



Sen. Mattie Hunter

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1 AMENDMENT TO HOUSE BILL 2621

2 AMENDMENT NO. _____. Amend House Bill 2621 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. COVID-19 AFFORDABLE HOUSING GRANT PROGRAM ACT

5 Section 1-1. Short title. This Act may be cited as the
6 COVID-19 Affordable Housing Grant Program Act.

7 Section 1-5. Purpose and findings. The State of Illinois
8 faces a large shortage of decent, affordable rental housing
9 for low-income and moderate-income households. The COVID-19
10 pandemic has dramatically increased this need for affordable
11 housing. The development of affordable housing will help
12 Illinois to address the need for more housing, jobs, tax base,
13 tax revenue, and population in the State. These funds will
14 help developers to overcome increased construction costs
15 related to pandemic-created supply shortages (in lumber and

1 other materials) and to jump-start a housing recovery in
2 Illinois in the wake of the pandemic. These funds will also
3 incentivize and attract private equity and private lending and
4 will allow the State to more fully utilize and draw down unused
5 federal resources for affordable housing. Funding will be used
6 for the acquisition, construction, development,
7 predevelopment, or rehabilitation of affordable multifamily
8 rental development.

9 Section 1-10. Definitions. As used in this Act:

10 "Authority" means the Illinois Housing Development
11 Authority.

12 "Disproportionately impacted area" means a census tract or
13 comparable geographic area that meets at least one of the
14 following criteria, as determined by the Department of
15 Commerce and Economic Opportunity:

16 (1) the area has a poverty rate of at least 20%
17 according to the latest federal decennial census;

18 (2) 75% or more of the children in the area
19 participate in the federal free lunch program according to
20 reported statistics from the State Board of Education;

21 (3) at least 20% of the households in the area receive
22 assistance under the Supplemental Nutrition Assistance
23 Program; or

24 (4) the area has an average unemployment rate, as
25 determined by the Department of Employment Security, that

1 is more than 120% of the national unemployment average, as
2 determined by the United States Department of Labor, for a
3 period of at least 2 consecutive calendar years preceding
4 the date of the application.

5 "Federal tax credit" means the federal low-income housing
6 tax credit provided by Section 42 of the federal Internal
7 Revenue Code, including federal low-income housing tax credits
8 issued pursuant to 26 U.S.C. 42(h)(3) and 26 U.S.C. 42(h)(4).

9 "Qualified development" means a qualified low-income
10 housing project, as that term is defined in Section 42 of the
11 federal Internal Revenue Code of 1986, that is located in the
12 State and is determined to be eligible for the federal tax
13 credit set forth in Section 42 of the Internal Revenue Code.

14 Section 1-15. Grant program. Subject to appropriation for
15 this purpose, the Authority shall establish an affordable
16 housing grant program to encourage the construction and
17 rehabilitation of affordable multifamily rental housing in
18 response to the COVID-19 pandemic. Funding may be used for the
19 acquisition, construction, development, predevelopment, or
20 rehabilitation of a qualified development. The goal of the
21 grant program shall be to fund the development and
22 preservation of up to 3,500 affordable rental homes and
23 apartments by December 31, 2024. Project sponsors who wish to
24 participate in the affordable housing grant program shall
25 submit a grant application to the Authority in accordance with

1 rules adopted by the Authority. The Authority shall prescribe,
2 by rule, standards and procedures for the provision of
3 demonstration grant funds in relation to each grant
4 application.

5 Section 1-20. Affordable multifamily rental housing gap
6 financing. Where a qualified development has been awarded a
7 federal tax credit, the recipient may request additional gap
8 financing under this grant program as the Authority deems
9 appropriate. Through the program, the Authority shall provide
10 grants with no expectation of repayment.

11 Section 1-25. Prioritization efforts.

12 (a) The Authority shall make best efforts to prioritize
13 grant applications for proposed developments as follows:

14 (1) developments that are located within an area that
15 was disproportionately affected by the COVID-19 pandemic
16 based on the number of positive COVID-19 cases;

17 (2) developments involving contracts with certified
18 disadvantaged business enterprises and certified
19 underrepresented business enterprises owned by minorities,
20 women, veterans, LGBT persons, and persons with
21 disabilities during construction;

22 (3) developments involving project labor agreements
23 with local organized labor; and

24 (4) developments involving contracts or subcontracts

1 with a registered apprenticeship program or
2 preapprenticeship program.

3 (b) The Authority shall balance the approval of projects
4 between those located within a disproportionately impacted
5 area as defined under this Act and those located in areas of
6 opportunity, as defined or recognized by the Authority.

7 Section 1-30. Annual reporting to the General Assembly.

8 (a) The Authority shall submit an annual report to the
9 General Assembly no later than March 31 of each calendar year
10 with the first annual report due no later than March 31, 2022.

