



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4263**

Introduced 1/29/2004, by Michael K. Smith

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/11-74.4-3	from Ch. 24, par. 11-74.4-3
65 ILCS 5/11-74.4-7	from Ch. 24, par. 11-74.4-7

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that the redevelopment project in the TIF District created by an ordinance adopted on November 11, 1986 by the City of Pekin must be completed by December 31 of the 35th year (now, the 23rd year) after the year in which the ordinance was adopted. Effective immediately.

LRB093 15381 MKM 40984 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning taxes.

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

4 Section 5. The Tax Increment Allocation Redevelopment Act  
5 in the Illinois Municipal Code is amended by changing Sections  
6 11-74.4-3 and 11-74.4-7 as follows:

7 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

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

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

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

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

30 (A) Dilapidation. An advanced state of disrepair  
31 or neglect of necessary repairs to the primary  
32 structural components of buildings or improvements in

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

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

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

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

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

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

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

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

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

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

1 lack of reasonably required off-street parking, or  
2 inadequate provision for loading and service.

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

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

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

33 (M) The total equalized assessed value of the  
34 proposed redevelopment project area has declined for 3  
35 of the last 5 calendar years prior to the year in which  
36 the redevelopment project area is designated or is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 On and after November 1, 1999, "conservation area" means  
35 any improved area within the boundaries of a redevelopment  
36 project area located within the territorial limits of the



1 municipality in which 50% or more of the structures in the area  
2 have an age of 35 years or more. Such an area is not yet a  
3 blighted area but because of a combination of 3 or more of the  
4 following factors is detrimental to the public safety, health,  
5 morals or welfare and such an area may become a blighted area:

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

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

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

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

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

35 (6) Excessive vacancies. The presence of buildings  
36 that are unoccupied or under-utilized and that represent an

1 adverse influence on the area because of the frequency,  
2 extent, or duration of the vacancies.

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

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

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

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

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

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

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

34 (13) The total equalized assessed value of the proposed  
35 redevelopment project area has declined for 3 of the last 5  
36 calendar years for which information is available or is

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

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

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

28 (e) "Labor surplus municipality" means a municipality in  
29 which, at any time during the 6 months before the municipality  
30 by ordinance designates an industrial park conservation area,  
31 the unemployment rate was over 6% and was also 100% or more of  
32 the national average unemployment rate for that same time as  
33 published in the United States Department of Labor Bureau of  
34 Labor Statistics publication entitled "The Employment  
35 Situation" or its successor publication. For the purpose of  
36 this subsection, if unemployment rate statistics for the

1 municipality are not available, the unemployment rate in the  
2 municipality shall be deemed to be the same as the unemployment  
3 rate in the principal county in which the municipality is  
4 located.

5 (f) "Municipality" shall mean a city, village or  
6 incorporated town.

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

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

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

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

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

6 (i) "Net State Sales Tax Increment" means the sum of the  
7 following: (a) 80% of the first \$100,000 of State Sales Tax  
8 Increment annually generated within a State Sales Tax Boundary;  
9 (b) 60% of the amount in excess of \$100,000 but not exceeding  
10 \$500,000 of State Sales Tax Increment annually generated within  
11 a State Sales Tax Boundary; and (c) 40% of all amounts in  
12 excess of \$500,000 of State Sales Tax Increment annually  
13 generated within a State Sales Tax Boundary. If, however, a  
14 municipality established a tax increment financing district in  
15 a county with a population in excess of 3,000,000 before  
16 January 1, 1986, and the municipality entered into a contract  
17 or issued bonds after January 1, 1986, but before December 31,  
18 1986, to finance redevelopment project costs within a State  
19 Sales Tax Boundary, then the Net State Sales Tax Increment  
20 means, for the fiscal years beginning July 1, 1990, and July 1,  
21 1991, 100% of the State Sales Tax Increment annually generated  
22 within a State Sales Tax Boundary; and notwithstanding any  
23 other provision of this Act, for those fiscal years the  
24 Department of Revenue shall distribute to those municipalities  
25 100% of their Net State Sales Tax Increment before any  
26 distribution to any other municipality and regardless of  
27 whether or not those other municipalities will receive 100% of  
28 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
29 every year thereafter until the year 2007, for any municipality  
30 that has not entered into a contract or has not issued bonds  
31 prior to June 1, 1988 to finance redevelopment project costs  
32 within a State Sales Tax Boundary, the Net State Sales Tax  
33 Increment shall be calculated as follows: By multiplying the  
34 Net State Sales Tax Increment by 90% in the State Fiscal Year  
35 1999; 80% in the State Fiscal Year 2000; 70% in the State  
36 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the

