



Sen. Adriane Johnson

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10400HB2545sam002

LRB104 11927 KTG 26605 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 "Supportive housing" means permanent or transitional
18 housing with access to the needed supportive services which
19 enable special needs populations to live as independently as
20 possible.

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

22 (310 ILCS 67/30)

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

24 (a) (Blank).

25 (b) (Blank).

1 (b-5) Beginning January 1, 2026, any of the following
2 parties may file an appeal as an appellant to the State Housing
3 Appeals Board against a non-exempt municipality if the
4 proposed affordable housing development, supportive housing
5 development, or community-integrated living arrangement was
6 denied by the municipality, or approved with conditions that
7 in the appellant's judgment render the provision of affordable
8 housing infeasible:

9 (1) the affordable housing developer of the proposed
10 affordable housing development, supportive housing
11 development, or community-integrated living arrangement;

12 (2) a person who would be eligible to apply for
13 residency in the proposed affordable housing development,
14 supportive housing development, or community-integrated
15 living arrangement; or

16 (3) a housing organization whose geographic focus area
17 includes the municipality, or county if in an
18 unincorporated area, where the proposed affordable housing
19 development, supportive housing development, or
20 community-integrated living arrangement is located.

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

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

7 (c) Beginning on the effective date of this amendatory Act
8 of the 98th General Assembly, the Board shall, whenever
9 possible, render a decision on the appeal within 120 days
10 after the appeal is filed. The Board may extend the time by
11 which it will render a decision where circumstances outside
12 the Board's control make it infeasible for the Board to render
13 a decision within 120 days. In any proceeding before the
14 Board, the appellant bears the burden of demonstrating that
15 the proposed affordable housing development (i) has been
16 unfairly denied or (ii) has had unreasonable conditions placed
17 upon it by the decision of the local government.

18 (d) The Board shall dismiss any appeal if:

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

23 (ii) the local government has implemented its
24 affordable housing plan and has met its goal as
25 established in its affordable housing plan as defined in
26 Section 25 of this Act.

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

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

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

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