11 (b) The annual report must describe the grant program's
12 administration and the number and type of projects funded as
13 of the date of the report with the following information:

14 (1) location of projects and demographics of the
15 surrounding community;

16 (2) accessibility of projects to public
17 transportation, schools, health care, grocery stores, and
18 banking institutions;

19 (3) total number of residential units developed or
20 rehabbed per project;

21 (4) total number of affordable units developed or
22 rehabbed per project;

23 (5) total number of affordable units put into service;

24 (6) number of program applications;

25 (7) number of applications awarded;

1 (8) amount of funding awarded through the program per
2 calendar year;

3 (9) amount of funding awarded through the grant
4 program to date;

5 (10) specific data for each prioritization category
6 listed under Section 1-25;

7 (11) delays or issues with development including, but
8 not limited to, acquisition, zoning and permits, labor,
9 and materials; and

10 (12) any compliance issues with grant recipients and
11 the corrective action taken.

12 Section 1-35. Repeal. This Act is repealed on April 1,
13 2025.

14 ARTICLE 5. AMENDATORY PROVISIONS

15 Section 5-5. The Illinois Housing Development Act is
16 amended by changing Section 7.28 as follows:

17 (20 ILCS 3805/7.28)

18 Sec. 7.28. Tax credit for donation to sponsors. The
19 Authority may administer and adopt rules for an affordable
20 housing tax donation credit program to provide tax credits for
21 donations as set forth in this Section.

22 (a) In this Section:

1 "Administrative housing agency" means either the Authority
2 or an agency of the City of Chicago.

3 "Affordable housing project" means either:

4 (1) ~~(i)~~ a rental project in which at least 25% of the
5 units have rents (including tenant-paid heat) that do not
6 exceed, on a monthly basis, maximum gross rent figures, as
7 published by the Authority, that are:

8 (i) based on data published annually by the U.S.
9 Department of Housing and Urban Development; τ

10 (ii) based on the annual income of households
11 earning 60% of the area median income; τ

12 (iii) computed using a 30% of gross monthly income
13 standard; τ and

14 (iv) adjusted for unit size and at least 25% of the
15 units are occupied by persons and families whose
16 incomes do not exceed 60% of the median family income
17 for the geographic area in which the residential unit
18 is located; τ or

19 (2) ~~(ii)~~ a unit for sale to homebuyers whose gross
20 household income is at or below (A) 60% of the area median
21 income (for taxable years beginning prior to January 1,
22 2022) or (B) 120% of the area median income (for taxable
23 years beginning on or after January 1, 2022) and who pay no
24 more than 30% of their gross household income for mortgage
25 principal, interest, property taxes, and property
26 insurance (PITI).

1 "Donation" means money, securities, or real or personal
2 property that is donated to a not-for-profit sponsor that is
3 used solely for costs associated with either (i) purchasing,
4 constructing, or rehabilitating an affordable housing project
5 in this State, (ii) an employer-assisted housing project in
6 this State, (iii) general operating support, or (iv) technical
7 assistance as defined by this Section.

8 "Employer-assisted housing project" means either
9 down-payment assistance, reduced-interest mortgages, mortgage
10 guarantee programs, rental subsidies, or individual
11 development account savings plans that are provided by
12 employers to employees to assist in securing affordable
13 housing near the work place, that are restricted to housing
14 near the work place, and that are restricted to employees
15 whose gross household income is at or below 120% of the area
16 median income.

17 "General operating support" means any cost incurred by a
18 sponsor that is a part of its general program costs and is not
19 limited to costs directly incurred by the affordable housing
20 project.

21 "Geographical area" means the metropolitan area or county
22 designated as an area by the federal Department of Housing and
23 Urban Development under Section 8 of the United States Housing
24 Act of 1937, as amended, for purposes of determining fair
25 market rental rates.

26 "Median income" means the incomes that are determined by

1 the federal Department of Housing and Urban Development
2 guidelines and adjusted for family size.

3 "Project" means an affordable housing project, an
4 employer-assisted housing project, general operating support,
5 or technical assistance.

6 "Sponsor" means a not-for-profit organization that (i) is
7 organized as a not-for-profit organization under the laws of
8 this State or another state and (1) for an affordable housing
9 project, has as one of its purposes the development of
10 affordable housing; (2) for an employer-assisted housing
11 project, has as one of its purposes home ownership education;
12 and (3) for a technical assistance project, has as one of its
13 purposes either the development of affordable housing or home
14 ownership education; (ii) is organized for the purpose of
15 constructing or rehabilitating affordable housing units and
16 has been issued a ruling from the Internal Revenue Service of
17 the United States Department of the Treasury that the
18 organization is exempt from income taxation under provisions
19 of the Internal Revenue Code; or (iii) is an organization
20 designated as a community development corporation by the
21 United States government under Title VII of the Economic
22 Opportunity Act of 1964.

23 "Tax credit" means a tax credit allowed under Section 214
24 of the Illinois Income Tax Act.

25 "Technical assistance" means any cost incurred by a
26 sponsor for project planning, assistance with applying for

1 financing, or counseling services provided to prospective
2 homebuyers.

3 (b) A sponsor must apply to an administrative housing
4 agency for approval of the project. The administrative housing
5 agency must reserve a specific amount of tax credits for each
6 approved project. Tax credits for general operating support
7 can only be reserved as part of a reservation of tax credits
8 for an affordable housing project, an employer-assisted
9 housing project, or technical assistance. No tax credits shall
10 be allowed for a project without a reservation of such tax
11 credits by an administrative housing agency for that project.

12 (c) The Authority must adopt rules establishing criteria
13 for eligible costs and donations, issuing and verifying tax
14 credits, and selecting projects that are eligible for a tax
15 credit.

