

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 Sections 15 and 30 as follows:

6 (310 ILCS 67/15)

7 Sec. 15. Definitions. As used in this Act:

8 "Affordable housing" means housing that has a value or
9 cost or rental amount that is within the means of a household
10 that may occupy moderate-income or low-income housing. In the
11 case of owner-occupied dwelling units, housing that is
12 affordable means housing in which mortgage, amortization,
13 taxes, insurance, and condominium or association fees, if any,
14 constitute no more than 30% of the gross annual household
15 income for a household of the size that may occupy the unit. In
16 the case of dwelling units for rent, housing that is
17 affordable means housing for which the rent and utilities
18 constitute no more than 30% of the gross annual household
19 income for a household of the size that may occupy the unit. In
20 the case of dwelling units for rent, the costs of any required
21 parking, maintenance, or landlord-imposed fees are to be
22 included in the calculation of affordable housing if available
23 from the U.S. Census Bureau.

1 "Affordable housing developer" means a nonprofit entity,
2 limited equity cooperative or public agency, or private
3 individual, firm, corporation, or other entity seeking to
4 build an affordable housing development.

5 "Affordable housing development" means (i) any housing
6 that is subsidized by the federal or State government or (ii)
7 any housing in which at least 20% of the dwelling units are
8 subject to covenants or restrictions that require that the
9 dwelling units be sold or rented at prices that preserve them
10 as affordable housing for a period of at least 15 years, in the
11 case of owner-occupied housing, and at least 30 years, in the
12 case of rental housing.

13 "Approving authority" means the governing body of the
14 county or municipality.

15 "Area median household income" means the median household
16 income adjusted for family size for applicable income limit
17 areas as determined annually by the federal Department of
18 Housing and Urban Development under Section 8 of the United
19 States Housing Act of 1937.

20 "Community-integrated living arrangement" has the meaning
21 ascribed to that term in Section 3 of the Community-Integrated
22 Living Arrangements Licensure and Certification Act.

23 "Community land trust" means a private, not-for-profit
24 corporation organized exclusively for charitable, cultural,
25 and other purposes and created to acquire and own land for the
26 benefit of the local government, including the creation and

1 preservation of affordable housing.

2 "Development" means any building, construction,
3 renovation, or excavation or any material change in any
4 structure or land, or change in the use of such structure or
5 land, that results in a net increase in the number of dwelling
6 units in a structure or on a parcel of land by more than one
7 dwelling unit.

8 "Exempt local government" means any local government in
9 which at least 10% of its total year-round housing units are
10 affordable, as determined by the Illinois Housing Development
11 Authority in accordance with Section 20, or any municipality
12 with a population under 1,000.

13 "Household" means the person or persons occupying a
14 dwelling unit.

15 "Housing organization" means a trade or industry group
16 engaged in the construction or management of housing units, or
17 a nonprofit organization whose mission includes providing or
18 advocating for increased access to housing for low or
19 moderate-income households.

20 "Housing trust fund" means a separate fund, either within
21 a local government or between local governments pursuant to
22 intergovernmental agreement, established solely for the
23 purposes authorized in subsection (d) of Section 25,
24 including, without limitation, the holding and disbursing of
25 financial resources to address the affordable housing needs of
26 individuals or households that may occupy low-income or

1 moderate-income housing.

2 "Local government" means a county or municipality.

3 "Low-income housing" means housing that is affordable,
4 according to the federal Department of Housing and Urban
5 Development, for either home ownership or rental, and that is
6 occupied, reserved, or marketed for occupancy by households
7 with a gross household income that does not exceed 50% of the
8 area median household income.

9 "Moderate-income housing" means housing that is
10 affordable, according to the federal Department of Housing and
11 Urban Development, for either home ownership or rental, and
12 that is occupied, reserved, or marketed for occupancy by
13 households with a gross household income that is greater than
14 50% but does not exceed 80% of the area median household
15 income.

