

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3288

Introduced 2/18/2025, by Rep. Kam Buckner and Michelle Mussman

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 100/5-45.61 new

Creates the Affordable Communities Act. Defines "zoning unit" as a county, municipality, or township that has adopted zoning regulations, and defines other terms. Provides that, on and after June 1, 2026, for a zoning unit with a population equal to or greater than 100,000, regulations may not prevent the development of any middle housing types permitted in the zoning unit through unreasonable costs, delay, or procedural requirements. Allows zoning units to regulate middle housing to comply with protective measures adopted under statewide land use planning goals. Requires adoption of zoning ordinances and zoning maps consistent with the Act by June 1, 2026 for zoning units with a population equal to or greater than 100,000. Provides that the Illinois Housing Development Authority shall develop a model middle housing ordinance that must be used if a zoning unit fails to adopt the required ordinance or zoning map. Allows the Authority to grant exceptions to compliance under specified situations. Requires the Authority to adopt rules regarding the form and substance of a zoning unit's application for an extension, and allows the Authority to adopt other rules relating an extension. Limits the concurrent exercise of home rule powers. Amends the Illinois Administrative Procedure Act. Grants the Authority emergency rulemaking authority to implement the Affordable Communities Act. Effective immediately.

LRB104 11378 RTM 21466 b

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the
5 Affordable Communities Act.

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Illinois Housing Development
8 Authority.

9 "Cottage clusters" means groupings of no fewer than 4
10 detached housing units per acre each with a building footprint
11 of less than 1,200 square feet each and that includes a common
12 courtyard.

13 "Detached single family dwelling units" means all dwelling
14 units constructed on lots and intended for only one family,
15 which are not physically connected to other dwelling
16 structures.

17 "Middle housing" means a:

- 18 (1) principal residence with 2 to 8 units;
19 (2) cottage cluster;
20 (3) courtyard building; or
21 (4) townhouse.

22 "Residential real estate" shall have the same meaning
23 given to term in the Section 15-1219 of the Code of Civil

1 Procedure.

2 "Townhouse" means a dwelling unit constructed in a row of
3 2 or more attached units where each dwelling unit is located on
4 an individual lot or parcel and shares at least one common wall
5 with an adjacent unit.

6 "Zoning unit" means a county, municipality, or township
7 that has adopted zoning regulations.

8 Section 10. Middle housing allowed. On and after June 1,
9 2026, for a zoning unit with a population equal to or greater
10 than 100,000, regulations may not, individually or
11 cumulatively, prevent the development of any middle housing
12 types permitted in the zoning unit through unreasonable costs,
13 delay, or procedural requirements. Zoning units may regulate
14 middle housing to comply with protective measures adopted
15 under statewide land use planning goals.

16 (d) This Section does not prohibit a zoning unit from
17 permitting:

18 (1) single-family dwellings in lots zoned to allow for
19 single-family dwellings; or

20 (2) middle housing on lots zoned for residential real
21 estate use not required under this Section.

22 Section 15. Adoption of ordinances and zoning maps.

23 (a) Notwithstanding any other provision of law, a zoning
24 unit shall adopt land use ordinances and amend its zoning map

1 and or zoning ordinance, as necessary to implement Section 10,
2 no later than June 1, 2026 for zoning units with a population
3 equal to or greater than 100,000.

4 (b) The Authority shall develop a model middle housing
5 ordinance no later than January 1, 2026.

6 (c) A zoning unit that has not acted within the time
7 provided under subsection (a) shall have the model ordinance
8 developed by the Authority under subsection (b) apply
9 immediately, regardless of action by the zoning unit, until
10 the zoning unit adopts an ordinance and zoning map as required
11 under subsection (a).

12 (d) In adopting ordinances and a zoning map under this
13 Section, a zoning unit shall consider ways to increase the
14 affordability of middle housing by considering ordinances and
15 policies that include, but are not limited to, waiving or
16 deferring project development charges or review fees.

17 (e) When a zoning unit adopts an ordinance and zoning map
18 as required under subsection (a), the ordinance and zoning map
19 must be adopted even if it would affect an existing or planned
20 transportation facility.

21 Section 20. Extension of time to adopt ordinances and
22 zoning map.

23 (a) Notwithstanding subsection (a) or (c) of Section 15,
24 the Authority may grant to a zoning unit an extension of the
25 time as allowed in this Section to adopt an ordinance allowed

1 to adopt its ordinance or zoning map under Section 15.

2 (b) An extension under this Section may be applied only to
3 specific lots where the zoning unit has identified water,
4 sewer, storm drainage, or transportation services that are
5 either significantly deficient or are expected to be
6 significantly deficient before December 31, 2027 and for which
7 the zoning unit has established a plan of actions that will
8 remedy the deficiency in those services that is approved by
9 the Authority. The extension may not extend beyond the date
10 that the zoning unit intends to correct the deficiency under
11 the plan.

12 (c) In lots where the extension under this Section does
13 not apply, the zoning unit shall apply its own ordinances or
14 zoning map adopted under subsection (a) of Section 15 or the
15 model ordinance under subsection (c) of Section 15.

16 (d) A request for an extension by a zoning unit must be
17 filed with the Authority no later than December 31, 2025, for a
18 zoning unit subject to subsection (a) of Section 15.

19 (e) The Authority shall grant or deny a request for an
20 extension under this Section within 60 days of receipt of a
21 complete request from a zoning unit subject to subsection (a)
22 of Section 15.

23 (f) The Authority shall adopt rules regarding the form and
24 substance of a zoning unit's application for an extension
25 under this Section. The Authority may adopt rules:

26 (1) defining the affected lots;

1 (2) calculating deficiencies of water, sewer, storm
2 drainage, or transportation services;

3 (3) defining service deficiency levels required to
4 qualify for the extension;

5 (4) establishing components and timing of a
6 remediation plan necessary to qualify for an extension;

7 (5) establishing standards for evaluating
8 applications; and

9 (6) establishing deadlines and components for the
10 approval of a plan.

11 (g) Failure to adopt a local ordinance shall not relieve a
12 local agency from complying with this Act.

13 Section 25. Home rule. A home rule unit may not regulate
14 residential real estate zoning in a manner inconsistent with
15 this Act. This Act is a limitation under subsection (i) of
16 Section 6 of Article VII of the Illinois Constitution on the
17 concurrent exercise by home rule units of powers and functions
18 exercised by the State.

19 Section 30. The Illinois Administrative Procedure Act is
20 amended by adding Section 5-45.61 as follows:

21 (5 ILCS 100/5-45.61 new)

22 Sec. 5-45.61. Emergency rulemaking; Illinois Housing
23 Development Authority. To provide for the expeditious and

1 timely implementation of this amendatory Act of the 104th
2 General Assembly, emergency rules implementing the
3 requirements of the Affordable Communities Act may be adopted
4 in accordance with Section 5-45 by the Illinois Housing
5 Development Authority. The adoption of emergency rules
6 authorized by Section 5-45 and this Section is deemed to be
7 necessary for the public interest, safety, and welfare.

8 This Section is repealed one year after the effective date
9 of this amendatory Act of the 104th General Assembly.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.