16 (d) Tax credits for employer-assisted housing projects are
17 limited to that pool of tax credits that have been set aside
18 for employer-assisted housing. Tax credits for general
19 operating support are limited to 10% of the total tax credit
20 reservation for the related project (other than general
21 operating support) and are also limited to that pool of tax
22 credits that have been set aside for general operating
23 support. Tax credits for technical assistance are limited to
24 that pool of tax credits that have been set aside for technical
25 assistance.

26 (e) The amount of tax credits reserved by the

1 administrative housing agency for an approved project is
2 limited to \$32,850,352 in State fiscal years 2022 and 2023 ~~\$13~~
3 ~~million in the initial year~~ and shall increase by 5% each
4 fiscal year thereafter ~~by 5%~~. The City of Chicago shall
5 receive 24.5% of total tax credits authorized for each fiscal
6 year. The Authority shall receive the balance of the tax
7 credits authorized for each fiscal year. The tax credits may
8 be used anywhere in this State. The tax credits have the
9 following set-asides:

10 (1) for employer-assisted housing projects, \$2
11 million; and

12 (2) for general operating support and technical
13 assistance, \$1 million.

14 The balance of the funds must be used for affordable
15 housing projects. During the first 9 months of a fiscal year,
16 if an administrative housing agency is unable to reserve the
17 tax credits set aside for the purposes described in subsection
18 (e), the administrative housing agency may reserve the tax
19 credits for any approved projects.

20 (f) The administrative housing agency that reserves tax
21 credits for an affordable housing project must record against
22 the land upon which the affordable housing project is located
23 an instrument to assure that the property maintains its
24 affordable housing compliance for a minimum of 10 years. The
25 Authority has flexibility to assure that the instrument does
26 not cause undue hardship on homeowners.

1 (Source: P.A. 92-491, eff. 8-23-01; 93-369, eff. 7-24-03.)

2 Section 5-15. The Illinois Income Tax Act is amended by
3 changing Section 214 as follows:

4 (35 ILCS 5/214)

5 Sec. 214. Tax credit for affordable housing donations.

6 (a) Beginning with taxable years ending on or after
7 December 31, 2001 and until the taxable year ending on
8 December 31, 2026 ~~December 31, 2021~~, a taxpayer who makes a
9 donation under Section 7.28 of the Illinois Housing
10 Development Act is entitled to a credit against the tax
11 imposed by subsections (a) and (b) of Section 201 in an amount
12 equal to 50% of the value of the donation. Partners,
13 shareholders of subchapter S corporations, and owners of
14 limited liability companies (if the limited liability company
15 is treated as a partnership for purposes of federal and State
16 income taxation) are entitled to a credit under this Section
17 to be determined in accordance with the determination of
18 income and distributive share of income under Sections 702 and
19 703 and subchapter S of the Internal Revenue Code. Persons or
20 entities not subject to the tax imposed by subsections (a) and
21 (b) of Section 201 and who make a donation under Section 7.28
22 of the Illinois Housing Development Act are entitled to a
23 credit as described in this subsection and may transfer that
24 credit as described in subsection (c).

1 (b) If the amount of the credit exceeds the tax liability
2 for the year, the excess may be carried forward and applied to
3 the tax liability of the 5 taxable years following the excess
4 credit year. The tax credit shall be applied to the earliest
5 year for which there is a tax liability. If there are credits
6 for more than one year that are available to offset a
7 liability, the earlier credit shall be applied first.

8 (c) The transfer of the tax credit allowed under this
9 Section may be made (i) to the purchaser of land that has been
10 designated solely for affordable housing projects in
11 accordance with the Illinois Housing Development Act or (ii)
12 to another donor who has also made a donation in accordance
13 with Section 7.28 of the Illinois Housing Development Act.

14 (d) A taxpayer claiming the credit provided by this
15 Section must maintain and record any information that the
16 Department may require by regulation regarding the project for
17 which the credit is claimed. When claiming the credit provided
18 by this Section, the taxpayer must provide information
19 regarding the taxpayer's donation to the project under the
20 Illinois Housing Development Act.

21 (Source: P.A. 99-915, eff. 12-20-16.)

22 Section 5-20. The Property Tax Code is amended by changing
23 Section 10-260 and by adding Section 15-178 as follows:

24 (35 ILCS 200/10-260)

1 Sec. 10-260. Low-income housing. In determining the fair
2 cash value of property receiving benefits from the Low-Income
3 Housing Tax Credit authorized by Section 42 of the Internal
4 Revenue Code, 26 U.S.C. 42, emphasis shall be given to the
5 income approach, ~~except in those circumstances where another~~
6 ~~method is clearly more appropriate.~~

7 In counties with more than 3,000,000 inhabitants, during a
8 general reassessment year in accordance with Section 9-220 or
9 at such other time that a property is reassessed, to determine
10 the fair cash value of any low-income housing project that
11 qualifies for the Low-Income Housing Tax Credit under Section
12 42 of the Internal Revenue Code: (i) in assessing any building
13 with 7 or more units, the assessment officer must consider the
14 actual or projected net operating income attributable to the
15 property, capitalized at rates for similarly encumbered
16 Section 42 properties; and (ii) in assessing any building with
17 6 units or less, the assessment officer, prior to finalizing
18 and certifying assessments to the Board of Review, shall
19 reassess the building considering the actual or projected net
20 operating income attributable to the property, capitalized at
21 rates for similarly encumbered Section 42 properties. The
22 capitalization rate for items (i) and (ii) shall be one that
23 reflects the prevailing cost of capital for other types of
24 similarly encumbered Section 42 properties in the geographic
25 market in which the low-income housing project is located.