16 "Non-appealable local government requirements" means all
17 essential requirements that protect the public health and
18 safety, including any local building, electrical, fire, or
19 plumbing code requirements or those requirements that are
20 critical to the protection or preservation of the environment.

21 "Supportive housing" means permanent or transitional
22 housing with access to the needed supportive services which
23 enable special needs populations to live as independently as
24 possible.

25 (Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

1 (310 ILCS 67/30)

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

3 (a) (Blank).

4 (b) (Blank).

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

13 (1) the affordable housing developer of the proposed
14 affordable housing development;

15 (2) a person who would be eligible to apply for
16 residency in the proposed affordable housing development;
17 or

18 (3) a housing organization whose geographic focus area
19 includes the municipality, or county if in an
20 unincorporated area, where the proposed affordable housing
21 development is located.

22 Appeals must be filed within 45 days after the decision by
23 the municipality. The appellant must submit information
24 regarding why the appellant believes the affordable housing
25 development was unfairly denied or unreasonable conditions
26 were placed upon the tentative approval of the development. In

1 the case of local governments that are determined by the
2 Illinois Housing Development Authority under Section 20 to be
3 non-exempt for the first time based on the recalculation of
4 U.S. Census Bureau data after the effective date of this
5 amendatory Act of the 103rd General Assembly, no appellant may
6 appeal to the State Housing Appeals Board until 6 months after
7 a local government has been notified of its non-exempt status.

8 (b-6) Any of the following parties may file an appeal as an
9 appellant to the State Housing Appeals Board against a
10 municipality if the municipality denied a proposed supportive
11 housing project, including a project to develop a permanent
12 supportive housing apartment building or community
13 integrated-living arrangement, for low-income persons with
14 disabilities:

15 (1) the affordable housing developer of the proposed
16 supportive housing project, permanent supportive housing
17 building, or community integrated-living arrangement;

18 (2) a person who would be eligible to apply for
19 residency in the proposed supportive housing project,
20 permanent supportive housing building, or community
21 integrated-living arrangement;

22 (3) the service provider for the proposed supportive
23 housing project, permanent supportive housing building, or
24 community integrated-living arrangement; or

25 (4) the community group or supportive housing advocacy
26 group advocating for the proposed supportive housing

1 project, permanent supportive housing building, or
2 community integrated-living arrangement.

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

19 (c) Beginning on the effective date of this amendatory Act
20 of the 98th General Assembly, the Board shall, whenever
21 possible, render a decision on the appeal within 120 days
22 after the appeal is filed. The Board may extend the time by
23 which it will render a decision where circumstances outside
24 the Board's control make it infeasible for the Board to render
25 a decision within 120 days. Except as otherwise provided in
26 subsection (b-6), in ~~in~~ any proceeding before the Board, the

1 appellant bears the burden of demonstrating that the proposed
2 affordable housing development (i) has been unfairly denied or
3 (ii) has had unreasonable conditions placed upon it by the
4 decision of the local government.

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

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

11 (ii) the local government has implemented its
12 affordable housing plan and has met its goal as
13 established in its affordable housing plan as defined in
14 Section 25 of this Act.

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

19 (f) The Board may affirm, reverse, or modify the
20 conditions of, or add conditions to, a decision made by the
21 approving authority. The decision of the Board constitutes an
22 order directed to the approving authority and is binding on
23 the local government.

24 (g) The appellate court has the exclusive jurisdiction to
25 review decisions of the Board. Any appeal to the Appellate
26 Court of a final ruling by the State Housing Appeals Board may

1 be heard only in the Appellate Court for the District in which
2 the local government involved in the appeal is located. The
3 appellate court shall apply the "clearly erroneous" standard
4 when reviewing such appeals. An appeal of a final ruling of the
5 Board shall be filed within 35 days after the Board's decision
6 and in all respects shall be in accordance with Section 3-113
7 of the Code of Civil Procedure.

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