimate public interest in
10 obtaining the information. The disclosure of information
11 that bears on the public duties of public employees and
12 officials shall not be considered an invasion of personal
13 privacy.

14 (d) Records in the possession of any public body
15 created in the course of administrative enforcement
16 proceedings, and any law enforcement or correctional
17 agency for law enforcement purposes, but only to the
18 extent that disclosure would:

19 (i) interfere with pending or actually and
20 reasonably contemplated law enforcement proceedings
21 conducted by any law enforcement or correctional
22 agency that is the recipient of the request;

23 (ii) interfere with active administrative
24 enforcement proceedings conducted by the public body
25 that is the recipient of the request;

26 (iii) create a substantial likelihood that a

1 person will be deprived of a fair trial or an impartial
2 hearing;

3 (iv) unavoidably disclose the identity of a
4 confidential source, confidential information
5 furnished only by the confidential source, or persons
6 who file complaints with or provide information to
7 administrative, investigative, law enforcement, or
8 penal agencies; except that the identities of
9 witnesses to traffic accidents, traffic accident
10 reports, and rescue reports shall be provided by
11 agencies of local government, except when disclosure
12 would interfere with an active criminal investigation
13 conducted by the agency that is the recipient of the
14 request;

15 (v) disclose unique or specialized investigative
16 techniques other than those generally used and known
17 or disclose internal documents of correctional
18 agencies related to detection, observation or
19 investigation of incidents of crime or misconduct, and
20 disclosure would result in demonstrable harm to the
21 agency or public body that is the recipient of the
22 request;

23 (vi) endanger the life or physical safety of law
24 enforcement personnel or any other person; or

25 (vii) obstruct an ongoing criminal investigation
26 by the agency that is the recipient of the request.

1 (d-5) A law enforcement record created for law
2 enforcement purposes and contained in a shared electronic
3 record management system if the law enforcement agency
4 that is the recipient of the request did not create the
5 record, did not participate in or have a role in any of the
6 events which are the subject of the record, and only has
7 access to the record through the shared electronic record
8 management system.

9 (e) Records that relate to or affect the security of
10 correctional institutions and detention facilities.

11 (e-5) Records requested by persons committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail if those
14 materials are available in the library of the correctional
15 institution or facility or jail where the inmate is
16 confined.

17 (e-6) Records requested by persons committed to the
18 Department of Corrections, Department of Human Services
19 Division of Mental Health, or a county jail if those
20 materials include records from staff members' personnel
21 files, staff rosters, or other staffing assignment
22 information.

23 (e-7) Records requested by persons committed to the
24 Department of Corrections or Department of Human Services
25 Division of Mental Health if those materials are available
26 through an administrative request to the Department of

1 Corrections or Department of Human Services Division of
2 Mental Health.

3 (e-8) Records requested by a person committed to the
4 Department of Corrections, Department of Human Services
5 Division of Mental Health, or a county jail, the
6 disclosure of which would result in the risk of harm to any
7 person or the risk of an escape from a jail or correctional
8 institution or facility.

9 (e-9) Records requested by a person in a county jail
10 or committed to the Department of Corrections or
11 Department of Human Services Division of Mental Health,
12 containing personal information pertaining to the person's
13 victim or the victim's family, including, but not limited
14 to, a victim's home address, home telephone number, work
15 or school address, work telephone number, social security
16 number, or any other identifying information, except as
17 may be relevant to a requester's current or potential case
18 or claim.

19 (e-10) Law enforcement records of other persons
20 requested by a person committed to the Department of
21 Corrections, Department of Human Services Division of
22 Mental Health, or a county jail, including, but not
23 limited to, arrest and booking records, mug shots, and
24 crime scene photographs, except as these records may be
25 relevant to the requester's current or potential case or
26 claim.

1 (f) Preliminary drafts, notes, recommendations,
2 memoranda and other records in which opinions are
3 expressed, or policies or actions are formulated, except
4 that a specific record or relevant portion of a record
5 shall not be exempt when the record is publicly cited and
6 identified by the head of the public body. The exemption
7 provided in this paragraph (f) extends to all those
8 records of officers and agencies of the General Assembly
9 that pertain to the preparation of legislative documents.

10 (g) Trade secrets and commercial or financial
11 information obtained from a person or business where the
12 trade secrets or commercial or financial information are
13 furnished under a claim that they are proprietary,
14 privileged, or confidential, and that disclosure of the
15 trade secrets or commercial or financial information would
16 cause competitive harm to the person or business, and only
17 insofar as the claim directly applies to the records
18 requested.

19 The information included under this exemption includes
20 all trade secrets and commercial or financial information
21 obtained by a public body, including a public pension
22 fund, from a private equity fund or a privately held
23 company within the investment portfolio of a private
24 equity fund as a result of either investing or evaluating
25 a potential investment of public funds in a private equity
26 fund. The exemption contained in this item does not apply

1 to the aggregate financial performance information of a
2 private equity fund, nor to the identity of the fund's
3 managers or general partners. The exemption contained in
4 this item does not apply to the identity of a privately
5 held company within the investment portfolio of a private
6 equity fund, unless the disclosure of the identity of a
7 privately held company may cause competitive harm.

8 Nothing contained in this paragraph (g) shall be
9 construed to prevent a person or business from consenting
10 to disclosure.

11 (h) Proposals and bids for any contract, grant, or
12 agreement, including information which if it were
13 disclosed would frustrate procurement or give an advantage
14 to any person proposing to enter into a contractor
15 agreement with the body, until an award or final selection
16 is made. Information prepared by or for the body in
17 preparation of a bid solicitation shall be exempt until an
18 award or final selection is made.

19 (i) Valuable formulae, computer geographic systems,
20 designs, drawings and research data obtained or produced
21 by any public body when disclosure could reasonably be
22 expected to produce private gain or public loss. The
23 exemption for "computer geographic systems" provided in
24 this paragraph (i) does not extend to requests made by
25 news media as defined in Section 2 of this Act when the
26 requested information is not otherwise exempt and the only

1 purpose of the request is to access and disseminate
2 information regarding the health, safety, welfare, or
3 legal rights of the general public.

4 (j) The following information pertaining to
5 educational matters:

6 (i) test questions, scoring keys and other
7 examination data used to administer an academic
8 examination;

9 (ii) information received by a primary or
10 secondary school, college, or university under its
11 procedures for the evaluation of faculty members by
12 their academic peers;

13 (iii) information concerning a school or
14 university's adjudication of student disciplinary
15 cases, but only to the extent that disclosure would
16 unavoidably reveal the identity of the student; and

17 (iv) course materials or research materials used
18 by faculty members.