1 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
2 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
3 2006; and 10% in the State Fiscal Year 2007. No payment shall  
4 be made for State Fiscal Year 2008 and thereafter.

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

31 (j) "State Utility Tax Increment Amount" means an amount  
32 equal to the aggregate increase in State electric and gas tax  
33 charges imposed on owners and tenants, other than residential  
34 customers, of properties located within the redevelopment  
35 project area under Section 9-222 of the Public Utilities Act,  
36 over and above the aggregate of such charges as certified by



1 the Department of Revenue and paid by owners and tenants, other  
2 than residential customers, of properties within the  
3 redevelopment project area during the base year, which shall be  
4 the calendar year immediately prior to the year of the adoption  
5 of the ordinance authorizing tax increment allocation  
6 financing.

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

28 Municipalities that issue bonds in connection with the  
29 redevelopment project during the period from June 1, 1988 until  
30 3 years after the effective date of this Amendatory Act of 1988  
31 shall receive the Net State Utility Tax Increment, subject to  
32 appropriation, for 15 State Fiscal Years after the issuance of  
33 such bonds. For the 16th through the 20th State Fiscal Years  
34 after issuance of the bonds, the Net State Utility Tax  
35 Increment shall be calculated as follows: By multiplying the  
36 Net State Utility Tax Increment by 90% in year 16; 80% in year

1 17; 70% in year 18; 60% in year 19; and 50% in year 20.  
2 Refunding of any bonds issued prior to June 1, 1988, shall not  
3 alter the revised Net State Utility Tax Increment payments set  
4 forth above.

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

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

21 (n) "Redevelopment plan" means the comprehensive program  
22 of the municipality for development or redevelopment intended  
23 by the payment of redevelopment project costs to reduce or  
24 eliminate those conditions the existence of which qualified the  
25 redevelopment project area as a "blighted area" or  
26 "conservation area" or combination thereof or "industrial park  
27 conservation area," and thereby to enhance the tax bases of the  
28 taxing districts which extend into the redevelopment project  
29 area. On and after November 1, 1999 (the effective date of  
30 Public Act 91-478), no redevelopment plan may be approved or  
31 amended that includes the development of vacant land (i) with a  
32 golf course and related clubhouse and other facilities or (ii)  
33 designated by federal, State, county, or municipal government  
34 as public land for outdoor recreational activities or for  
35 nature preserves and used for that purpose within 5 years prior  
36 to the adoption of the redevelopment plan. For the purpose of

1 this subsection, "recreational activities" is limited to mean  
2 camping and hunting. Each redevelopment plan shall set forth in  
3 writing the program to be undertaken to accomplish the  
4 objectives and shall include but not be limited to:

5 (A) an itemized list of estimated redevelopment  
6 project costs;

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

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 the  
19 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  
27 any proposed developer, user and tenant of any property, a  
28 description of the type, structure and general character of  
29 the facilities to be developed, a description of the type,  
30 class and number of new employees to be employed in the  
31 operation of the facilities to be developed; and

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

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

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

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

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

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

1 ad valorem taxes levied in the thirty-fifth calendar year  
2 after the year in which the ordinance approving the  
3 redevelopment project area is adopted:

4 (A) if the ordinance was adopted before January 15,  
5 1981, or

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

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

11 (D) if the ordinance was adopted before January 1,  
12 1987 by a municipality in Mason County, or

