



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5616

Introduced 2/13/2026, by Rep. Eva-Dina Delgado

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12025 new
60 ILCS 1/110-85 new
65 ILCS 5/11-13-30 new

Amends the Counties Code, the Township Code, and the Illinois Municipal Code. Provides that a county, township, or municipality shall not enact or enforce an anti-growth law affecting property unless the anti-growth law is enacted or enforced (1) following a disaster declared by the Governor that occurred within the jurisdiction of the county, township, or municipality; or (2) to provide for the extension or acquisition of public infrastructure, public services, or water resources. Limits home rule powers. Effective immediately.

LRB104 20709 WRO 34209 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 5. The Counties Code is amended by adding Section
5 5-12025 as follows:

6 (55 ILCS 5/5-12025 new)

7 Sec. 5-12025. Anti-growth law preemption.

8 (a) As used in this Section:

9 "Anti-growth law" means a land use law that explicitly
10 limits either the growth of the population in the county's
11 jurisdiction or the number of development permits or building
12 permit applications for residential development or the
13 residential component of any mixed-use development submitted
14 to, reviewed by, approved by, or issued by a county for any
15 calendar or fiscal year.

16 "Land use law" means any statute, resolution, ordinance,
17 code, rule, regulation, plan, policy, procedure, standard,
18 initiative, guideline, requirement, or law that regulates the
19 use or division of property or any interest in property.

20 "Property" means real property located within the county
21 that is not publicly owned.

22 (b) Notwithstanding any other provision of this Code, a
23 county shall not enact or enforce an anti-growth law affecting

1 property unless the anti-growth law complies with one of the
2 following exceptions:

3 (1) The anti-growth law is enacted or enforced
4 following a disaster declared by the Governor that
5 occurred within the jurisdiction of the county. An
6 anti-growth law affecting property enacted or enforced
7 under this paragraph may be effective for not more than 24
8 months in any 5-year period.

9 (2) The anti-growth law is enacted or enforced to
10 provide for the extension or acquisition of public
11 infrastructure, public services, or water resources.

12 (c) Nothing in this Section requires a county to approve a
13 permit application or precludes a county from regulating the
14 use of land, developing land use plans, enacting affordability
15 requirements that regulate or restrict market rate development
16 or redevelopment in order to enforce affordability
17 requirements, regulating the rental of any property or portion
18 of a property that is available for lodging for less than 30
19 days, or denying a permit for any reason, including extending
20 or acquiring infrastructure, water resources, or services.
21 This subsection does not apply to a hotel unit portion of a
22 structure that is used by a business establishment to provide
23 commercial lodging to the general public for predominantly
24 overnight or weekly stays, that is classified as a hotel or
25 motel for purposes of property taxation, that is not a unit in
26 a condominium, and that is zoned or permitted by a county for

1 use as a hotel.

2 (d) A home rule county may not regulate property in a
3 manner inconsistent with this Section. This Section is a
4 limitation under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution on the concurrent exercise by home
6 rule units of powers and functions exercised by the State.

7 Section 10. The Township Code is amended by adding Section
8 110-85 as follows:

9 (60 ILCS 1/110-85 new)

10 Sec. 110-85. Anti-growth law preemption.

11 (a) As used in this Section:

12 "Anti-growth law" means a land use law that explicitly
13 limits either the growth of the population in the township's
14 jurisdiction or the number of development permits or building
15 permit applications for residential development or the
16 residential component of any mixed-use development submitted
17 to, reviewed by, approved by, or issued by a township for any
18 calendar or fiscal year.

19 "Land use law" means any statute, resolution, ordinance,
20 code, rule, regulation, plan, policy, procedure, standard,
21 initiative, guideline, requirement, or law that regulates the
22 use or division of property or any interest in property.

23 "Property" means real property located within the township
24 that is not publicly owned.

1 (b) Notwithstanding any other provision of this Code, a
2 township shall not enact or enforce an anti-growth law
3 affecting property unless the anti-growth law complies with
4 one of the following exceptions:

5 (1) The anti-growth law is enacted or enforced
6 following a disaster declared by the Governor that
7 occurred within the jurisdiction of the township. An
8 anti-growth law affecting property enacted or enforced
9 under this paragraph may be effective for not more than 24
10 months in any 5-year period.

11 (2) The anti-growth law is enacted or enforced to
12 provide for the extension or acquisition of public
13 infrastructure, public services, or water resources.

14 (c) Nothing in this Section requires a township to approve
15 a permit application or precludes a township from regulating
16 the use of land, developing land use plans, enacting
17 affordability requirements that regulate or restrict market
18 rate development or redevelopment in order to enforce
19 affordability requirements, regulating the rental of any
20 property or portion of a property that is available for
21 lodging for less than 30 days, or denying a permit for any
22 reason, including extending or acquiring infrastructure, water
23 resources, or services. This subsection does not apply to a
24 hotel unit portion of a structure that is used by a business
25 establishment to provide commercial lodging to the general
26 public for predominantly overnight or weekly stays, that is

1 classified as a hotel or motel for purposes of property
2 taxation, that is not a unit in a condominium, and that is
3 zoned or permitted by a township for use as a hotel.

4 Section 15. The Illinois Municipal Code is amended by
5 adding Section 11-13-30 as follows:

6 (65 ILCS 5/11-13-30 new)

7 Sec. 11-13-30. Anti-growth law preemption.

8 (a) As used in this Section:

9 "Anti-growth law" means a land use law that explicitly
10 limits either the growth of the population in the
11 municipality's jurisdiction or the number of development
12 permits or building permit applications for residential
13 development or the residential component of any mixed-use
14 development submitted to, reviewed by, approved by, or issued
15 by a municipality for any calendar or fiscal year.

16 "Land use law" means any statute, resolution, ordinance,
17 code, rule, regulation, plan, policy, procedure, standard,
18 initiative, guideline, requirement, or law that regulates the
19 use or division of property or any interest in property.

20 "Property" means real property located within the
21 municipality that is not publicly owned.

22 (b) Notwithstanding any other provision of this Code, a
23 municipality shall not enact or enforce an anti-growth law
24 affecting property unless the anti-growth law complies with

1 one of the following exceptions:

2 (1) The anti-growth law is enacted or enforced
3 following a disaster declared by the Governor or a state
4 of emergency declared by the mayor of the municipality
5 that occurred within the jurisdiction of the municipality.
6 An anti-growth law affecting property enacted or enforced
7 under this paragraph may be effective for not more than 24
8 months in any 5-year period.

9 (2) The anti-growth law is enacted or enforced to
10 provide for the extension or acquisition of public
11 infrastructure, public services, or water resources.

12 (c) Nothing in this Section requires a municipality to
13 approve a permit application or precludes a municipality from
14 regulating the use of land, developing land use plans,
15 enacting affordability requirements that regulate or restrict
16 market rate development or redevelopment in order to enforce
17 affordability requirements, regulating the rental of any
18 property or portion of a property that is available for
19 lodging for less than 30 days, or denying a permit for any
20 reason, including extending or acquiring infrastructure, water
21 resources, or services. This subsection does not apply to a
22 hotel unit portion of a structure that is used by a business
23 establishment to provide commercial lodging to the general
24 public for predominantly overnight or weekly stays, that is
25 classified as a hotel or motel for purposes of property
26 taxation, that is not a unit in a condominium, and that is

1 zoned or permitted by a municipality for use as a hotel.

2 (d) A home rule municipality may not regulate property in
3 a manner inconsistent with this Section. This Section is a
4 limitation under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution on the concurrent exercise by home
6 rule units of powers and functions exercised by the State.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.