19 (k) Architects' plans, engineers' technical
20 submissions, and other construction related technical
21 documents for projects not constructed or developed in
22 whole or in part with public funds and the same for
23 projects constructed or developed with public funds,
24 including, but not limited to, power generating and
25 distribution stations and other transmission and
26 distribution facilities, water treatment facilities,

1 airport facilities, sport stadiums, convention centers,
2 and all government owned, operated, or occupied buildings,
3 but only to the extent that disclosure would compromise
4 security.

5 (l) Minutes of meetings of public bodies closed to the
6 public as provided in the Open Meetings Act until the
7 public body makes the minutes available to the public
8 under Section 2.06 of the Open Meetings Act.

9 (m) Communications between a public body and an
10 attorney or auditor representing the public body that
11 would not be subject to discovery in litigation, and
12 materials prepared or compiled by or for a public body in
13 anticipation of a criminal, civil, or administrative
14 proceeding upon the request of an attorney advising the
15 public body, and materials prepared or compiled with
16 respect to internal audits of public bodies.

17 (n) Records relating to a public body's adjudication
18 of employee grievances or disciplinary cases; however,
19 this exemption shall not extend to the final outcome of
20 cases in which discipline is imposed.

21 (o) Administrative or technical information associated
22 with automated data processing operations, including, but
23 not limited to, software, operating protocols, computer
24 program abstracts, file layouts, source listings, object
25 modules, load modules, user guides, documentation
26 pertaining to all logical and physical design of

1 computerized systems, employee manuals, and any other
2 information that, if disclosed, would jeopardize the
3 security of the system or its data or the security of
4 materials exempt under this Section.

5 (p) Records relating to collective negotiating matters
6 between public bodies and their employees or
7 representatives, except that any final contract or
8 agreement shall be subject to inspection and copying.

9 (q) Test questions, scoring keys, and other
10 examination data used to determine the qualifications of
11 an applicant for a license or employment.

12 (r) The records, documents, and information relating
13 to real estate purchase negotiations until those
14 negotiations have been completed or otherwise terminated.
15 With regard to a parcel involved in a pending or actually
16 and reasonably contemplated eminent domain proceeding
17 under the Eminent Domain Act, records, documents, and
18 information relating to that parcel shall be exempt except
19 as may be allowed under discovery rules adopted by the
20 Illinois Supreme Court. The records, documents, and
21 information relating to a real estate sale shall be exempt
22 until a sale is consummated.

23 (s) Any and all proprietary information and records
24 related to the operation of an intergovernmental risk
25 management association or self-insurance pool or jointly
26 self-administered health and accident cooperative or pool.

1 Insurance or self insurance (including any
2 intergovernmental risk management association or self
3 insurance pool) claims, loss or risk management
4 information, records, data, advice or communications.

5 (t) Information contained in or related to
6 examination, operating, or condition reports prepared by,
7 on behalf of, or for the use of a public body responsible
8 for the regulation or supervision of financial
9 institutions, insurance companies, or pharmacy benefit
10 managers, unless disclosure is otherwise required by State
11 law.

12 (u) Information that would disclose or might lead to
13 the disclosure of secret or confidential information,
14 codes, algorithms, programs, or private keys intended to
15 be used to create electronic or digital signatures under
16 the Electronic Commerce Security Act.

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a
20 community's population or systems, facilities, or
21 installations, the destruction or contamination of which
22 would constitute a clear and present danger to the health
23 or safety of the community, but only to the extent that
24 disclosure could reasonably be expected to jeopardize the
25 effectiveness of the measures or the safety of the
26 personnel who implement them or the public. Information

1 exempt under this item may include such things as details
2 pertaining to the mobilization or deployment of personnel
3 or equipment, to the operation of communication systems or
4 protocols, or to tactical operations.

5 (w) (Blank).

6 (x) Maps and other records regarding the location or
7 security of generation, transmission, distribution,
8 storage, gathering, treatment, or switching facilities
9 owned by a utility, by a power generator, or by the
10 Illinois Power Agency.

11 (y) Information contained in or related to proposals,
12 bids, or negotiations related to electric power
13 procurement under Section 1-75 of the Illinois Power
14 Agency Act and Section 16-111.5 of the Public Utilities
15 Act that is determined to be confidential and proprietary
16 by the Illinois Power Agency or by the Illinois Commerce
17 Commission.

18 (z) Information about students exempted from
19 disclosure under Sections 10-20.38 or 34-18.29 of the
20 School Code, and information about undergraduate students
21 enrolled at an institution of higher education exempted
22 from disclosure under Section 25 of the Illinois Credit
23 Card Marketing Act of 2009.

24 (aa) Information the disclosure of which is exempted
25 under the Viatical Settlements Act of 2009.

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review
2 team appointed under the Department of Juvenile Justice
3 Mortality Review Team Act.

4 (cc) Information regarding interments, entombments, or
5 inurnments of human remains that are submitted to the
6 Cemetery Oversight Database under the Cemetery Care Act or
7 the Cemetery Oversight Act, whichever is applicable.

8 (dd) Correspondence and records (i) that may not be
9 disclosed under Section 11-9 of the Illinois Public Aid
10 Code or (ii) that pertain to appeals under Section 11-8 of
11 the Illinois Public Aid Code.

12 (ee) The names, addresses, or other personal
13 information of persons who are minors and are also
14 participants and registrants in programs of park
15 districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations.

18 (ff) The names, addresses, or other personal
19 information of participants and registrants in programs of
20 park districts, forest preserve districts, conservation
21 districts, recreation agencies, and special recreation
22 associations where such programs are targeted primarily to
23 minors.

24 (gg) Confidential information described in Section
25 1-100 of the Illinois Independent Tax Tribunal Act of
26 2012.

1 (hh) The report submitted to the State Board of
2 Education by the School Security and Standards Task Force
3 under item (8) of subsection (d) of Section 2-3.160 of the
4 School Code and any information contained in that report.

5 (ii) Records requested by persons committed to or
6 detained by the Department of Human Services under the
7 Sexually Violent Persons Commitment Act or committed to
8 the Department of Corrections under the Sexually Dangerous
9 Persons Act if those materials: (i) are available in the
10 library of the facility where the individual is confined;
11 (ii) include records from staff members' personnel files,
12 staff rosters, or other staffing assignment information;
13 or (iii) are available through an administrative request
14 to the Department of Human Services or the Department of
15 Corrections.