13 (E) if the municipality is subject to the Local  
14 Government Financial Planning and Supervision Act or  
15 the Financially Distressed City Law, or

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

18 (G) if the ordinance was adopted on December 31,  
19 1986 by a municipality located in Clinton County for  
20 which at least \$250,000 of tax increment bonds were  
21 authorized on June 17, 1997, or if the ordinance was  
22 adopted on December 31, 1986 by a municipality with a  
23 population in 1990 of less than 3,600 that is located  
24 in a county with a population in 1990 of less than  
25 34,000 and for which at least \$250,000 of tax increment  
26 bonds were authorized on June 17, 1997, or

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

30 (I) if the ordinance was adopted on November 12,  
31 1991 by the Village of Sauget, or

32 (J) if the ordinance was adopted on February 11,  
33 1985 by the City of Rock Island, or

34 (K) if the ordinance was adopted before December  
35 18, 1986 by the City of Moline, or

36 (L) if the ordinance was adopted in September 1988

1 by Sauk Village, or

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

4 (N) if the ordinance was adopted on December 29,  
5 1986 by the City of Galva, or

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

8 (P) if the ordinance was adopted on January 23,  
9 1991 by the City of East St. Louis, or

10 (Q) if the ordinance was adopted on December 22,  
11 1986 by the City of Aledo, or

12 (R) if the ordinance was adopted on February 5,  
13 1990 by the City of Clinton, or

14 (S) if the ordinance was adopted on September 6,  
15 1994 by the City of Freeport, or

16 (T) if the ordinance was adopted on December 22,  
17 1986 by the City of Tuscola, or

18 (U) if the ordinance was adopted on December 23,  
19 1986 by the City of Sparta, or

20 (V) if the ordinance was adopted on December 23,  
21 1986 by the City of Beardstown, or

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

25 (X) if the ordinance was adopted on December 29,  
26 1986 by the City of Collinsville, or

27 (Y) if the ordinance was adopted on September 14,  
28 1994 by the City of Alton, or

29 (Z) if the ordinance was adopted on November 11,  
30 1996 by the City of Lexington, or

31 (AA) if the ordinance was adopted on November 5,  
32 1984 by the City of LeRoy, or

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

35 (CC) if the ordinance was adopted on November 11,  
36 1986 by the City of Pekin.

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

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

23          Those dates, for purposes of real property tax  
24          increment allocation financing pursuant to Section  
25          11-74.4-8 only, shall be not more than 35 years for  
26          redevelopment project areas that were adopted on or after  
27          December 16, 1986 and for which at least \$8 million worth  
28          of municipal bonds were authorized on or after December 19,  
29          1989 but before January 1, 1990; provided that the  
30          municipality elects to extend the life of the redevelopment  
31          project area to 35 years by the adoption of an ordinance  
32          after at least 14 but not more than 30 days' written notice  
33          to the taxing bodies, that would otherwise constitute the  
34          joint review board for the redevelopment project area,  
35          before the adoption of the ordinance.

36          Those dates, for purposes of real property tax

1 increment allocation financing pursuant to Section  
2 11-74.4-8 only, shall be not more than 35 years for  
3 redevelopment project areas that were established on or  
4 after December 1, 1981 but before January 1, 1982 and for  
5 which at least \$1,500,000 worth of tax increment revenue  
6 bonds were authorized on or after September 30, 1990 but  
7 before July 1, 1991; provided that the municipality elects  
8 to extend the life of the redevelopment project area to 35  
9 years by the adoption of an ordinance after at least 14 but  
10 not more than 30 days' written notice to the taxing bodies,  
11 that would otherwise constitute the joint review board for  
12 the redevelopment project area, before the adoption of the  
13 ordinance.