26 All low-income housing projects that seek to be assessed

1 in accordance with the provisions of this Section shall
2 certify to the appropriate local assessment officer that the
3 owner or owners qualify for the Low-Income Housing Tax Credit
4 under Section 42 of the Internal Revenue Code for the
5 property, in a form prescribed by that assessment officer.

6 (Source: P.A. 91-502, eff. 8-13-99; 92-16, eff. 6-28-01.)

7 (35 ILCS 200/15-178 new)

8 Sec. 15-178. Reduction in assessed value for affordable
9 rental housing construction or rehabilitation.

10 (a) The General Assembly finds that there is a shortage of
11 high quality affordable rental homes for low-income and
12 very-low-income households throughout Illinois; that owners
13 and developers of rental housing face significant challenges
14 building newly constructed apartments or undertaking
15 rehabilitation of existing properties that results in rents
16 that are affordable for low-income and very-low-income
17 households; and that it will help Cook County and other parts
18 of Illinois address the extreme shortage of affordable rental
19 housing by developing a Statewide policy to determine the
20 assessed value for newly constructed and rehabilitated
21 affordable rental housing that both encourages investment and
22 incentivizes property owners to keep rents affordable.

23 (b) Each chief county assessment officer shall implement
24 special assessment programs to reduce the assessed value of
25 all eligible newly constructed residential real property or

1 qualifying rehabilitation to all eligible existing residential
2 real property in accordance with subsection (c) for 10 taxable
3 years after the newly constructed residential real property or
4 improvements to existing residential real property are put in
5 service. Any county with less than 3,000,000 inhabitants may
6 decide not to implement one or both of the special assessment
7 programs defined in in subparagraph (1) of subsection (c) of
8 this Section and subparagraph (2) of subsection (c) of this
9 Section upon passage of an ordinance by a majority vote of the
10 county board. Subsequent to a vote to opt out of this special
11 assessment program, any county with less than 3,000,000
12 inhabitants may decide to implement one or both of the special
13 assessment programs defined in in subparagraph (1) of
14 subsection (c) of this Section and subparagraph (2) of
15 subsection (c) of this Section upon passage of an ordinance by
16 a majority vote of the county board. Property is eligible for
17 the special assessment program if and only if all of the
18 following factors have been met:

19 (1) at the conclusion of the new construction or
20 qualifying rehabilitation, the property consists of a
21 newly constructed multifamily building containing 7 or
22 more rental dwelling units or an existing multifamily
23 building that has undergone qualifying rehabilitation
24 resulting in 7 or more rental dwelling units; and

25 (2) the property meets the application requirements
26 defined in subsection (f).

1 (c) For those counties that are required to implement the
2 special assessment program and do not opt out of such special
3 assessment program, the chief county assessment officer for
4 that county shall require that residential real property is
5 eligible for the special assessment program if and only if one
6 of the additional factors have been met:

7 (1) except as defined in subparagraphs (E), (F), and
8 (G) of paragraph (5) of subsection (f) of this Section,
9 prior to the newly constructed residential real property
10 or improvements to existing residential real property
11 being put in service, the owner of the residential real
12 property commits that, for a period of 10 years, at least
13 15% of the multifamily building's units will have rents as
14 defined in this Section that are at or below maximum rents
15 and are occupied by households with household incomes at
16 or below maximum income limits; or

17 (2) except as defined in subparagraphs (E), (F), and
18 (G) of paragraph (5) of subsection (f) of this Section,
19 prior to the newly constructed residential real property
20 located in a low affordability community being put in
21 service, the owner of the residential real property
22 commits that, for a period of 30 years after the newly
23 constructed residential real property or improvements to
24 existing residential real property are put in service, at
25 least 20% of the multifamily building's units will have
26 rents as defined in this Section that are at or below

1 maximum rents and are occupied by households with
2 household incomes at or below maximum income limits.

3 If a reduction in assessed value is granted under one
4 special assessment program provided for in this Section, then
5 that same residential real property is not eligible for an
6 additional special assessment program under this Section at
7 the same time.

8 (d) The amount of the reduction in assessed value for
9 residential real property meeting the conditions set forth in
10 subparagraph (1) of subsection (c) shall be calculated as
11 follows:

12 (1) if the owner of the residential real property
13 commits for a period of at least 10 years that at least 15%
14 but fewer than 35% of the multifamily building's units
15 have rents at or below maximum rents and are occupied by
16 households with household incomes at or below maximum
17 income limits, the assessed value of the property used to
18 calculate the tax bill shall be reduced by an amount equal
19 to 25% of the assessed value of the property as determined
20 by the assessor for the property in the current taxable
21 year for the newly constructed residential real property
22 or based on the improvements to an existing residential
23 real property; and

24 (2) if the owner of the residential real property
25 commits for a period of at least 10 years that at least 35%
26 of the multifamily building's units have rents at or below

1 maximum rents and are occupied by households with
2 household incomes at or below maximum income limits, the
3 assessed value of the property used to calculate the tax
4 bill shall be reduced by an amount equal to 35% of the
5 assessed value of the property as determined by the
6 assessor for the property in the current assessment year
7 for the newly constructed residential real property or
8 based on the improvements to an existing residential real
9 property.