16 (jj) Confidential information described in Section
17 5-535 of the Civil Administrative Code of Illinois.

18 (kk) The public body's credit card numbers, debit card
19 numbers, bank account numbers, Federal Employer
20 Identification Number, security code numbers, passwords,
21 and similar account information, the disclosure of which
22 could result in identity theft or impression or defrauding
23 of a governmental entity or a person.

24 (ll) ~~(kk)~~ Records concerning the work of the threat
25 assessment team of a school district.

26 (mm) Records identified under subsection (a) of

1 Section 5-30 of the Community Improvement Land Bank Act.

2 (1.5) Any information exempt from disclosure under the
3 Judicial Privacy Act shall be redacted from public records
4 prior to disclosure under this Act.

5 (2) A public record that is not in the possession of a
6 public body but is in the possession of a party with whom the
7 agency has contracted to perform a governmental function on
8 behalf of the public body, and that directly relates to the
9 governmental function and is not otherwise exempt under this
10 Act, shall be considered a public record of the public body,
11 for purposes of this Act.

12 (3) This Section does not authorize withholding of
13 information or limit the availability of records to the
14 public, except as stated in this Section or otherwise provided
15 in this Act.

16 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
17 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
18 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

19 Section 90-10. The Illinois Finance Authority Act is
20 amended by changing Sections 815-10, 815-20, 815-25, and
21 815-30 as follows:

22 (20 ILCS 3501/815-10)

23 Sec. 815-10. Definitions. The following terms, whenever
24 used or referred to in this Article, shall have the following

1 meanings ascribed to them, except where the context clearly
2 requires otherwise:

3 (a) "Property" means land, parcels or combination of
4 parcels, structures, and all improvements, easements and
5 franchises.

6 (b) "Redevelopment area" means any property which is a
7 contiguous area of at least 2 acres but less than 160 acres in
8 the aggregate located within one and one-half miles of the
9 corporate limits of a municipality and not included within any
10 municipality, where, (1) if improved, a substantial proportion
11 of the industrial, commercial and residential buildings or
12 improvements are detrimental to the public safety, health,
13 morals or welfare because of a combination of any of the
14 following factors: age; physical configuration; dilapidation;
15 structural or economic obsolescence; deterioration; illegal
16 use of individual structures; presence of structures below
17 minimum code standards; excessive and sustained vacancies;
18 overcrowding of structures and community facilities;
19 inadequate ventilation, light, sewer, water, transportation
20 and other infrastructure facilities; inadequate utilities;
21 excessive land coverage; deleterious land use or layout;
22 depreciation or lack of physical maintenance; and lack of
23 community planning; or (2) if vacant, the sound utilization of
24 land for industrial projects is impaired by a combination of 2
25 or more of the following factors: obsolete platting of the
26 vacant land; diversity of ownership of such land; tax and

1 special assessment delinquencies on such land; and
2 deterioration of structures or site improvements in
3 neighboring areas to the vacant land, or the area immediately
4 prior to becoming vacant qualified as a redevelopment improved
5 area; or (3) if an improved area within the boundaries of a
6 development project is located within the corporate limits of
7 the municipality in which 50% or more of the structures in the
8 area have an age of 35 years or more, such area does not
9 qualify under clause (1) but is detrimental to the public
10 safety, health, morals or welfare and such area may become a
11 redevelopment area pursuant to clause (1) because of a
12 combination of 3 or more of the factors specified in clause
13 (1).

14 (c) "Enterprise" means an individual, corporation,
15 partnership, joint venture, trust, estate, or unincorporated
16 association.

17 (d) "Development plan" means the comprehensive program of
18 the Authority and the participating entity to reduce or
19 eliminate those conditions the existence of which qualified
20 the project area as a redevelopment area. Each development
21 plan shall set forth in writing the program to be undertaken to
22 accomplish such objectives and shall include, without
23 limitation, estimated development project costs, the sources
24 of funds to pay costs, the nature and term of any obligations
25 to be issued, the most recent equalized assessed valuation of
26 the project area, an estimate as to the equalized assessed

1 valuation after development and the general land uses to apply
2 in the project area.

3 (e) "Development project" means any project in furtherance
4 of the objectives of a development plan, including any
5 building or buildings or building addition or other structures
6 to be newly constructed, renovated or improved and suitable
7 for use by an enterprise as an industrial project, and
8 includes the sites and other rights in the property on which
9 such buildings or structures are located.

10 (f) "Participating entity" means a municipality, a local
11 industrial development agency or an enterprise or any
12 combination thereof.

13 (g) "Community improvement land bank" has the meaning
14 given to that term in Section 1-5 of the Community Improvement
15 Land Bank Act.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 (20 ILCS 3501/815-20)

18 Sec. 815-20. Powers and Duties.

19 (a) The Authority shall have the following powers with
20 respect to redevelopment areas:

21 (1) To acquire and possess property in a redevelopment
22 area;

23 (2) To clear any such areas so acquired by demolition
24 of existing structures and buildings and to make necessary
25 improvements to the property essential to its reuse in

1 conformity with a development plan; and

2 (3) To convey property for use in accordance with a
3 development plan.

4 (b) Before acquiring property under this Section the
5 Authority shall hold a public hearing after notice published
6 in a newspaper of general circulation in the county in which
7 the property is located and shall find:

8 (1) The property is in a redevelopment area;

9 (2) Such acquisition or possession is necessary or
10 reasonably required to retain existing enterprises or
11 attract new enterprises and to promote sound economic
12 growth and to carry out the purposes of Section 815-5
13 through 815-30 of this Act;

14 (3) The assembly of property is not unduly competitive
15 with similar assemblies by private enterprise or community
16 improvement land banks in the area or surrounding areas;
17 and

18 (4) The participating entity, without the involvement
19 of the Authority, would be unlikely, unwilling or unable
20 to undertake such redevelopment of the property as was
21 necessary for economic development.

22 (c) No property may be acquired by the Authority unless
23 the acquisition is consented to by resolution of the corporate
24 authorities of the municipality with jurisdiction over the
25 property under Section 11-12-6 of the Municipal Code.

26 (d) The Authority may acquire any interest in property in

1 a redevelopment area by purchase, lease, or gift, but shall
2 not have the power of condemnation.

3 (e) No property shall be acquired under this Section
4 unless the Authority has adopted a development plan under the
5 provisions of Section 815-25.

6 (Source: P.A. 93-205, eff. 1-1-04.)