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

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

30 (5) If the redevelopment plan will not result in  
31 displacement of residents from 10 or more inhabited  
32 residential units, and the municipality certifies in the  
33 plan that such displacement will not result from the plan,  
34 a housing impact study need not be performed. If, however,  
35 the redevelopment plan would result in the displacement of  
36 residents from 10 or more inhabited residential units, or



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

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

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

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

35 (7) On and after November 1, 1999, no redevelopment  
36 plan shall be adopted, nor an existing plan amended, nor

1 shall residential housing that is occupied by households of  
2 low-income and very low-income persons in currently  
3 existing redevelopment project areas be removed after  
4 November 1, 1999 unless the redevelopment plan provides,  
5 with respect to inhabited housing units that are to be  
6 removed for households of low-income and very low-income  
7 persons, affordable housing and relocation assistance not  
8 less than that which would be provided under the federal  
9 Uniform Relocation Assistance and Real Property  
10 Acquisition Policies Act of 1970 and the regulations under  
11 that Act, including the eligibility criteria. Affordable  
12 housing may be either existing or newly constructed  
13 housing. For purposes of this paragraph (7), "low-income  
14 households", "very low-income households", and "affordable  
15 housing" have the meanings set forth in the Illinois  
16 Affordable Housing Act. The municipality shall make a good  
17 faith effort to ensure that this affordable housing is  
18 located in or near the redevelopment project area within  
19 the municipality.

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

27 (9) For redevelopment project areas designated prior  
28 to November 1, 1999, the redevelopment plan may be amended  
29 without further joint review board meeting or hearing,  
30 provided that the municipality shall give notice of any  
31 such changes by mail to each affected taxing district and  
32 registrant on the interested party registry, to authorize  
33 the municipality to expend tax increment revenues for  
34 redevelopment project costs defined by paragraphs (5) and  
35 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
36 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so

1 long as the changes do not increase the total estimated  
2 redevelopment project costs set out in the redevelopment  
3 plan by more than 5% after adjustment for inflation from  
4 the date the plan was adopted.

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

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

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

29 (1) Costs of studies, surveys, development of plans,  
30 and specifications, implementation and administration of  
31 the redevelopment plan including but not limited to staff  
32 and professional service costs for architectural,  
33 engineering, legal, financial, planning or other services,  
34 provided however that no charges for professional services  
35 may be based on a percentage of the tax increment  
36 collected; except that on and after November 1, 1999 (the

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

21 (1.5) After July 1, 1999, annual administrative costs  
22 shall not include general overhead or administrative costs  
23 of the municipality that would still have been incurred by  
24 the municipality if the municipality had not designated a  
25 redevelopment project area or approved a redevelopment  
26 plan;

27 (1.6) The cost of marketing sites within the  
28 redevelopment project area to prospective businesses,  
29 developers, and investors;

30 (2) Property assembly costs, including but not limited  
31 to acquisition of land and other property, real or  
32 personal, or rights or interests therein, demolition of  
33 buildings, site preparation, site improvements that serve  
34 as an engineered barrier addressing ground level or below  
35 ground environmental contamination, including, but not  
36 limited to parking lots and other concrete or asphalt

1 barriers, and the clearing and grading of land;

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

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

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

33 (6) Financing costs, including but not limited to all  
34 necessary and incidental expenses related to the issuance  
35 of obligations and which may include payment of interest on  
36 any obligations issued hereunder including interest

1 accruing during the estimated period of construction of any  
2 redevelopment project for which such obligations are  
3 issued and for not exceeding 36 months thereafter and  
4 including reasonable reserves related thereto;

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

11 (7.5) For redevelopment project areas designated (or  
12 redevelopment project areas amended to add or increase the  
13 number of tax-increment-financing assisted housing units)  
14 on or after November 1, 1999, an elementary, secondary, or  
15 unit school district's increased costs attributable to  
16 assisted housing units located within the redevelopment  
17 project area for which the developer or redeveloper  
18 receives financial assistance through an agreement with  
19 the municipality or because the municipality incurs the  
20 cost of necessary infrastructure improvements within the  
21 boundaries of the assisted housing sites necessary for the  
22 completion of that housing as authorized by this Act, and  
23 which costs shall be paid by the municipality from the  
24 Special Tax Allocation Fund when the tax increment revenue  
25 is received as a result of the assisted housing units and  
26 shall be calculated annually as follows:

