



Sen. Adriane Johnson

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10400HB2545sam001

LRB104 11927 KTG 26468 a

1 AMENDMENT TO HOUSE BILL 2545

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2545 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Affordable Housing Planning and Appeal Act  
5 is amended by changing Sections 5, 15, and 30 as follows:

6 (310 ILCS 67/5)

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

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

10 (2) it is imperative that action be taken to assure  
11 the availability of housing for the State's workforce,  
12 retired persons, and low-income persons with disabilities  
13 and retirement housing; and

14 (3) local governments in the State that do not have  
15 sufficient affordable housing are encouraged to assist in  
16 providing affordable housing opportunities to assure the

1 health, safety, and welfare of all citizens of the State.

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

3 (310 ILCS 67/15)

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

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

21 "Affordable housing developer" means a nonprofit entity,  
22 limited equity cooperative or public agency, or private  
23 individual, firm, corporation, or other entity seeking to  
24 build an affordable housing development.

25 "Affordable housing development" means (i) any housing

1 that is subsidized by the federal or State government or (ii)  
2 any housing in which at least 20% of the dwelling units are  
3 subject to covenants or restrictions that require that the  
4 dwelling units be sold or rented at prices that preserve them  
5 as affordable housing for a period of at least 15 years, in the  
6 case of owner-occupied housing, and at least 30 years, in the  
7 case of rental housing.

8 "Approving authority" means the governing body of the  
9 county or municipality.

10 "Area median household income" means the median household  
11 income adjusted for family size for applicable income limit  
12 areas as determined annually by the federal Department of  
13 Housing and Urban Development under Section 8 of the United  
14 States Housing Act of 1937.

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

18 "Community land trust" means a private, not-for-profit  
19 corporation organized exclusively for charitable, cultural,  
20 and other purposes and created to acquire and own land for the  
21 benefit of the local government, including the creation and  
22 preservation of affordable housing.

23 "Development" means any building, construction,  
24 renovation, or excavation or any material change in any  
25 structure or land, or change in the use of such structure or  
26 land, that results in a net increase in the number of dwelling

1 units in a structure or on a parcel of land by more than one  
2 dwelling unit.

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

8 "Household" means the person or persons occupying a  
9 dwelling unit.

10 "Housing organization" means a trade or industry group  
11 engaged in the construction or management of housing units, or  
12 a nonprofit organization whose mission includes providing or  
13 advocating for increased access to supportive housing,  
14 community-integrated living arrangements, or housing for low  
15 or moderate-income households.

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

24 "Local government" means a county or municipality.

25 "Low-income housing" means housing that is affordable,  
26 according to the federal Department of Housing and Urban

1 Development, for either home ownership or rental, and that is  
2 occupied, reserved, or marketed for occupancy by households  
3 with a gross household income that does not exceed 50% of the  
4 area median household income.

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

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

17 "Service provider" means an organization that provides  
18 supportive services, including, but not limited to, case  
19 management, mental health counseling, or substance abuse  
20 treatment, to individuals and families who live in supportive  
21 housing or community-integrated living arrangements.

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

26 (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, supportive housing  
10 development, or community-integrated living arrangement was  
11 denied by the municipality, or approved with conditions that  
12 in the appellant's judgment render the provision of affordable  
13 housing infeasible:

14 (1) the affordable housing developer of the proposed  
15 affordable housing development, supportive housing  
16 development, or community-integrated living arrangement;

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

21 (3) a housing organization whose geographic focus area  
22 includes the municipality, or county if in an  
23 unincorporated area, where the proposed affordable housing  
24 development, supportive housing development, or  
25 community-integrated living arrangement is located.

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

13 (b-6) Beginning January 1, 2027, a service provider for a  
14 proposed supportive housing or community integrated-living  
15 arrangement, or any of the parties listed in subsection (b-5),  
16 may file an appeal as an appellant to the State Housing Appeals  
17 Board against a non-exempt municipality if a proposed  
18 affordable housing development that also meets this Act's  
19 definition of supportive housing or a community  
20 integrated-living arrangement was denied by the municipality,  
21 or approved with conditions that in the appellant's judgment  
22 render the provision of affordable housing, supportive  
23 housing, or community-integrated living arrangement  
24 infeasible. A service provider is only eligible to file an  
25 appeal under this subsection if the service provider has  
26 entered into a written agreement with a developer of a

1 proposed supportive housing or community-integrated living  
2 arrangement to provide related services.

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 90 days of its receipt. If the municipality  
6 fails to respond within that 90-day period, the Board shall  
7 make its determination based on available evidence. If the  
8 municipality responds to the appeal within the 90-day period,  
9 the municipality must demonstrate by a preponderance of  
10 evidence that the proposed supportive housing or  
11 community-integrated living arrangement would be detrimental  
12 to the fair operation and interest of the municipality or  
13 would place an unreasonable and disproportionate financial  
14 burden on the municipality or on municipal services. The Board  
15 shall reverse the municipality's decision to deny the proposed  
16 supportive housing or community-integrated living arrangement  
17 if the Board determines that the municipality has not met this  
18 burden.

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

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