7 (20 ILCS 3501/815-25)

8 Sec. 815-25. Development Plans.

9 (a) No development plan shall be approved by the Authority
10 unless after a public hearing held upon notice published in a
11 newspaper of general circulation in the county where the
12 property is located, the Authority finds:

13 (1) The plan provides for projects which will reduce
14 unemployment;

15 (2) The redevelopment area on the whole has not been
16 subject to growth and development through investment by
17 private enterprise or community improvement land banks and
18 would not reasonably be anticipated to be developed
19 without the adoption of the development plan;

20 (3) The corporate authorities of the municipality with
21 jurisdiction over the property under Section 11-12-6 of
22 the Municipal Code have by resolution found that the
23 development plan conforms to the comprehensive plan of the
24 municipality;

25 (4) A participating entity has agreed to enter into

1 such contracts and other agreements as are necessary to
2 acquire, redevelop and improve the property in accordance
3 with the development plan;

4 (5) The acquisition of the property, its possession
5 and ultimate use according to the development plan can be
6 financed by participating entities and the Authority and
7 the development plan will be completed and all obligations
8 of the Authority incurred in connection with the
9 redevelopment plan will be retired within 20 years from
10 the Authority's approval of the development plan; and

11 (6) The development plan meets such other requirements
12 as the Authority may establish by rule.

13 (b) The Authority may dispose of any property which is the
14 subject of a development plan in such manner, whether by sale,
15 lease or otherwise, and for such price, rental or other
16 consideration, including an amount not less than 2/3 of its
17 acquisition cost, payable over such term, and bearing interest
18 as to deferred payments, and secured in such manner, by
19 mortgage or otherwise, all as the Authority shall provide in
20 the development plan.

21 (c) Pending disposition of such land, any existing
22 property acquired by the Authority in the course of carrying
23 out the provisions of this Act may be adequately and properly
24 preserved, and may be maintained, leased or administered by
25 the Authority by a contract made by the Authority with any
26 participating entity, enterprise or individual with experience

1 in the area of property development, management or
2 administration.

3 (d) Whenever the Authority shall have approved a
4 development plan, the Authority may amend the development plan
5 from time to time in conformity with this Section.

6 (Source: P.A. 93-205, eff. 1-1-04.)

7 (20 ILCS 3501/815-30)

8 Sec. 815-30. Local Planning; Relocation Costs. The
9 Authority may arrange or contract with a municipality, ~~or~~
10 municipalities, or a community improvement land bank or land
11 banks for the planning, re-planning, opening, grading or
12 closing of streets, roads, alleys or other places or for the
13 furnishing of facilities or for the acquisition by the
14 municipality, ~~or~~ municipalities, or community improvement land
15 bank or land banks of property or property rights or for the
16 furnishing of property or services in connection with a
17 development project or projects. The Authority is hereby
18 authorized to pay the reasonable relocation costs, up to a
19 total of \$25,000 per relocatee, of persons and businesses
20 displaced as a result of carrying out a development plan as
21 authorized by this Article.

22 (Source: P.A. 93-205, eff. 1-1-04.)

23 Section 90-15. The Illinois State Auditing Act is amended
24 by changing Section 3-1 as follows:

1 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

2 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
3 General has jurisdiction over all State agencies to make post
4 audits and investigations authorized by or under this Act or
5 the Constitution.

6 The Auditor General has jurisdiction over local government
7 agencies and private agencies only:

8 (a) to make such post audits authorized by or under
9 this Act as are necessary and incidental to a post audit of
10 a State agency or of a program administered by a State
11 agency involving public funds of the State, but this
12 jurisdiction does not include any authority to review
13 local governmental agencies in the obligation, receipt,
14 expenditure or use of public funds of the State that are
15 granted without limitation or condition imposed by law,
16 other than the general limitation that such funds be used
17 for public purposes;

18 (b) to make investigations authorized by or under this
19 Act or the Constitution; ~~and~~

20 (c) to make audits of the records of local government
21 agencies to verify actual costs of state-mandated programs
22 when directed to do so by the Legislative Audit Commission
23 at the request of the State Board of Appeals under the
24 State Mandates Act; and-

25 (d) to audit annual financial reports of community

1 improvement land banks under Section 5-20 of the Community
2 Improvement Land Bank Act.

3 In addition to the foregoing, the Auditor General may
4 conduct an audit of the Metropolitan Pier and Exposition
5 Authority, the Regional Transportation Authority, the Suburban
6 Bus Division, the Commuter Rail Division and the Chicago
7 Transit Authority and any other subsidized carrier when
8 authorized by the Legislative Audit Commission. Such audit may
9 be a financial, management or program audit, or any
10 combination thereof.

11 The audit shall determine whether they are operating in
12 accordance with all applicable laws and regulations. Subject
13 to the limitations of this Act, the Legislative Audit
14 Commission may by resolution specify additional determinations
15 to be included in the scope of the audit.

16 In addition to the foregoing, the Auditor General must
17 also conduct a financial audit of the Illinois Sports
18 Facilities Authority's expenditures of public funds in
19 connection with the reconstruction, renovation, remodeling,
20 extension, or improvement of all or substantially all of any
21 existing "facility", as that term is defined in the Illinois
22 Sports Facilities Authority Act.

23 The Auditor General may also conduct an audit, when
24 authorized by the Legislative Audit Commission, of any
25 hospital which receives 10% or more of its gross revenues from
26 payments from the State of Illinois, Department of Healthcare

1 and Family Services (formerly Department of Public Aid),
2 Medical Assistance Program.

3 The Auditor General is authorized to conduct financial and
4 compliance audits of the Illinois Distance Learning Foundation
5 and the Illinois Conservation Foundation.

6 As soon as practical after the effective date of this
7 amendatory Act of 1995, the Auditor General shall conduct a
8 compliance and management audit of the City of Chicago and any
9 other entity with regard to the operation of Chicago O'Hare
10 International Airport, Chicago Midway Airport and Merrill C.
11 Meigs Field. The audit shall include, but not be limited to, an
12 examination of revenues, expenses, and transfers of funds;
13 purchasing and contracting policies and practices; staffing
14 levels; and hiring practices and procedures. When completed,
15 the audit required by this paragraph shall be distributed in
16 accordance with Section 3-14.

17 The Auditor General shall conduct a financial and
18 compliance and program audit of distributions from the
19 Municipal Economic Development Fund during the immediately
20 preceding calendar year pursuant to Section 8-403.1 of the
21 Public Utilities Act at no cost to the city, village, or
22 incorporated town that received the distributions.