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

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

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

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

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

27 (B) For alternate method districts, flat grant  
28 districts, and foundation districts with a district  
29 average 1995-96 Per Capita Tuition Charge equal to or  
30 more than \$5,900, excluding any school district with a  
31 population in excess of 1,000,000, by multiplying the  
32 district's increase in attendance resulting from the  
33 net increase in new students enrolled in that school  
34 district who reside in housing units within the  
35 redevelopment project area that have received  
36 financial assistance through an agreement with the

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

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

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

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

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

31 (i) no increased costs shall be reimbursed  
32 unless the school district certifies that each of  
33 the schools affected by the assisted housing  
34 project is at or over its student capacity;

35 (ii) the amount reimburseable shall be reduced  
36 by the value of any land donated to the school



1 district by the municipality or developer, and by  
2 the value of any physical improvements made to the  
3 schools by the municipality or developer; and

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

8 Any school district seeking payment under this  
9 paragraph (7.5) shall, after July 1 and before  
10 September 30 of each year, provide the municipality  
11 with reasonable evidence to support its claim for  
12 reimbursement before the municipality shall be  
13 required to approve or make the payment to the school  
14 district. If the school district fails to provide the  
15 information during this period in any year, it shall  
16 forfeit any claim to reimbursement for that year.  
17 School districts may adopt a resolution waiving the  
18 right to all or a portion of the reimbursement  
19 otherwise required by this paragraph (7.5). By  
20 acceptance of this reimbursement the school district  
21 waives the right to directly or indirectly set aside,  
22 modify, or contest in any manner the establishment of  
23 the 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  
27 State law or in order to satisfy subparagraph (7) of  
28 subsection (n);

29 (9) Payment in lieu of taxes;

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

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

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

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

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

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

33 (D) the total of such interest payments paid  
34 pursuant to this Act may not exceed 30% of the total  
35 (i) cost paid or incurred by the redeveloper for the  
36 redevelopment project plus (ii) redevelopment project

1 costs excluding any property assembly costs and any  
2 relocation costs incurred by a municipality pursuant  
3 to this Act; and

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

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

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

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

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

1 businesses located in the redevelopment project area. For  
2 the purposes of this paragraph, "low-income families"  
3 means families whose annual income does not exceed 80% of  
4 the municipal, county, or regional median income, adjusted  
5 for family size, as the annual income and municipal,  
6 county, or regional median income are determined from time  
7 to time by the United States Department of Housing and  
8 Urban Development.

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

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

32 If a special service area has been established pursuant to  
33 the Special Service Area Tax Act or Special Service Area Tax  
34 Law, then any tax increment revenues derived from the tax  
35 imposed pursuant to the Special Service Area Tax Act or Special  
36 Service Area Tax Law may be used within the redevelopment

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

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

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

1 aggregate amount of taxes per year for each year the base year  
2 is prior to 1985, but not to exceed a total deduction of 12%.  
3 The amount so determined shall be known as the "Adjusted  
4 Initial Sales Tax Amount". For purposes of determining the  
5 State Sales Tax Increment the Department of Revenue shall for  
6 each period subtract from the tax amounts received from  
7 retailers and servicemen on transactions located in the State  
8 Sales Tax Boundary, the certified Initial Sales Tax Amounts,  
9 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax  
10 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,  
11 the Service Use Tax Act and the Service Occupation Tax Act. For  
12 the State Fiscal Year 1989 this calculation shall be made by  
13 utilizing the calendar year 1987 to determine the tax amounts  
14 received. For the State Fiscal Year 1990, this calculation  
15 shall be made by utilizing the period from January 1, 1988,  
16 until September 30, 1988, to determine the tax amounts received  
17 from retailers and servicemen, which shall have deducted  
18 therefrom nine-twelfths of the certified Initial Sales Tax  
19 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
20 Initial Sales Tax Amounts as appropriate. For the State Fiscal  
21 Year 1991, this calculation shall be made by utilizing the  
22 period from October 1, 1988, until June 30, 1989, to determine  
23 the tax amounts received from retailers and servicemen, which  
24 shall have deducted therefrom nine-twelfths of the certified  
25 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
26 Amounts or the Revised Initial Sales Tax Amounts as  
27 appropriate. For every State Fiscal Year thereafter, the  
28 applicable period shall be the 12 months beginning July 1 and  
29 ending on June 30, to determine the tax amounts received which  
30 shall have deducted therefrom the certified Initial Sales Tax  
31 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
32 Initial Sales Tax Amounts. Municipalities intending to receive  
33 a distribution of State Sales Tax Increment must report a list  
34 of retailers to the Department of Revenue by October 31, 1988  
35 and by July 31, of each year thereafter.

