

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 5 and 20 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 workforce and retirement housing; ~~and~~

12 (3) local governments in the State that do not have
13 sufficient affordable housing are encouraged to assist in
14 providing affordable housing opportunities to assure the
15 health, safety, and welfare of all citizens of the State;

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17 (4) increasing the inventory and affordability of
18 housing choices for people earning between 80% and 140% of
19 the area median income, termed the missing middle, also
20 helps preserve affordable housing, prevents homelessness,
21 and encourages investment in more inclusive, mixed-income
22 communities throughout the State; and

23 (5) studying the inventory and affordability gaps that

1 affect the missing middle is also crucial to ensuring
2 workforce and retirement housing in the State.

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

4 (310 ILCS 67/20)

5 Sec. 20. Determination of exempt local governments.

6 (a) Beginning October 1, 2004, the Illinois Housing
7 Development Authority shall determine which local governments
8 are exempt and not exempt from the operation of this Act based
9 on an identification of the total number of year-round housing
10 units in the most recent data from the U.S. Census Bureau for
11 each local government within the State and by an inventory of
12 owner-occupied and rental affordable housing units, as defined
13 in this Act, for each local government from the U.S. Census
14 Bureau and other relevant sources.

15 (b) The Illinois Housing Development Authority shall make
16 this determination by:

17 (i) totaling the number of owner-occupied housing
18 units in each local government that are affordable to
19 households with a gross household income that is less than
20 80% of the median household income within the county or
21 primary metropolitan statistical area;

22 (ii) totaling the number of rental units in each local
23 government that are affordable to households with a gross
24 household income that is less than 60% of the median
25 household income within the county or primary metropolitan

1 statistical area;

2 (iii) adding the number of owner-occupied and rental
3 units for each local government from items (i) and (ii);
4 and

5 (iv) dividing the sum of (iii) above by the total
6 number of year-round housing units in the local government
7 as contained in the latest U.S. Census Bureau and
8 multiplying the result by 100 to determine the percentage
9 of affordable housing units within the jurisdiction of the
10 local government.

11 (c) Beginning on the effective date of this amendatory Act
12 of the 98th General Assembly, the Illinois Housing Development
13 Authority shall publish a list of exempt and non-exempt local
14 governments and the data that it used to calculate its
15 determination at least once every 5 years. The data shall be
16 shown for each local government in the State and for the State
17 as a whole. Upon publishing a list of exempt and non-exempt
18 local governments, the Illinois Housing Development Authority
19 shall notify a local government that it is not exempt from the
20 operation of this Act and provide to it the data used to
21 calculate its determination.

22 (d) A local government or developer of affordable housing
23 may appeal the determination of the Illinois Housing
24 Development Authority as to whether the local government is
25 exempt or non-exempt under this Act in connection with an
26 appeal under Section 30 of this Act.

1 (e) Additionally, the Illinois Housing Development
2 Authority shall make the following calculations:

3 (i) totaling the number of owner-occupied housing
4 units in each local government that are affordable to
5 households with a gross household income that is at or
6 below 30% of the median household income within the county
7 or primary metropolitan statistical area;

8 (ii) totaling the number of rental units in each local
9 government that are affordable to households with a gross
10 household income that is at or below 30% of the median
11 household income within the county or primary metropolitan
12 statistical area;

13 (iii) adding the number of owner-occupied and rental
14 units for each local government from items (i) and (ii);

15 (iv) dividing the sum of (iii) above by the total
16 number of year-round housing units in the local government
17 as contained in the latest U.S. Census Bureau and
18 multiplying the result by 100 to determine the percentage
19 of extremely low-income affordable housing units within
20 the jurisdiction of the local government;

21 (v) totaling the number of owner-occupied housing
22 units in each local government that are affordable to
23 households with a gross household income that is between
24 80% and 140% of the median household income within the
25 county or primary metropolitan statistical area;

26 (vi) totaling the number of rental units in each local

1 government that are affordable to households with a gross
2 household income that is between 60% and 80% of the median
3 household income within the county or primary metropolitan
4 statistical area;

5 (vii) totaling the number of rental units in each
6 local government that are affordable to households with a
7 gross household income that is between 80% and 140% of the
8 median household income within the county or primary
9 metropolitan statistical area;

10 (viii) adding the number of owner-occupied and rental
11 units for each local government from items (v), (vi), and
12 (vii); and

13 (ix) dividing the sum of (viii) above by the total
14 number of year-round housing units in the local government
15 as contained in the latest U.S. Census Bureau and
16 multiplying the result by 100 to determine the percentage
17 of affordable middle housing units within the jurisdiction
18 of the local government.

19 (f) Beginning on the effective date of this amendatory Act
20 of the 104th General Assembly, the Illinois Housing
21 Development Authority shall publish the data collected under
22 paragraphs (i) through (ix) of subsection (e). The data shall
23 be shown for each local government in the State and for the
24 State as a whole and shall be published at least once every 5
25 years. The Illinois Housing Development Authority shall also
26 compile the collected data into a report and submit the report

1 to the General Assembly.

2 (g) The data collected under subsection (e) shall be for
3 informational purposes only and shall not factor into the
4 determination of exempt local governments.

5 (Source: P.A. 98-287, eff. 8-9-13.)