23 The Auditor General must conduct an audit of the Health
24 Facilities and Services Review Board pursuant to Section 19.5
25 of the Illinois Health Facilities Planning Act.

26 The Auditor General of the State of Illinois shall

1 annually conduct or cause to be conducted a financial and
2 compliance audit of the books and records of any county water
3 commission organized pursuant to the Water Commission Act of
4 1985 and shall file a copy of the report of that audit with the
5 Governor and the Legislative Audit Commission. The filed audit
6 shall be open to the public for inspection. The cost of the
7 audit shall be charged to the county water commission in
8 accordance with Section 6z-27 of the State Finance Act. The
9 county water commission shall make available to the Auditor
10 General its books and records and any other documentation,
11 whether in the possession of its trustees or other parties,
12 necessary to conduct the audit required. These audit
13 requirements apply only through July 1, 2007.

14 The Auditor General must conduct audits of the Rend Lake
15 Conservancy District as provided in Section 25.5 of the River
16 Conservancy Districts Act.

17 The Auditor General must conduct financial audits of the
18 Southeastern Illinois Economic Development Authority as
19 provided in Section 70 of the Southeastern Illinois Economic
20 Development Authority Act.

21 The Auditor General shall conduct a compliance audit in
22 accordance with subsections (d) and (f) of Section 30 of the
23 Innovation Development and Economy Act.

24 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;
25 96-939, eff. 6-24-10.)

1 Section 90-20. The Property Tax Code is amended by adding
2 Sections 21-11 and 21-450 as follows:

3 (35 ILCS 200/21-11 new)

4 Sec. 21-11. Delinquent tax ledger; community improvement
5 land banks. If a county, municipality, or township makes an
6 election under subsection (a) of Section 10-5 of the Community
7 Improvement Land Bank Act and notifies the county auditor or,
8 if no county auditor, the county clerk, under subsection (c)
9 of that Section, the auditor or clerk shall create delinquent
10 property tax ledgers for the reutilization unit, as that term
11 is defined in the Community Improvement Land Bank Act, in a
12 form and manner prescribed by the auditor or clerk.

13 The auditor or clerk shall compile and deliver a copy of
14 the delinquent property tax ledger to the reutilization unit
15 as provided in subsection (b) of Section 10-10 and include in
16 such ledger a list as provided in subsection (a) of Section
17 10-20 of the Community Improvement land bank Act.

18 (35 ILCS 200/21-450 new)

19 Sec. 21-450. Community Improvement Land Bank Act. To the
20 extent that foreclosure or forfeiture proceedings under the
21 Community Improvement Land Bank Act conflict with this
22 Article, the procedures under the Community Improvement Land
23 Bank Act prevail.

1 Section 90-25. The Illinois Municipal Code is amended by
2 changing Section 11-74.4-3 as follows:

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

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

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

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

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

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

8 (B) Obsolescence. The condition or process of
9 falling into disuse. Structures have become ill-suited
10 for the original use.

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

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

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

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

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

24 (H) Inadequate utilities. Underground and overhead
25 utilities such as storm sewers and storm drainage,
26 sanitary sewers, water lines, and gas, telephone, and

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

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

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

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

18 (L) Lack of community planning. The proposed
19 redevelopment project area was developed prior to or
20 without the benefit or guidance of a community plan.
21 This means that the development occurred prior to the
22 adoption by the municipality of a comprehensive or
23 other community plan or that the plan was not followed
24 at the time of the area's development. This factor
25 must be documented by evidence of adverse or
26 incompatible land-use relationships, inadequate street

1 layout, improper subdivision, parcels of inadequate
2 shape and size to meet contemporary development
3 standards, or other evidence demonstrating an absence
4 of effective community planning.

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

18 (2) If vacant, the sound growth of the redevelopment
19 project area is impaired by a combination of 2 or more of
20 the following factors, each of which is (i) present, with
21 that presence documented, to a meaningful extent so that a
22 municipality may reasonably find that the factor is
23 clearly present within the intent of the Act and (ii)
24 reasonably distributed throughout the vacant part of the
25 redevelopment project area to which it pertains:

26 (A) Obsolete platting of vacant land that results

1 in parcels of limited or narrow size or configurations
2 of parcels of irregular size or shape that would be
3 difficult to develop on a planned basis and in a manner
4 compatible with contemporary standards and
5 requirements, or platting that failed to create
6 rights-of-ways for streets or alleys or that created
7 inadequate right-of-way widths for streets, alleys, or
8 other public rights-of-way or that omitted easements
9 for public utilities.

10 (B) Diversity of ownership of parcels of vacant
11 land sufficient in number to retard or impede the
12 ability to assemble the land for development.

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

16 (D) Deterioration of structures or site
17 improvements in neighboring areas adjacent to the
18 vacant land.

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

1 the remediation costs constitute a material impediment
2 to the development or redevelopment of the
3 redevelopment project area.

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

17 (3) If vacant, the sound growth of the redevelopment
18 project area is impaired by one of the following factors
19 that (i) is present, with that presence documented, to a
20 meaningful extent so that a municipality may reasonably
21 find that the factor is clearly present within the intent
22 of the Act and (ii) is reasonably distributed throughout
23 the vacant part of the redevelopment project area to which
24 it pertains:

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

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

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

13 (D) The area consists of an unused or illegal
14 disposal site containing earth, stone, building
15 debris, or similar materials that were removed from
16 construction, demolition, excavation, or dredge sites.

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

1 for that designated purpose.

2 (F) The area qualified as a blighted improved area
3 immediately prior to becoming vacant, unless there has
4 been substantial private investment in the immediately
5 surrounding area.

6 (b) For any redevelopment project area that has been
7 designated pursuant to this Section by an ordinance adopted
8 prior to November 1, 1999 (the effective date of Public Act
9 91-478), "conservation area" shall have the meaning set forth
10 in this Section prior to that date.

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

19 (1) Dilapidation. An advanced state of disrepair or
20 neglect of necessary repairs to the primary structural
21 components of buildings or improvements in such a
22 combination that a documented building condition analysis
23 determines that major repair is required or the defects
24 are so serious and so extensive that the buildings must be
25 removed.

26 (2) Obsolescence. The condition or process of falling

1 into disuse. Structures have become ill-suited for the
2 original use.

