



## Local Governments' Guide to Tax Allocations

# Business District Development and Redevelopment Sales Tax

### What is the Business District Sales Tax?

The Business District Development and Redevelopment Law authorizes a municipality to impose a tax designed to fund the development or redevelopment of certain designated areas within a municipality. The municipality may impose this tax if it has a development or redevelopment plan for an area of the municipality that

- is contiguous (*i.e.*, the properties within the area border each other),
- includes only parcels of real property that will directly and substantially benefit from the proposed plan, and
- is blighted, as defined in the Illinois Municipal Code (see 65 ILCS 5/11-74.3-5).

The business district sales tax is imposed by the municipality in the form of the Business District Retailers' Occupation Tax and Business District Service Occupation Tax.

### Is voter approval required?

No. Voter approval is not required.

### What must a municipality do to establish this tax?

The corporate authorities of the municipality must first approve a business district plan and designate a business district as outlined in 65 ILCS 5/11-74.3-2. Next, the municipality must impose the tax by ordinance as outlined in 65 ILCS 5/11-74.3-3 and 5/11-74.3-6. The municipality must then file a certified copy of the ordinance with the Illinois Department of Revenue.

### What is the deadline for filing the ordinance?

If the Department receives a certified copy of a proper ordinance **and all additional required information** on or before

- April 1, the tax will become effective July 1 of the same year, or
- October 1, the tax will become effective January 1 of the following year.

The ordinance and all additional required information must be sent to the address below.

**LOCAL TAX ALLOCATION DIVISION  
ILLINOIS DEPARTMENT OF REVENUE MC 3-500  
101 WEST JEFFERSON STREET  
SPRINGFIELD IL 62702**

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### **What information is required?**

Any municipality that has met the requirements to establish a business district and adopted an ordinance imposing both a Business District Retailers' Occupation Tax and a Business District Service Occupation Tax must provide the Illinois Department of Revenue with

- a certified copy of the ordinance imposing both the retailers' and service occupation taxes for the business district;
- a detailed map of the business district;
- a copy of the development or redevelopment plan for the business district; and
- a detailed list of each address located within the district's boundaries. Each address must be registered with the United States Postal Service (USPS). The list must contain the street name, street number, city, state, and ZIP Code for each piece of property located within the district. This information is used to identify retailers that are within the business district. The Department will notify those retailers to collect the additional tax.

### **Can the business district boundaries be changed?**

Yes. The municipality can change the boundaries of a designated business district as provided in the Business District Development and Redevelopment Law.

If the municipality changes the boundaries of its business district, it must provide the Illinois Department of Revenue with

- a certified copy of the ordinance changing the boundaries for the business district;
- an updated, detailed map of the business district;
- an updated copy of the development or redevelopment plan for the business district; and
- a detailed list of each new address located within the district's boundaries. The addresses must be registered with the USPS. The list of new addresses must contain the street name, street number, city, state, and ZIP Code for each piece of property located within the district.

The ordinance and all additional required information listed above must be sent to the Local Tax Allocation Division (LTAD) by the ordinance filing deadline discussed on page 1.

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### **Can a business district address be added, changed, or deleted?**

Yes. Adding, changing, or deleting addresses within an existing business district with no business district boundary or rate changes simply requires a letter to be sent to the LTAD. The letter must include the name of the business district and the addresses that will be added, changed, or deleted. Addresses that will be added or changed must be registered with the USPS. The letter must include the street name, street number, city, state, and ZIP Code for each new address to be included in the district.

The addresses must be sent to the LTAD by the ordinance filing deadline discussed on page 1.

### **What is required to change or discontinue the tax rate of an existing business district?**

A certified ordinance is required to change or discontinue this tax. The ordinance must be sent to the LTAD by the ordinance filing deadline discussed on page 1.

