

**ILLINOIS ENTERPRISE ZONE PROGRAM
APPLICATION TO EXPAND, LIMIT OR REPEAL INCENTIVES
INSTRUCTIONS**

INTRODUCTION

Under Section 5.4 of the Illinois Enterprise Zone Act, an application to amend a certified designating ordinance in order to expand, limit, or repeal incentives must contain substantially the same information as required for an application for certification of an enterprise zone under Section 5.1 of the Act. An amendment to a designating ordinance of a certified enterprise zone is not effective until the Department of Commerce and Economic Opportunity (DCEO) approves the application, approves the amending ordinance, and files a certified copy of the ordinance with the local recorder of deeds and the Secretary of State as provided in Section 5.3 of the Act.

APPLICATION PROCEDURES

1. Hold Public Hearing

The designating unit(s) of government must conduct at least one public hearing within the enterprise zone on the question of amending the tax incentive(s) or benefit(s) provided by ordinance. Public notice of the hearing must be published in at least one newspaper of general circulation within the zone area not more than 20 days nor less than 5 days before the hearing.

2. Amend Designating Ordinance(s)

The designating unit(s) of government must amend the designating ordinance(s) to expand, limit, or repeal any tax incentive or benefit provided by ordinance.

The original and two certified copies of the amending ordinance must then be forwarded to DCEO for certification and filing in accordance with Section 5.3 of the Act.

3. Amend Intergovernmental Agreement

If the affected tax incentive or benefit is stated in the intergovernmental agreement, it must be amended to provide for the revised tax incentive or benefit.

4. Make Application

The designating unit(s) of government must submit an application to DCEO for approval of the revised tax incentive or benefit. DCEO's decision regarding final approval or disapproval of the proposed amendment shall be made within 90 days of the receipt of the application. Direct application to:

Department of Commerce and Economic Opportunity
Enterprise Zone Program
500 East Monroe Street, Fourth Floor
Springfield, Illinois 62701
CEO.EZHelp@illinois.gov

APPLICANT REQUIREMENTS

The applicant is required to complete and submit the standard application form furnished by DCEO and to provide information and documentation including:

1. The notice of Public Hearing;
2. Transcripts of the Public Hearing;
3. The original and two certified copies of the amending ordinances;
4. In the case of a joint application, a certified copy of the amended intergovernmental agreement;
5. A statement identifying the tax incentive(s) of benefit(s) that will be expanded, limited or repealed, the proposed change and the reason for the amendment; and,
6. A description of community support;
7. An estimate of the economic impact the proposed change will have on the revenues of the municipality or county.

BENEFIT ENTITLEMENT

Under Section 5.4(e)(f) of the Act. when a designating unit of government proposes to repeal or limit tax incentives or other benefits, all incentives and benefits previously offered continue for the original term of the zone for three groups:

- a) business enterprises which are receiving benefits or incentives in the zone on the effective date of the amending ordinance;
- b) business enterprises or expansions which are proposed or under development on the effective date of the amending ordinance, if the business enterprise establishes that:
 1. the proposed business enterprise or expansion has been committed to the zone;
 2. substantial and binding financial obligations have been made; and,
 3. such commitments have been made in reasonable reliance on the benefits and programs which were to have been applicable in the zone.
- c) individuals participating in urban homesteading programs.

With respect to business expansions or locations which are already receiving enterprise zone benefits, the local government has the responsibility to attempt to inform eligible businesses through public notice, mailings, or other means and to take the administrative steps necessary to assure compliance. This generally applies to incentives and benefits received over several years, such as property tax abatement or related building codes, starting before the effective date of the amending ordinance.

With respect to business expansions or locations which are proposed or under development, the local government has the same responsibility to inform businesses and to take appropriate administrative steps. The businesses must demonstrate commitment and show that substantial and binding obligations have been made (for example, through written contracts, purchase orders, etc., dated on or before the effective date of the amending ordinance). Proposed business expansions or locations must also demonstrate reliance on enterprise zone benefits by applying for incentives in a timely manner provided all other requirements are met.

With respect to homestead programs, the local government should inform affected parties and meet its obligations concerning transfer of title to the property and any other relevant provisions.

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PART A: LEGAL APPLICANT

Type of Application: Single _____ Joint _____
(If Joint Application, provide information for each applicant.)

Name of Jurisdiction _____

Street/P.O. Box _____ Zip Code _____

City _____ County _____

Chief Elected Official _____

Zone Administrator _____ Phone () _____

Type of Applicant: City _____ County _____

Name of Jurisdiction _____

Street/P.O. Box _____ Zip Code _____

City _____ County _____

Chief Elected Official _____

Zone Administrator _____ Phone () _____

Type of Applicant: City _____ County _____

Name of Jurisdiction _____

Street/P.O. Box _____ Zip Code _____

City _____ County _____

Chief Elected Official _____

Zone Administrator _____ Phone () _____

Type of Applicant: City _____ County _____

Note: Submit one application that includes an original ordinance(s), intergovernmental agreement and taxing district resolutions plus 2 certified copies of the ordinances, intergovernmental agreement and taxing district resolutions. All attachments must be 8-1/2" x 11", excluding maps. The format of this application may be reproduced and completed in an expanded form provided the final application is presented in bound form or loose leaf notebook. All pages must be numbered in sequence and attachments labeled.

PART B: DESCRIPTIVE INFORMATION
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1. Describe the incentive or benefit currently offered. Indicate the number of the ordinance and the section that provides for the incentive.

2. Describe the proposed change(s).

3. For each change which proposes to create or expand an incentive, provide the following information:

Incentive: Briefly describe each incentive and its purpose.

Implementation: Describe how the incentive, program or activity will be implemented.

Limitation/Applicability: Indicate any special conditions or qualifications imposed on the applicability of the incentive such as a phase in/phase out scheduled, permit requirements, etc.

Period of Availability: Indicate the time period for which the incentive will be made available.

Effective Date: Indicate when the incentive will become effective.

Source of funds: For activities requiring direct expenditures, indicate the source of funds.

Impact: Estimate the projected impact on the revenue of the designating unit of government.

INCENTIVE

IMPLEMENTATION

LIMITATIONS ON APPLICABILITY

PERIOD OF AVAILABILITY

EFFECTIVE DATE

SOURCE OF FUNDS

IMPACT

PART C: PURPOSE OF AMENDMENT

Explain why the amendment is being requested. Provide statistics, graphs, or other types of documentation that support the request.

PART D: COMMUNITY SUPPORT

Describe the input, assistance, resources and commitments which public and private sector entities provided in development of the application. Letters from individuals, business, labor, community or other groups in support of this application may be attached.

PART E: BENEFIT ENTITLEMENT

If the proposed amendment either limits or repeals tax incentives or benefits, describe the administrative mechanism that will be implemented to provide tax incentives and benefits for the original term of the enterprise zone to business enterprises and homestead participants who qualify for "Benefit Entitlement" under Sec. 5.4(e)(f) of the Enterprise Zone Act.

PART F: APPLICANT CERTIFICATION

THE APPLICANT CERTIFIES THAT:

To the best of my knowledge and belief, data and other information in this application are true and correct, and this document has been authorized by the governing body of the applicant.

CERTIFYING REPRESENTATIVE:

(To be signed by the Chief Elected Official or Designee)

Designating Unit of Government

Chief Elected Official or Designee

Date

Title

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(To be signed by the Chief Elected Official or Designee)

Designating Unit of Government

Chief Elected Official or Designee

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