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

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

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

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

26 (7) Lack of ventilation, light, or sanitary

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

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

22 (9) Excessive land coverage and overcrowding of
23 structures and community facilities. The over-intensive
24 use of property and the crowding of buildings and
25 accessory facilities onto a site. Examples of problem
26 conditions warranting the designation of an area as one

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

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

19 (11) Lack of community planning. The proposed
20 redevelopment project area was developed prior to or
21 without the benefit or guidance of a community plan. This
22 means that the development occurred prior to the adoption
23 by the municipality of a comprehensive or other community
24 plan or that the plan was not followed at the time of the
25 area's development. This factor must be documented by
26 evidence of adverse or incompatible land-use

1 relationships, inadequate street layout, improper
2 subdivision, parcels of inadequate shape and size to meet
3 contemporary development standards, or other evidence
4 demonstrating an absence of effective community planning.

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

16 (13) The total equalized assessed value of the
17 proposed redevelopment project area has declined for 3 of
18 the last 5 calendar years for which information is
19 available or is increasing at an annual rate that is less
20 than the 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 by
24 the United States Department of Labor or successor agency
25 for 3 of the last 5 calendar years for which information is
26 available.

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

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

21 (e) "Labor surplus municipality" means a municipality in
22 which, at any time during the 6 months before the municipality
23 by ordinance designates an industrial park conservation area,
24 the unemployment rate was over 6% and was also 100% or more of
25 the national average unemployment rate for that same time as
26 published in the United States Department of Labor Bureau of

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

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

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

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

1 Act.

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

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

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

7 (i) "Net State Sales Tax Increment" means the sum of the
8 following: (a) 80% of the first \$100,000 of State Sales Tax
9 Increment annually generated within a State Sales Tax
10 Boundary; (b) 60% of the amount in excess of \$100,000 but not
11 exceeding \$500,000 of State Sales Tax Increment annually
12 generated within a State Sales Tax Boundary; and (c) 40% of all
13 amounts in excess of \$500,000 of State Sales Tax Increment
14 annually generated within a State Sales Tax Boundary. If,
15 however, a municipality established a tax increment financing
16 district in a county with a population in excess of 3,000,000
17 before January 1, 1986, and the municipality entered into a
18 contract or issued bonds after January 1, 1986, but before
19 December 31, 1986, to finance redevelopment project costs
20 within a State Sales Tax Boundary, then the Net State Sales Tax
21 Increment means, for the fiscal years beginning July 1, 1990,
22 and July 1, 1991, 100% of the State Sales Tax Increment
23 annually generated within a State Sales Tax Boundary; and
24 notwithstanding any other provision of this Act, for those
25 fiscal years the Department of Revenue shall distribute to
26 those municipalities 100% of their Net State Sales Tax

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

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

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

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

1 be the calendar year immediately prior to the year of the
2 adoption of the ordinance authorizing tax increment allocation
3 financing.

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

25 Municipalities that issue bonds in connection with the
26 redevelopment project during the period from June 1, 1988

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

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

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

1 property in said area.

2 (n) "Redevelopment plan" means the comprehensive program
3 of the municipality for development or redevelopment intended
4 by the payment of redevelopment project costs to reduce or
5 eliminate those conditions the existence of which qualified
6 the redevelopment project area as a "blighted area" or
7 "conservation area" or combination thereof or "industrial park
8 conservation area," and thereby to enhance the tax bases of
9 the taxing districts which extend into the redevelopment
10 project area, provided that, with respect to redevelopment
11 project areas described in subsections (p-1) and (p-2),
12 "redevelopment plan" means the comprehensive program of the
13 affected municipality for the development of qualifying
14 transit facilities. On and after November 1, 1999 (the
15 effective date of Public Act 91-478), no redevelopment plan
16 may be approved or amended that includes the development of
17 vacant land (i) with a golf course and related clubhouse and
18 other facilities or (ii) designated by federal, State, county,
19 or municipal government as public land for outdoor
20 recreational activities or for nature preserves and used for
21 that purpose within 5 years prior to the adoption of the
22 redevelopment plan. For the purpose of this subsection,
23 "recreational activities" is limited to mean camping and
24 hunting. Each redevelopment plan shall set forth in writing
25 the program to be undertaken to accomplish the objectives and
26 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 provided that such evidence shall not be required for any
7 redevelopment project area located within a transit
8 facility improvement area established pursuant to Section
9 11-74.4-3.3;

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

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

16 (E) the nature and term of the obligations to be
17 issued;

18 (F) the most recent equalized assessed valuation of
19 the redevelopment project area;

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

23 (H) a commitment to fair employment practices and an
24 affirmative action plan;

25 (I) if it concerns an industrial park conservation
26 area, the plan shall also include a general description of

1 any proposed developer, user and tenant of any property, a
2 description of the type, structure and general character
3 of the facilities to be developed, a description of the
4 type, class and number of new employees to be employed in
5 the operation of the facilities to be developed; and

6 (J) if property is to be annexed to the municipality,
7 the plan shall include the terms of the annexation
8 agreement.

9 The provisions of items (B) and (C) of this subsection (n)
10 shall not apply to a municipality that before March 14, 1994
11 (the effective date of Public Act 88-537) had fixed, either by
12 its corporate authorities or by a commission designated under
13 subsection (k) of Section 11-74.4-4, a time and place for a
14 public hearing as required by subsection (a) of Section
15 11-74.4-5. No redevelopment plan shall be adopted unless a
16 municipality complies with all of the following requirements:

17 (1) The municipality finds that the redevelopment
18 project area on the whole has not been subject to growth
19 and development through investment by private enterprise
20 and would not reasonably be anticipated to be developed
21 without the adoption of the redevelopment plan, provided,
22 however, that such a finding shall not be required with
23 respect to any redevelopment project area located within a
24 transit facility improvement area established pursuant to
25 Section 11-74.4-3.3.

26 (2) The municipality finds that the redevelopment plan

1 and project conform to the comprehensive plan for the
2 development of the municipality as a whole, or, for
3 municipalities with a population of 100,000 or more,
4 regardless of when the redevelopment plan and project was
5 adopted, the redevelopment plan and project either: (i)
6 conforms to the strategic economic development or
7 redevelopment plan issued by the designated planning
8 authority of the municipality, or (ii) includes land uses
9 that have been approved by the planning commission of the
10 municipality.

11 (3) The redevelopment plan establishes the estimated
12 dates of completion of the redevelopment project and
13 retirement of obligations issued to finance redevelopment
14 project costs. Those dates may not be later than the dates
15 set forth under Section 11-74.4-3.5.