36 (t) "Taxing districts" means counties, townships, cities

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

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

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

36 (w) "Annual Total Increment" means the sum of each



1 municipality's annual Net Sales Tax Increment and each  
2 municipality's annual Net Utility Tax Increment. The ratio of  
3 the Annual Total Increment of each municipality to the Annual  
4 Total Increment for all municipalities, as most recently  
5 calculated by the Department, shall determine the proportional  
6 shares of the Illinois Tax Increment Fund to be distributed to  
7 each municipality.

8 (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624,  
9 eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

10 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

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

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

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

29 Such obligations may be issued in one or more series  
30 bearing interest at such rate or rates as the corporate  
31 authorities of the municipality shall determine by ordinance.  
32 Such obligations shall bear such date or dates, mature at such  
33 time or times not exceeding 20 years from their respective  
34 dates, be in such denomination, carry such registration  
35 privileges, be executed in such manner, be payable in such  
36 medium of payment at such place or places, contain such

1 covenants, terms and conditions, and be subject to redemption  
2 as such ordinance shall provide. Obligations issued pursuant to  
3 this Act may be sold at public or private sale at such price as  
4 shall be determined by the corporate authorities of the  
5 municipalities. No referendum approval of the electors shall be  
6 required as a condition to the issuance of obligations pursuant  
7 to this Division except as provided in this Section.

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

26 If no petition is filed with the municipal clerk, as  
27 hereinafter provided in this Section, within 30 days after the  
28 publication of the ordinance, the ordinance shall be in effect.  
29 But, if within that 30 day period a petition is filed with the  
30 municipal clerk, signed by electors in the municipality  
31 numbering 10% or more of the number of registered voters in the  
32 municipality, asking that the question of issuing obligations  
33 using full faith and credit of the municipality as security for  
34 the cost of paying for redevelopment project costs, or of  
35 pledging taxes for the payment of such obligations, or both, be  
36 submitted to the electors of the municipality, the corporate

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

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

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

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

34 A municipality may also issue its obligations to refund in  
35 whole or in part, obligations theretofore issued by such  
36 municipality under the authority of this Act, whether at or

