

AN ACT concerning Housing.

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

Section 5. The Affordable Housing Planning and Appeal Act is amended by changing Sections 5 and 20 as follows:

(310 ILCS 67/5)

Sec. 5. Findings. The legislature finds and declares that:

(1) there exists a shortage of affordable, accessible, safe, and sanitary housing in the State;

(2) it is imperative that action be taken to assure the availability of workforce and retirement housing; ~~and~~

(3) local governments in the State that do not have sufficient affordable housing are encouraged to assist in providing affordable housing opportunities to assure the health, safety, and welfare of all citizens of the State;

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(4) increasing the inventory and affordability of housing choices for people earning between 80% and 140% of the area median income, termed the missing middle, also helps preserve affordable housing, prevents homelessness, and encourages investment in more inclusive, mixed-income communities throughout the State; and

(5) studying the inventory and affordability gaps that

affect the missing middle is also crucial to ensuring
workforce and retirement housing in the State.

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/20)

Sec. 20. Determination of exempt local governments.

(a) Beginning October 1, 2004, the Illinois Housing Development Authority shall determine which local governments are exempt and not exempt from the operation of this Act based on an identification of the total number of year-round housing units in the most recent data from the U.S. Census Bureau for each local government within the State and by an inventory of owner-occupied and rental affordable housing units, as defined in this Act, for each local government from the U.S. Census Bureau and other relevant sources.

(b) The Illinois Housing Development Authority shall make this determination by:

(i) totaling the number of owner-occupied housing units in each local government that are affordable to households with a gross household income that is less than 80% of the median household income within the county or primary metropolitan statistical area;

(ii) totaling the number of rental units in each local government that are affordable to households with a gross household income that is less than 60% of the median household income within the county or primary metropolitan

statistical area;

(iii) adding the number of owner-occupied and rental units for each local government from items (i) and (ii); and

(iv) dividing the sum of (iii) above by the total number of year-round housing units in the local government as contained in the latest U.S. Census Bureau and multiplying the result by 100 to determine the percentage of affordable housing units within the jurisdiction of the local government.

(c) Beginning on the effective date of this amendatory Act of the 98th General Assembly, the Illinois Housing Development Authority shall publish a list of exempt and non-exempt local governments and the data that it used to calculate its determination at least once every 5 years. The data shall be shown for each local government in the State and for the State as a whole. Upon publishing a list of exempt and non-exempt local governments, the Illinois Housing Development Authority shall notify a local government that it is not exempt from the operation of this Act and provide to it the data used to calculate its determination.

(d) A local government or developer of affordable housing may appeal the determination of the Illinois Housing Development Authority as to whether the local government is exempt or non-exempt under this Act in connection with an appeal under Section 30 of this Act.

(e) Additionally, the Illinois Housing Development Authority shall make the following calculations:

(i) totaling the number of owner-occupied housing units in each local government that are affordable to households with a gross household income that is at or below 30% of the median household income within the county or primary metropolitan statistical area;

(ii) totaling the number of rental units in each local government that are affordable to households with a gross household income that is at or below 30% of the median household income within the county or primary metropolitan statistical area;

(iii) adding the number of owner-occupied and rental units for each local government from items (i) and (ii);

(iv) dividing the sum of (iii) above by the total number of year-round housing units in the local government as contained in the latest U.S. Census Bureau and multiplying the result by 100 to determine the percentage of extremely low-income affordable housing units within the jurisdiction of the local government;

(v) totaling the number of owner-occupied housing units in each local government that are affordable to households with a gross household income that is between 80% and 140% of the median household income within the county or primary metropolitan statistical area;

(vi) totaling the number of rental units in each local

government that are affordable to households with a gross household income that is between 60% and 80% of the median household income within the county or primary metropolitan statistical area;

(vii) totaling the number of rental units in each local government that are affordable to households with a gross household income that is between 80% and 140% of the median household income within the county or primary metropolitan statistical area;

(viii) adding the number of owner-occupied and rental units for each local government from items (v), (vi), and (vii); and

(ix) dividing the sum of (viii) above by the total number of year-round housing units in the local government as contained in the latest U.S. Census Bureau and multiplying the result by 100 to determine the percentage of affordable middle housing units within the jurisdiction of the local government.

(f) Beginning on the effective date of this amendatory Act of the 104th General Assembly, the Illinois Housing Development Authority shall publish the data collected under paragraphs (i) through (ix) of subsection (e). The data shall be shown for each local government in the State and for the State as a whole and shall be published at least once every 5 years. The Illinois Housing Development Authority shall also compile the collected data into a report and submit the report

to the General Assembly.

(g) The data collected under subsection (e) shall be for informational purposes only and shall not factor into the determination of exempt local governments.

(Source: P.A. 98-287, eff. 8-9-13.)