10 (e) The amount of the reduction for residential real
11 property meeting the conditions set forth in subparagraph (2)
12 of subsection (c) shall be calculated as follows:

13 (1) for the first, second, and third taxable year
14 after the residential real property is placed in service,
15 the residential real property is entitled to a reduction
16 in its assessed value in an amount equal to the difference
17 between the assessed value in the year for which the
18 incentive is sought and the assessed value for the
19 residential real property in the base year;

20 (2) for the fourth, fifth, and sixth taxable year
21 after the residential real property is placed in service,
22 the property is entitled to a reduction in its assessed
23 value in an amount equal to 80% of the difference between
24 the assessed value in the year for which the incentive is
25 sought and the assessed value for the residential real
26 property in the base year;

1 (3) for the seventh, eighth, and ninth taxable year
2 after the property is placed in service, the residential
3 real property is entitled to a reduction in its assessed
4 value in an amount equal to 60% of the difference between
5 the assessed value in the year for which the incentive is
6 sought and the assessed value for the residential real
7 property in the base year;

8 (4) for the tenth, eleventh, and twelfth taxable year
9 after the residential real property is placed in service,
10 the residential real property is entitled to a reduction
11 in its assessed value in an amount equal to 40% of the
12 difference between the assessed value in the year for
13 which the incentive is sought and the assessed value for
14 the residential real property in the base year; and

15 (5) for the thirteenth through the thirtieth taxable
16 year after the residential real property is placed in
17 service, the residential real property is entitled to a
18 reduction in its assessed value in an amount equal to 20%
19 of the difference between the assessed value in the year
20 for which the incentive is sought and the assessed value
21 for the residential real property in the base year.

22 (f) Application requirements.

23 (1) In order to receive the reduced valuation under
24 this Section, the owner must submit an application
25 containing the following information to the chief county
26 assessment officer for review in the form and by the date

1 required by the chief county assessment officer:

2 (A) the owner's name;

3 (B) the postal address and permanent index number
4 or numbers of the parcel or parcels for which the owner
5 is applying to receive reduced valuation under this
6 Section;

7 (C) a deed or other instrument conveying the
8 parcel or parcels to the current owner;

9 (D) written evidence that the new construction or
10 qualifying rehabilitation has been completed with
11 respect to the residential real property, including,
12 but not limited to, copies of building permits, a
13 notarized contractor's sworn affidavit, and
14 photographs of the interior and exterior of the
15 building after new construction or rehabilitation is
16 completed;

17 (E) written evidence that the residential real
18 property meets local building codes, or if there are
19 no local building codes, Housing Quality Standards, as
20 determined by the United States Department of Housing
21 and Urban Development;

22 (F) a list identifying the affordable units in
23 residential real property and a written statement that
24 the affordable units are comparable to the market rate
25 units in terms of unit type, number of bedrooms per
26 unit, quality of exterior appearance, energy

1 efficiency, and overall quality of construction;

2 (G) a written schedule certifying the rents in
3 each affordable unit and a written statement that
4 these rents do not exceed the maximum rents allowable
5 for the area in which the residential real property is
6 located;

7 (H) documentation from the administering agency
8 verifying the owner's participation in a qualifying
9 income-based rental subsidy program as defined in
10 subsection (e) of this Section if units receiving
11 rental subsidies are to be counted among the
12 affordable units in order to meet the thresholds
13 defined in this Section;

14 (I) a written statement identifying the household
15 income for every household occupying an affordable
16 unit and certifying that the household income does not
17 exceed the maximum income limits allowable for the
18 area in which the residential real property is
19 located;

20 (J) a written statement that the owner has
21 verified and retained documentation of household
22 income for every household occupying an affordable
23 unit; and

24 (K) any additional information consistent with
25 this Section as reasonably required by the chief
26 county assessment officer, including, but not limited

1 to, any information necessary to ensure compliance
2 with applicable local ordinances and to ensure the
3 owner is complying with the provisions of subparagraph
4 (F) of paragraph (4) of subsection (d) of this
5 Section.

6 (1.1) In order for a development to receive the
7 reduced valuation under subsection (e), the owner must
8 provide evidence to the county assessor's office of a
9 fully executed project labor agreement entered into with
10 the applicable local building trades council, prior to
11 commencement of any and all construction, building,
12 renovation, demolition, or any material change to the
13 structure or land.

14 (2) The application requirements contained in
15 paragraph (1) of subsection (f) are continuing
16 requirements for the duration of the reduction in assessed
17 value received and may be annually or periodically
18 verified by the chief county assessment officer for the
19 county whereby the benefit is being issued.

20 (3) In lieu of submitting an application containing
21 the information prescribed in paragraph (1) of subsection
22 (f), the chief county assessment officer may allow for
23 submission of a substantially similar certification
24 granted by the Illinois Housing Development Authority or a
25 comparable local authority provided that the chief county
26 assessment officer independently verifies the veracity of

1 the certification with the Illinois Housing Development
2 Authority or comparable local authority.