### **What review process does the Department follow for the information submitted?**

Each ordinance will be reviewed for approval by two offices in the Department. When needed, each office will work with you to bring the requirements into compliance. You will receive a separate notification of approval from each of these offices. The process we follow is explained below:

- The Legal Services Office determines if the ordinance language is legally sufficient to impose the tax. During this process, it is possible the Department may find that an amendment to the ordinance language is required. You will be notified in writing of the Legal Service Office's determination.
- The LTAD will compare the address list provided to the most current address information from the USPS.
  - The Department will send a Business District Address Verification comparison list to the municipality. The municipality must approve which address should be used.
  - From the approved comparison list, the Department will provide a Business District Taxpayer Listing of any registered retailer doing business at the approved addresses. The municipality will be required to confirm whether the list of retailers is correct and return the verified list to the LTAD.

Once your municipality has received approval from both of our offices (Legal Services and LTAD), the Department will notify all affected retailers of the rate change.

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### How time sensitive is the information that is required to be submitted?

Time is critical to ensure that the approval process can be completed and that a business district sales tax rate and the inclusion of addresses within the business district take effect on the intended date. Addresses cannot be added, changed, or deleted after the filing deadline.

The ordinance and required information should be sent to the Department as soon as possible after passage by the municipality. This will allow time for the Department and municipality to complete the approval process and correct any problems that may arise before the April 1 or October 1 filing deadline.

If the approval process is not completed in time, the tax increase or the inclusion of certain addresses requested by your municipality may be delayed until the next implementation date.

### To what sales does the tax apply?

The same items of general merchandise reported on Line 4a of Form ST-1 and Form ST-2 that are subject to state sales tax are also subject to business district sales tax. Business district sales tax must be collected on general merchandise sold within the business district regardless of whether the merchandise is sold at retail or transferred as a part of a sale of service.

### What types of sales are *not* subject to this tax and will *not* generate more revenue?

Business district sales tax **does not** apply to

- sales of qualifying food, drugs, and medical appliances\* (reported on Line 5a of Form ST-1 and Form ST-2), or
- items that must be titled or registered by an agency of Illinois state government (reported on Form ST-556, Sales Tax Transaction Return).

### At what rate and for how long can the tax be imposed?

Business district sales tax may be imposed in 0.25% increments and cannot exceed 1%. The tax can be imposed for no longer than 23 years.

Please note that the municipality must file a certified ordinance with LTAD by the ordinance filing deadline to rescind the business district sales tax.

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### How are retailers notified about this tax?

The Department will notify, through an informational bulletin called the Sales Tax Rate Change Summary, each retailer located at an address within the business district that has been reported to the Illinois Department of Revenue. The informational bulletin lists the various locally imposed taxes that will take effect or whose rates will change January 1 or July 1, the new tax rate, and the date the rate takes effect.

Business districts that add, change, or delete an address but have no rate change will not be included on the informational bulletin. The Department will send a letter to the businesses informing them of the tax rate and the date the rate takes effect.

### Can we get a listing of the retailers located within the business district?

Yes. Municipalities can request a list of retailers located within their business district by contacting our office using the information below.

**LOCAL TAX ALLOCATION DIVISION (3-500)**  
**ILLINOIS DEPARTMENT OF REVENUE**  
**101 WEST JEFFERSON**  
**SPRINGFIELD IL 62702**  
**217-785-6518**  
**217-524-0526 fax**  
**[rev.localtax@illinois.gov](mailto:rev.localtax@illinois.gov)**

### Will a separate check be issued for the distributions from this tax?

Yes. The check or direct deposit you receive from the State Comptroller for business district sales taxes will be separate from other allocations. This information is also displayed on our website, [tax.illinois.gov](http://tax.illinois.gov), under Local Governments — Monthly Disbursements. The municipality must deposit this money into a special “Business District Tax Allocation Fund” to be used for paying eligible costs associated with the business district project.

### When will the municipality receive its first tax collection?

For taxes imposed effective January 1, the first disbursement will be made to local governments during the following April.

For taxes imposed effective July 1, the first disbursement will be made to the local governments during the following October.

### Statutory Reference

65 ILCS 5/11-74.3-1, *et seq.*