1 prior to maturity, provided however, that the last maturity of  
2 the refunding obligations shall not be expressed to mature  
3 later than December 31 of the year in which the payment to the  
4 municipal treasurer as provided in subsection (b) of Section  
5 11-74.4-8 of this Act is to be made with respect to ad valorem  
6 taxes levied in the twenty-third calendar year after the year  
7 in which the ordinance approving the redevelopment project area  
8 is adopted if the ordinance was adopted on or after January 15,  
9 1981, and not later than December 31 of the year in which the  
10 payment to the municipal treasurer as provided in subsection  
11 (b) of Section 11-74.4-8 of this Act is to be made with respect  
12 to ad valorem taxes levied in the thirty-fifth calendar year  
13 after the year in which the ordinance approving the  
14 redevelopment project area is adopted (A) if the ordinance was  
15 adopted before January 15, 1981, or (B) if the ordinance was  
16 adopted in December 1983, April 1984, July 1985, or December  
17 1989, or (C) if the ordinance was adopted in December, 1987 and  
18 the redevelopment project is located within one mile of Midway  
19 Airport, or (D) if the ordinance was adopted before January 1,  
20 1987 by a municipality in Mason County, or (E) if the  
21 municipality is subject to the Local Government Financial  
22 Planning and Supervision Act or the Financially Distressed City  
23 Law, or (F) if the ordinance was adopted in December 1984 by  
24 the Village of Rosemont, or (G) if the ordinance was adopted on  
25 December 31, 1986 by a municipality located in Clinton County  
26 for which at least \$250,000 of tax increment bonds were  
27 authorized on June 17, 1997, or if the ordinance was adopted on  
28 December 31, 1986 by a municipality with a population in 1990  
29 of less than 3,600 that is located in a county with a  
30 population in 1990 of less than 34,000 and for which at least  
31 \$250,000 of tax increment bonds were authorized on June 17,  
32 1997, or (H) if the ordinance was adopted on October 5, 1982 by  
33 the City of Kankakee, or (I) if the ordinance was adopted on  
34 December 29, 1986 by East St. Louis, or if the ordinance was  
35 adopted on November 12, 1991 by the Village of Sauget, or (J)  
36 if the ordinance was adopted on February 11, 1985 by the City

1 of Rock Island, or (K) if the ordinance was adopted before  
2 December 18, 1986 by the City of Moline, or (L) if the  
3 ordinance was adopted in September 1988 by Sauk Village, or (M)  
4 if the ordinance was adopted in October 1993 by Sauk Village,  
5 or (N) if the ordinance was adopted on December 29, 1986 by the  
6 City of Galva, or (O) if the ordinance was adopted in March  
7 1991 by the City of Centreville, or (P) if the ordinance was  
8 adopted on January 23, 1991 by the City of East St. Louis, or  
9 (Q) if the ordinance was adopted on December 22, 1986 by the  
10 City of Aledo, or (R) if the ordinance was adopted on February  
11 5, 1990 by the City of Clinton, or (S) if the ordinance was  
12 adopted on September 6, 1994 by the City of Freeport, or (T) if  
13 the ordinance was adopted on December 22, 1986 by the City of  
14 Tuscola, or (U) if the ordinance was adopted on December 23,  
15 1986 by the City of Sparta, or (V) if the ordinance was adopted  
16 on December 23, 1986 by the City of Beardstown, or (W) if the  
17 ordinance was adopted on April 27, 1981, October 21, 1985, or  
18 December 30, 1986 by the City of Belleville, or (X) if the  
19 ordinance was adopted on December 29, 1986 by the City of  
20 Collinsville, or (Y) if the ordinance was adopted on September  
21 14, 1994 by the City of Alton, or (Z) if the ordinance was  
22 adopted on November 11, 1996 by the City of Lexington, or (AA)  
23 if the ordinance was adopted on November 5, 1984 by the City of  
24 LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or  
25 June 3, 1992 by the City of Markham, or (CC) if the ordinance  
26 was adopted on November 11, 1986 by the City of Pekin and, for  
27 redevelopment project areas for which bonds were issued before  
28 July 29, 1991, in connection with a redevelopment project in  
29 the area within the State Sales Tax Boundary and which were  
30 extended by municipal ordinance under subsection (n) of Section  
31 11-74.4-3, the last maturity of the refunding obligations shall  
32 not be expressed to mature later than the date on which the  
33 redevelopment project area is terminated or December 31, 2013,  
34 whichever date occurs first.

35 In the event a municipality issues obligations under home  
36 rule powers or other legislative authority the proceeds of

1 which are pledged to pay for redevelopment project costs, the  
2 municipality may, if it has followed the procedures in  
3 conformance with this division, retire said obligations from  
4 funds in the special tax allocation fund in amounts and in such  
5 manner as if such obligations had been issued pursuant to the  
6 provisions of this division.

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

11 (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624,  
12 eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

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