3 (4) The chief county assessment officer shall notify
4 the owner as to whether or not the property meets the
5 requirements of this Section. If the property does not
6 meet the requirements of this Section, the chief county
7 assessment officer shall provide written notice of any
8 deficiencies to the owner, who shall then have 30 days
9 from the date of notification to provide supplemental
10 information showing compliance with this Section. The
11 chief county assessment officer shall, in its discretion,
12 grant additional time to cure any deficiency. If the owner
13 does not exercise this right to cure the deficiency, or if
14 the information submitted, in the sole judgment of the
15 chief county assessment officer, is insufficient to meet
16 the requirements of this Section, the chief county
17 assessment officer shall provide a written explanation of
18 the reasons for denial.

19 (5) The chief county assessment officer may charge a
20 reasonable application fee to offset the administrative
21 expenses associated with the program.

22 (6) The reduced valuation conferred by this Section is
23 limited as follows:

24 (A) The owner is eligible to apply for the reduced
25 valuation conferred by this Section beginning in the
26 first assessment year after the effective date of this

1 amendatory Act of the 102nd General Assembly through
2 December 31, 2027. If approved, the reduction will be
3 effective for the current assessment year, which will
4 be reflected in the tax bill issued in the following
5 calendar year. Owners that are approved for the
6 reduced valuation under paragraph (1) of subsection
7 (c) of this Section before December 31, 2027 shall, at
8 minimum, be eligible for annual renewal of the reduced
9 valuation during an initial 10-year period if annual
10 certification requirements are met for each of the 10
11 years, as described in subparagraph (B) of paragraph
12 (4) of subsection (d) of this Section.

13 (B) Property receiving a reduction outlined in
14 paragraph (1) of subsection (c) of this Section shall
15 continue to be eligible for an initial period of up to
16 10 years if annual certification requirements are met
17 for each of the 10 years, but shall be extended for up
18 to 2 additional 10-year periods with annual renewals
19 if the owner continues to meet the requirements of
20 this Section, including annual certifications, and
21 excluding the requirements regarding new construction
22 or qualifying rehabilitation defined in subparagraph
23 (D) of paragraph (1) of this subsection.

24 (C) The annual certification materials in the year
25 prior to final year of eligibility for the reduction
26 in assessed value must include a dated copy of the

1 written notice provided to tenants informing them of
2 the date of the termination if the owner is not seeking
3 a renewal.

4 (D) If the property is sold or transferred, the
5 purchaser or transferee must comply with all
6 requirements of this Section, excluding the
7 requirements regarding new construction or qualifying
8 rehabilitation defined in subparagraph (D) of
9 paragraph (1) of this subsection, in order to continue
10 receiving the reduction in assessed value. Purchasers
11 and transferees who comply with all requirements of
12 this Section excluding the requirements regarding new
13 construction or qualifying rehabilitation defined in
14 subparagraph (D) of paragraph (1) of this subsection
15 are eligible to apply for renewal on the schedule set
16 by the initial application.

17 (E) The owner may apply for the reduced valuation
18 if the residential real property meets all
19 requirements of this Section and the newly constructed
20 residential real property or improvements to existing
21 residential real property were put in service on or
22 after January 1, 2015. However, the initial 10-year
23 eligibility period or 30-year eligibility period,
24 depending on the applicable program, shall be reduced
25 by the number of years between the placed in service
26 date and the date the owner first receives this

1 reduced valuation.

2 (F) The owner may apply for the reduced valuation
3 within 2 years after the newly constructed residential
4 real property or improvements to existing residential
5 real property are put in service. However, the initial
6 10-year eligibility period or 30-year eligibility
7 period, depending on the applicable program, shall be
8 reduced for the number of years between the placed in
9 service date and the date the owner first receives
10 this reduced valuation.

11 (G) Owners of a multifamily building receiving a
12 reduced valuation through the Cook County Class 9
13 program during the year in which this amendatory Act
14 of the 102nd General Assembly takes effect shall be
15 deemed automatically eligible for the reduced
16 valuation defined in paragraph (1) of subsection (c)
17 of this Section in terms of meeting the criteria for
18 new construction or substantial rehabilitation for a
19 specific multifamily building regardless of when the
20 newly constructed residential real property or
21 improvements to existing residential real property
22 were put in service. If a Cook County Class 9 owner had
23 Class 9 status revoked on or after January 1, 2017 but
24 can provide documents sufficient to prove that the
25 revocation was in error or any deficiencies leading to
26 the revocation have been cured, the chief county

1 assessment officer may deem the owner to be eligible.
2 However, owners may not receive both the reduced
3 valuation under this Section and the reduced valuation
4 under the Cook County Class 9 program in any single
5 assessment year. In addition, the number of years
6 during which an owner has participated in the Class 9
7 program shall count against the 3 10-year periods of
8 eligibility for the reduced valuation as defined in
9 subparagraph (1) of subsection (c) of this Section.

10 (H) At the completion of the assessment reduction
11 period described in this Section: the entire parcel
12 will be assessed as otherwise provided by law.

13 (e) For the purposes of this Section,

14 "Affordable units" means units that have rents that do not
15 exceed the maximum rents as defined in this Section.

