



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5791

Introduced 5/26/2026, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

New Act

Creates the Family First Housing Act. Provides that an owner-occupied residential property may contain one accessory dwelling unit for occupancy by a parent of the property owner or the property owner's spouse. Sets forth parameters of accessory dwelling units for family care. Defines terms. Effective January 1, 2027.

LRB104 22005 TRT 38039 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 Family
5 First Housing Act.

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

7 "Accessory dwelling unit" means a residential living unit
8 that is located on a lot containing a single-family dwelling,
9 that provides independent living facilities for one or more
10 persons, including provisions for sleeping, eating, cooking,
11 and sanitation, on the same parcel of land as the principal
12 dwelling unit it accompanies, and that is either separated
13 from or attached to the primary dwelling unit.

14 "Owner-occupied residential property" means property on
15 which the owner maintains the owner's primary residence.

16 "Qualifying parent" includes a biological parent, adoptive
17 parent, stepparent, or the permanent legal guardian of the
18 property owner or the property owner's spouse.

19 Section 10. Accessory dwelling units for family care.

20 (a) Notwithstanding any other provision of law, ordinance,
21 resolution, covenant, rule, deed restriction, declaration,
22 bylaw, or homeowners' association rule, an owner-occupied

1 residential property may contain one accessory dwelling unit
2 for occupancy by a qualifying parent of the property owner or
3 the property owner's spouse.

4 (b) A municipality, county, township, or other unit of
5 local government or homeowners' association, condominium
6 association, or other similar entity may not prohibit the
7 construction, installation, occupancy, or use of an accessory
8 dwelling unit authorized under this Act.

9 (c) An accessory dwelling unit authorized under this Act:

10 (1) may be attached to or detached from the principal
11 residence;

12 (2) may be located above a garage;

13 (3) may not be leased or rented to a person other than
14 a qualifying parent under this Act;

15 (4) may not be used as a short-term rental; and

16 (5) shall remain incidental and subordinate to the
17 principal residence.

18 (d) Nothing in this Act prohibits a unit of local
19 government from enforcing reasonable:

20 (1) building codes;

21 (2) fire and life safety requirements;

22 (3) utility and sanitation requirements;

23 (4) setback requirements; or

24 (5) architectural or exterior material standards
25 generally applicable within the subdivision, development,
26 or municipality, provided such requirements do not

1 effectively prohibit an accessory dwelling unit otherwise
2 authorized under this Act.

3 (e) Any covenant, declaration, bylaw, rule, or restriction
4 inconsistent with this Act is void and unenforceable as
5 against the public policy of this State.

6 (f) A property owner aggrieved by a violation of this Act
7 may bring an action for declaratory and injunctive relief in a
8 court of competent jurisdiction. A prevailing property owner
9 shall be entitled to reasonable attorney's fees and costs.

10 (g) A municipality, county, township, or other unit of
11 local government may investigate alleged violations of this
12 Act and enforce compliance through reasonable administrative
13 or judicial remedies.

14 (h) If an accessory dwelling unit authorized under this
15 Act is used in violation of this Act, including occupancy by a
16 person other than a qualifying parent or parents, or use as a
17 rental or short-term rental, the municipality, county,
18 township, or other unit of local government may:

19 (1) impose reasonable fines and penalties authorized
20 by local ordinance;

21 (2) seek injunctive relief;

22 (3) revoke permits or approvals associated with the
23 accessory dwelling unit; and

24 (4) prohibit continued occupancy or use of the
25 accessory dwelling unit until compliance is achieved.

26 (i) A property owner found to have knowingly provided

1 false information regarding owner occupancy or qualifying
2 familial relationship shall not be entitled to protections
3 under this Act.

4 (j) A home rule unit may not regulate accessory dwelling
5 units for family care in a manner inconsistent with this Act.
6 This Section is a limitation under subsection (i) of Section 6
7 of Article VII of the Illinois Constitution on the concurrent
8 exercise by home rule units of powers and functions exercised
9 by the State.

10 Section 99. Effective date. This Act takes effect on
11 January 1, 2027.