



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2545

Introduced 2/4/2025, by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

310 ILCS 67/30

Amends the Affordable Housing Planning and Appeals Act. Permits the following persons to appeal a municipality's denial of a proposed supportive housing project, including a project to develop a permanent supportive housing apartment building or community integrated-living arrangement, for low-income persons with disabilities: (1) the affordable housing developer of the proposed project; (2) a person who would be eligible to apply for residency in the proposed project; and (3) the community group or supportive housing advocacy group advocating for the proposed project. Provides that if a municipality fails to respond to an appeal within 60 days of its receipt, the State Housing Appeals Board (Board) shall automatically reverse the municipality's decision to deny the proposed supportive housing project. Provides that if the municipality timely responds to the appeal, it must demonstrate by clear and convincing evidence that the proposed supportive housing project would be detrimental to the fair operation and interest of the municipality or would place an unreasonable and disproportionate financial burden on the municipality or on municipal services. Requires the Board to reverse the municipality's decision to deny the proposed supportive housing project if the Board determines that the municipality has not met this burden.

LRB104 11927 KTG 22020 b

1 AN ACT concerning housing.

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

4 Section 5. The Affordable Housing Planning and Appeal Act  
5 is amended by changing Section 30 as follows:

6 (310 ILCS 67/30)

7 Sec. 30. Appeal to State Housing Appeals Board.

8 (a) (Blank).

9 (b) (Blank).

10 (b-5) Except as otherwise provided in subsection (b-6),  
11 beginning ~~Beginning~~ January 1, 2026, any of the following  
12 parties may file an appeal as an appellant to the State Housing  
13 Appeals Board against a non-exempt municipality if the  
14 proposed affordable housing development was denied by the  
15 municipality, or approved with conditions that in the  
16 appellant's judgment render the provision of affordable  
17 housing infeasible:

18 (1) the affordable housing developer of the proposed  
19 affordable housing development;

20 (2) a person who would be eligible to apply for  
21 residency in the proposed affordable housing development;

22 or

23 (3) a housing organization whose geographic focus area

1 includes the municipality, or county if in an  
2 unincorporated area, where the proposed affordable housing  
3 development is located.

4 Appeals must be filed within 45 days after the decision by  
5 the municipality. The appellant must submit information  
6 regarding why the appellant believes the affordable housing  
7 development was unfairly denied or unreasonable conditions  
8 were placed upon the tentative approval of the development. In  
9 the case of local governments that are determined by the  
10 Illinois Housing Development Authority under Section 20 to be  
11 non-exempt for the first time based on the recalculation of  
12 U.S. Census Bureau data after the effective date of this  
13 amendatory Act of the 103rd General Assembly, no appellant may  
14 appeal to the State Housing Appeals Board until 6 months after  
15 a local government has been notified of its non-exempt status.

16 (b-6) Any of the following parties may file an appeal as an  
17 appellant to the State Housing Appeals Board against a  
18 municipality if the municipality denied a proposed supportive  
19 housing project, including a project to develop a permanent  
20 supportive housing apartment building or community  
21 integrated-living arrangement, for low-income persons with  
22 disabilities:

23 (1) the affordable housing developer of the proposed  
24 supportive housing project, permanent supportive housing  
25 building, or community integrated-living arrangement;

26 (2) a person who would be eligible to apply for

1 residency in the proposed supportive housing project,  
2 permanent supportive housing building, or community  
3 integrated-living arrangement;

4 (3) the service provider for the proposed supportive  
5 housing project, permanent supportive housing building, or  
6 community integrated-living arrangement; or

7 (4) the community group or supportive housing advocacy  
8 group advocating for the proposed supportive housing  
9 project, permanent supportive housing building, or  
10 community integrated-living arrangement.

11 Appeals must be filed within 45 days after the decision by  
12 the municipality. The municipality must respond in writing to  
13 the appeal within 60 days of its receipt. If the municipality  
14 fails to respond within that 60 day period, the Board shall  
15 automatically reverse the municipality's decision to deny the  
16 proposed supportive housing project. If the municipality  
17 responds to the appeal within the 60 day period, the  
18 municipality must demonstrate by clear and convincing evidence  
19 that the proposed supportive housing project would be  
20 detrimental to the fair operation and interest of the  
21 municipality or would place an unreasonable and  
22 disproportionate financial burden on the municipality or on  
23 municipal services. The Board shall reverse the municipality's  
24 decision to deny the proposed supportive housing project if  
25 the Board determines that the municipality has not met this  
26 burden.

1 (c) Beginning on the effective date of this amendatory Act  
2 of the 98th General Assembly, the Board shall, whenever  
3 possible, render a decision on the appeal within 120 days  
4 after the appeal is filed. The Board may extend the time by  
5 which it will render a decision where circumstances outside  
6 the Board's control make it infeasible for the Board to render  
7 a decision within 120 days. Except as otherwise provided in  
8 subsection (b-6), in ~~in~~ any proceeding before the Board, the  
9 appellant bears the burden of demonstrating that the proposed  
10 affordable housing development (i) has been unfairly denied or  
11 (ii) has had unreasonable conditions placed upon it by the  
12 decision of the local government.

13 (d) Except as otherwise provided in subsection (b-6), the  
14 ~~The~~ Board shall dismiss any appeal if:

15 (i) the local government has adopted an affordable  
16 housing plan as defined in Section 25 of this Act and  
17 submitted that plan to the Illinois Housing Development  
18 Authority within the time frame required by this Act; and

19 (ii) the local government has implemented its  
20 affordable housing plan and has met its goal as  
21 established in its affordable housing plan as defined in  
22 Section 25 of this Act.

23 (e) The Board shall dismiss any appeal if the reason for  
24 denying the application or placing conditions upon the  
25 approval is a non-appealable local government requirement  
26 under Section 15 of this Act.

1           (f) The Board may affirm, reverse, or modify the  
2 conditions of, or add conditions to, a decision made by the  
3 approving authority. The decision of the Board constitutes an  
4 order directed to the approving authority and is binding on  
5 the local government.

6           (g) The appellate court has the exclusive jurisdiction to  
7 review decisions of the Board. Any appeal to the Appellate  
8 Court of a final ruling by the State Housing Appeals Board may  
9 be heard only in the Appellate Court for the District in which  
10 the local government involved in the appeal is located. The  
11 appellate court shall apply the "clearly erroneous" standard  
12 when reviewing such appeals. An appeal of a final ruling of the  
13 Board shall be filed within 35 days after the Board's decision  
14 and in all respects shall be in accordance with Section 3-113  
15 of the Code of Civil Procedure.

16           (Source: P.A. 103-487, eff. 1-1-24.)