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

24 (3.5) The municipality finds, in the case of an
25 industrial park conservation area, also that the
26 municipality is a labor surplus municipality and that the

1 implementation of the redevelopment plan will reduce
2 unemployment, create new jobs and by the provision of new
3 facilities enhance the tax base of the taxing districts
4 that extend into the redevelopment project area.

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

14 (5) If: (a) the redevelopment plan will not result in
15 displacement of residents from 10 or more inhabited
16 residential units, and the municipality certifies in the
17 plan that such displacement will not result from the plan;
18 or (b) the redevelopment plan is for a redevelopment
19 project area located within a transit facility improvement
20 area established pursuant to Section 11-74.4-3.3, and the
21 applicable project is subject to the process for
22 evaluation of environmental effects under the National
23 Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.,
24 then a housing impact study need not be performed. If,
25 however, the redevelopment plan would result in the
26 displacement of residents from 10 or more inhabited

1 residential units, or if the redevelopment project area
2 contains 75 or more inhabited residential units and no
3 certification is made, then the municipality shall
4 prepare, as part of the separate feasibility report
5 required by subsection (a) of Section 11-74.4-5, a housing
6 impact study.

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

20 Part II of the housing impact study shall identify the
21 inhabited residential units in the proposed redevelopment
22 project area that are to be or may be removed. If inhabited
23 residential units are to be removed, then the housing
24 impact study shall identify (i) the number and location of
25 those units that will or may be removed, (ii) the
26 municipality's plans for relocation assistance for those

1 residents in the proposed redevelopment project area whose
2 residences are to be removed, (iii) the availability of
3 replacement housing for those residents whose residences
4 are to be removed, and shall identify the type, location,
5 and cost of the housing, and (iv) the type and extent of
6 relocation assistance to be provided.

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

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

1 Affordable Housing Act. The municipality shall make a good
2 faith effort to ensure that this affordable housing is
3 located in or near the redevelopment project area within
4 the municipality.

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

12 (9) For redevelopment project areas designated prior
13 to November 1, 1999, the redevelopment plan may be amended
14 without further joint review board meeting or hearing,
15 provided that the municipality shall give notice of any
16 such changes by mail to each affected taxing district and
17 registrant on the interested party registry, to authorize
18 the municipality to expend tax increment revenues for
19 redevelopment project costs defined by paragraphs (5) and
20 (7.5), subparagraphs (E) and (F) of paragraph (11), and
21 paragraph (11.5) of subsection (q) of Section 11-74.4-3,
22 so long as the changes do not increase the total estimated
23 redevelopment project costs set out in the redevelopment
24 plan by more than 5% after adjustment for inflation from
25 the date the plan was adopted.

26 (o) "Redevelopment project" means any public and private

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

13 (p) "Redevelopment project area" means an area designated
14 by the municipality, which is not less in the aggregate than 1
15 1/2 acres and in respect to which the municipality has made a
16 finding that there exist conditions which cause the area to be
17 classified as an industrial park conservation area or a
18 blighted area or a conservation area, or a combination of both
19 blighted areas and conservation areas.

20 (p-1) Notwithstanding any provision of this Act to the
21 contrary, on and after August 25, 2009 (the effective date of
22 Public Act 96-680), a redevelopment project area may include
23 areas within a one-half mile radius of an existing or proposed
24 Regional Transportation Authority Suburban Transit Access
25 Route (STAR Line) station without a finding that the area is
26 classified as an industrial park conservation area, a blighted

1 area, a conservation area, or a combination thereof, but only
2 if the municipality receives unanimous consent from the joint
3 review board created to review the proposed redevelopment
4 project area.

5 (p-2) Notwithstanding any provision of this Act to the
6 contrary, on and after the effective date of this amendatory
7 Act of the 99th General Assembly, a redevelopment project area
8 may include areas within a transit facility improvement area
9 that has been established pursuant to Section 11-74.4-3.3
10 without a finding that the area is classified as an industrial
11 park conservation area, a blighted area, a conservation area,
12 or any combination thereof.

13 (q) "Redevelopment project costs", except for
14 redevelopment project areas created pursuant to subsection
15 (p-1) or (p-2), means and includes the sum total of all
16 reasonable or necessary costs incurred or estimated to be
17 incurred, and any such costs incidental to a redevelopment
18 plan and a redevelopment project. Such costs include, without
19 limitation, the following:

20 (1) Costs of studies, surveys, development of plans,
21 and specifications, implementation and administration of
22 the redevelopment plan including but not limited to staff
23 and professional service costs for architectural,
24 engineering, legal, financial, planning or other services,
25 provided however that no charges for professional services
26 may be based on a percentage of the tax increment

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

22 (1.5) After July 1, 1999, annual administrative costs
23 shall not include general overhead or administrative costs
24 of the municipality that would still have been incurred by
25 the municipality if the municipality had not designated a
26 redevelopment project area or approved a redevelopment

1 plan;

2 (1.6) The cost of marketing sites within the
3 redevelopment project area to prospective businesses,
4 developers, and investors;

5 (2) Property assembly costs, including but not limited
6 to acquisition of land and other property, real or
7 personal, or rights or interests therein, demolition of
8 buildings, site preparation, site improvements that serve
9 as an engineered barrier addressing ground level or below
10 ground environmental contamination, including, but not
11 limited to parking lots and other concrete or asphalt
12 barriers, and the clearing and grading of land;

13 (3) Costs of rehabilitation, reconstruction or repair
14 or remodeling of existing public or private buildings,
15 fixtures, and leasehold improvements; and the cost of
16 replacing an existing public building if pursuant to the
17 implementation of a redevelopment project the existing
18 public building is to be demolished to use the site for
19 private investment or devoted to a different use requiring
20 private investment; including any direct or indirect costs
21 relating to Green Globes or LEED certified construction
22 elements or construction elements with an equivalent
23 certification;

24 (4) Costs of the construction of public works or
25 improvements, including any direct or indirect costs
26 relating to Green Globes or LEED certified construction

1 elements or construction elements with an equivalent
2 certification, except that on and after November 1, 1999,
3 redevelopment project costs shall not include the cost of
4 constructing a new municipal public building principally
5 used to provide offices, storage space, or conference
6 facilities or vehicle storage, maintenance, or repair for
7 administrative, public safety, or public works personnel
8 and that is not intended to replace an existing public
9 building as provided under paragraph (3) of subsection (q)
10 of Section 11-74.4-3 unless either (i) the construction of
11 the new municipal building implements a redevelopment
12 project that was included in a redevelopment plan that was
13 adopted by the municipality prior to November 1, 1999,
14 (ii) the municipality makes a reasonable determination in
15 the redevelopment plan, supported by information that
16 provides the basis for that determination, that the new
17 municipal building is required to meet an increase in the
18 need for public safety purposes anticipated to result from
19 the implementation of the redevelopment plan, or (iii) the
20 new municipal public building is for the storage,
21 maintenance, or repair of transit vehicles and is located
22 in a transit facility improvement area that has been
23 established pursuant to Section 11-74.4-3.3;

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
5 on any obligations issued hereunder including interest
6 accruing during the estimated period of construction of
7 any 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
11 agreement accepts and approves the same, all or a portion
12 of a taxing district's capital costs resulting from the
13 redevelopment project necessarily incurred or to be
14 incurred within a taxing district in furtherance of the
15 objectives of the 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
11 in 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
18 designation of the redevelopment project area by the
19 most recently available per capita tuition cost as
20 defined in Section 10-20.12a of the School Code less
21 any increase in general State aid as defined in
22 Section 18-8.05 of the School Code or evidence-based
23 funding as defined in Section 18-8.15 of the School
24 Code attributable to these added new students subject
25 to the following annual limitations:

26 (i) for unit school districts with a district

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

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

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

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

1 financial assistance through an agreement with the
2 municipality or because the municipality incurs the
3 cost of necessary infrastructure improvements within
4 the boundaries of the housing sites necessary for the
5 completion of that housing as authorized by this Act
6 since the designation of the redevelopment project
7 area by the most recently available per capita tuition
8 cost as defined in Section 10-20.12a of the School
9 Code less any increase in general state aid as defined
10 in Section 18-8.05 of the School Code or
11 evidence-based funding as defined in Section 18-8.15
12 of the School Code attributable to these added new
13 students subject to the following annual limitations:

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

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

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

1 that have received tax increment finance
2 assistance under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (9) Payment in lieu of taxes;

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

1 10-22.20a and 10-23.3a of the School Code;

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

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

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

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

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

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

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

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

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

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

1 rented to income-eligible tenants. The municipality
2 may modify these guidelines from time to time; the
3 guidelines, however, shall be in effect for as long as
4 tax increment revenue is being used to pay for costs
5 associated with the units or for the retirement of
6 bonds issued to finance the units or for the life of
7 the redevelopment project area, whichever is later;

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

24 (12) Costs relating to the development of urban
25 agricultural areas under Division 15.2 of the Illinois
26 Municipal Code.

1 (13) Funds transferred to community improvement land
2 banks under Section 5-35 of the Community Improvement Land
3 Bank Act.

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

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

26 No cost shall be a redevelopment project cost in a

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

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

21 (q-1) For redevelopment project areas created pursuant to
22 subsection (p-1), redevelopment project costs are limited to
23 those costs in paragraph (q) that are related to the existing
24 or proposed Regional Transportation Authority Suburban Transit
25 Access Route (STAR Line) station.

26 (q-2) For a redevelopment project area located within a

1 transit facility improvement area established pursuant to
2 Section 11-74.4-3.3, redevelopment project costs means those
3 costs described in subsection (q) that are related to the
4 construction, reconstruction, rehabilitation, remodeling, or
5 repair of any existing or proposed transit facility.

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

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

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

1 utilizing the calendar year 1987 to determine the tax amounts
2 received. For the State Fiscal Year 1990, this calculation
3 shall be made by utilizing the period from January 1, 1988,
4 until September 30, 1988, to determine the tax amounts
5 received from retailers and servicemen, which shall have
6 deducted therefrom nine-twelfths of the certified Initial
7 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the
8 Revised Initial Sales Tax Amounts as appropriate. For the
9 State Fiscal Year 1991, this calculation shall be made by
10 utilizing the period from October 1, 1988, until June 30,
11 1989, to determine the tax amounts received from retailers and
12 servicemen, which shall have deducted therefrom nine-twelfths
13 of the certified Initial State Sales Tax Amounts, Adjusted
14 Initial Sales Tax Amounts or the Revised Initial Sales Tax
15 Amounts as appropriate. For every State Fiscal Year
16 thereafter, the applicable period shall be the 12 months
17 beginning July 1 and ending on June 30, to determine the tax
18 amounts received which shall have deducted therefrom the
19 certified Initial Sales Tax Amounts, Adjusted Initial Sales
20 Tax Amounts or the Revised Initial Sales Tax Amounts.
21 Municipalities intending to receive a distribution of State
22 Sales Tax Increment must report a list of retailers to the
23 Department of Revenue by October 31, 1988 and by July 31, of
24 each year thereafter.

25 (t) "Taxing districts" means counties, townships, cities
26 and incorporated towns and villages, school, road, park,

1 sanitary, mosquito abatement, forest preserve, public health,
2 fire protection, river conservancy, tuberculosis sanitarium
3 and any other municipal corporations or districts with the
4 power to levy taxes.

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

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

1 is subdivided when the original plat of the proposed
2 Redevelopment Project Area or relevant portion thereof has
3 been properly certified, acknowledged, approved, and recorded
4 or filed in accordance with the Plat Act and a preliminary
5 plat, if any, for any subsequent phases of the proposed
6 Redevelopment Project Area or relevant portion thereof has
7 been properly approved and filed in accordance with the
8 applicable ordinance of the municipality.

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

17 (x) "LEED certified" means any certification level of
18 construction elements by a qualified Leadership in Energy and
19 Environmental Design Accredited Professional as determined by
20 the U.S. Green Building Council.

21 (y) "Green Globes certified" means any certification level
22 of construction elements by a qualified Green Globes
23 Professional as determined by the Green Building Initiative.

24 (Source: P.A. 99-792, eff. 8-12-16; 100-201, eff. 8-18-17;
25 100-465, eff. 8-31-17; 100-1133, eff. 1-1-19.)

1 Article 99. Effective Date.

2 Section 99-5. Effective date. This Act takes effect upon
3 becoming law.

1 INDEX
2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7 from Ch. 116, par. 207

5 20 ILCS 3501/815-10

6 20 ILCS 3501/815-20

7 20 ILCS 3501/815-25

8 20 ILCS 3501/815-30

9 30 ILCS 5/3-1 from Ch. 15, par. 303-1

10 35 ILCS 200/21-11 new

11 35 ILCS 200/21-450 new

12 65 ILCS 5/11-74.4-3 from Ch. 24, par. 11-74.4-3