16 "Assessed value for the residential real property in the
17 base year" means the value in effect at the end of the taxable
18 year prior to the latter of: (1) the date of initial
19 application; or (2) the date on which 20% of the total number
20 of units in the property are occupied by eligible tenants
21 paying eligible rent under this Section.

22 "Household income" includes the annual income for all the
23 people who occupy a housing unit that is anticipated to be
24 received from a source outside of the family during the
25 12-month period following admission or the annual
26 recertification, including related family members and all the

1 unrelated people who share the housing unit. Household income
2 includes the sum total of the following income sources: wages,
3 salaries and tips before any payroll deductions; net business
4 income; interest and dividends; payments in lieu of earnings,
5 such as unemployment and disability compensation, worker's
6 compensation and severance pay; Social Security income,
7 including lump-sum payments; payments from insurance policies,
8 annuities, pensions, disability benefits and other types of
9 periodic payments, alimony, child support, and other regular
10 monetary contributions; and public assistance, except for
11 assistance from the Supplemental Nutrition Assistance Program
12 (SNAP). "Household income" does not include: earnings of
13 children under age 18; temporary income such as cash gifts;
14 reimbursement for medical expenses; lump-sums from
15 inheritance, insurance payments, settlements for personal or
16 property losses; student financial assistance paid directly to
17 the student or to an educational institution; foster child
18 care payments; receipts from government-funded training
19 programs; assistance from the Supplemental Nutrition
20 Assistance Program (SNAP).

21 "Low affordability community" means (1) a municipality or
22 jurisdiction in which 40% or less of its total year-round
23 housing units are affordable, as determined by the Illinois
24 Housing Development Authority during the exemption
25 determination process under the Affordable Housing Planning
26 and Appeal Act; or (2) a jurisdiction located in a

1 municipality with 1,000,000 or more inhabitants that has been
2 designated as a low affordability community by passage of a
3 local ordinance by that municipality, specifying the census
4 tract or property by permanent index number or numbers.

5 "Maximum income limits" means the maximum regular income
6 limits for 60% of area median income for the geographic area in
7 which the multifamily building is located for multifamily
8 programs as determined by the United States Department of
9 Housing and Urban Development and published annually by the
10 Illinois Housing Development Authority.

11 "Maximum rent" means the maximum regular rent for 60% of
12 the area median income for the geographic area in which the
13 multifamily building is located for multifamily programs as
14 determined by the United States Department of Housing and
15 Urban Development and published annually by the Illinois
16 Housing Development Authority. To be eligible for the reduced
17 valuation defined in this Section, maximum rents are to be
18 consistent with the Illinois Housing Development Authority's
19 rules; or if the owner is leasing an affordable unit to a
20 household with an income at or below the maximum income limit
21 who is participating in qualifying income-based rental subsidy
22 program, "maximum rent" means the maximum rents allowable
23 under the guidelines of the qualifying income-based rental
24 subsidy program.

25 "Qualifying income-based rental subsidy program" means a
26 Housing Choice Voucher issued by a housing authority under

1 Section 8 of the United States Housing Act of 1937, a tenant
2 voucher converted to a project-based voucher by a housing
3 authority or any other program administered or funded by a
4 housing authority, the Illinois Housing Development Authority,
5 another State agency, a federal agency, or a unit of local
6 government where participation is limited to households with
7 incomes at or below the maximum income limits as defined in
8 this Section and the tenants' portion of the rent payment is
9 based on a percentage of their income or a flat amount that
10 does not exceed the maximum rent as defined in this Section.

11 "Qualifying rehabilitation" means, at a minimum,
12 compliance with local building codes and the replacement or
13 renovation of at least 2 primary building systems to be
14 approved for the reduced valuation under paragraph (1) of
15 subsection (d) of this Section and at least 5 primary building
16 systems to be approved for the reduced valuation under
17 paragraph (2) of subsection (d) of this Section. Although the
18 cost of each primary building system may vary, to be approved
19 for the reduced valuation under paragraph (1) of subsection
20 (d) of this Section, the combined expenditure for making the
21 building compliant with local codes and replacing primary
22 building systems must be at least \$8 per square foot for work
23 completed between January 1 of the year in which this
24 amendatory Act of the 102nd General Assembly takes effect and
25 December 31 of the year in which this amendatory Act of the
26 102nd General Assembly takes effect and, in subsequent years,

1 \$8 adjusted by the Consumer Price Index for All Urban
2 Consumers, as published annually by the U.S. Department of
3 Labor. To be approved for the reduced valuation under
4 paragraph (2) of subsection (d) of this Section, the combined
5 expenditure for making the building compliant with local codes
6 and replacing primary building systems must be at least \$12.50
7 per square foot for work completed between January 1 of the
8 year in which this amendatory Act of the 102nd General
9 Assembly takes effect and December 31 of the year in which this
10 amendatory Act of the 102nd General Assembly takes effect, and
11 in subsequent years, \$12.50 adjusted by the Consumer Price
12 Index for All Urban Consumers, as published annually by the
13 U.S. Department of Labor. To be approved for the reduced
14 valuation under subsection (e) of this Section, the combined
15 expenditure for making the building compliant with local codes
16 and replacing primary building systems must be at least \$60
17 per square foot for work completed between January 1 of the
18 year that this amendatory Act of the 102nd General Assembly
19 becomes effective and December 31 of the year that this
20 amendatory Act of the 102nd General Assembly becomes effective
21 and, in subsequent years, \$60 adjusted by the Consumer Price
22 Index for All Urban Consumers, as published annually by the
23 U.S. Department of Labor. "Primary building systems", together
24 with their related rehabilitations, specifically approved for
25 this program are:

26 (1) Electrical. All electrical work must comply with

1 applicable codes; it may consist of a combination of any
2 of the following alternatives:

3 (A) installing individual equipment and appliance
4 branch circuits as required by code (the minimum being
5 a kitchen appliance branch circuit);

6 (B) installing a new emergency service, including
7 emergency lighting with all associated conduits and
8 wiring;

9 (C) rewiring all existing feeder conduits ("home
10 runs") from the main switchgear to apartment area
11 distribution panels;

12 (D) installing new in-wall conduits for
13 receptacles, switches, appliances, equipment, and
14 fixtures;

15 (E) replacing power wiring for receptacles,
16 switches, appliances, equipment, and fixtures;

17 (F) installing new light fixtures throughout the
18 building including closets and central areas;

19 (G) replacing, adding, or doing work as necessary
20 to bring all receptacles, switches, and other
21 electrical devices into code compliance;

22 (H) installing a new main service, including
23 conduit, cables into the building, and main disconnect
24 switch; and

25 (I) installing new distribution panels, including
26 all panel wiring, terminals, circuit breakers, and all

1 other panel devices.

2 (2) Heating. All heating work must comply with
3 applicable codes; it may consist of a combination of any
4 of the following alternatives:

5 (A) installing a new system to replace one of the
6 following heat distribution systems:

7 (i) piping and heat radiating units, including
8 new main line venting and radiator venting; or

9 (ii) duct work, diffusers, and cold air
10 returns; or

11 (iii) any other type of existing heat
12 distribution and radiation/diffusion components;

13 or

14 (B) installing a new system to replace one of the
15 following heat generating units:

16 (i) hot water/steam boiler;

17 (ii) gas furnace; or

18 (iii) any other type of existing heat
19 generating unit.

20 (3) Plumbing. All plumbing work must comply with
21 applicable codes. Replace all or a part of the in-wall
22 supply and waste plumbing; however, main supply risers,
23 waste stacks and vents, and code-conforming waste lines
24 need not be replaced.

25 (4) Roofing. All roofing work must comply with
26 applicable codes; it may consist of either of the

1 following alternatives, separately or in combination:

2 (A) replacing all rotted roof decks and
3 insulation; or

4 (B) replacing or repairing leaking roof membranes
5 (10% is the suggested minimum replacement of
6 membrane); restoration of the entire roof is an
7 acceptable substitute for membrane replacement.

8 (5) Exterior doors and windows. Replace the exterior
9 doors and windows. Renovation of ornate entry doors is an
10 acceptable substitute for replacement.

11 (6) Floors, walls, and ceilings. Finishes must be
12 replaced or covered over with new material. Acceptable
13 replacement or covering materials are as follows:

14 (A) floors must have new carpeting, vinyl tile,
15 ceramic, refurbished wood finish, or a similar
16 substitute;

17 (B) walls must have new drywall, including joint
18 taping and painting; or

19 (C) new ceilings must be either drywall, suspended
20 type, or a similar material.

21 (7) Exterior walls.

22 (A) replace loose or crumbling mortar and masonry
23 with new material;

24 (B) replace or paint wall siding and trim as
25 needed;

26 (C) bring porches and balconies to a sound

1 condition; or

2 (D) any combination of (A), (B), and (C).

3 (8) Elevators. Where applicable, at least 4 of the
4 following 7 alternatives must be accomplished:

5 (A) replace or rebuild the machine room controls
6 and refurbish the elevator machine (or equivalent
7 mechanisms in the case of hydraulic elevators);

8 (B) replace hoistway electro-mechanical items
9 including: ropes, switches, limits, buffers, levelers,
10 and deflector sheaves (or equivalent mechanisms in the
11 case of hydraulic elevators);

12 (C) replace hoistway wiring;

13 (D) replace door operators and linkage;

14 (E) replace door panels at each opening;

15 (F) replace hall stations, car stations, and
16 signal fixtures; or

17 (G) rebuild the car shell and refinish the
18 interior.

19 (9) Health and safety.

20 (A) Install or replace fire suppression systems;

21 (B) install or replace security systems; or

22 (C) environmental remediation of lead-based paint,
23 asbestos, leaking underground storage tanks, or radon.

24 (10) Energy conservation improvements undertaken to
25 limit the amount of solar energy absorbed by a building's
26 roof or to reduce energy use for the property, including,

1 but not limited to, any of the following activities:

2 (A) installing or replacing reflective roof
3 coatings (flat roofs);

4 (B) installing or replacing R-49 roof insulation;

5 (C) installing or replacing R-19 perimeter wall
6 insulation;

7 (D) installing or replacing insulated entry doors;

8 (E) installing or replacing Low E, insulated
9 windows;

10 (F) installing or replacing WaterSense labeled
11 plumbing fixtures;

12 (G) installing or replacing 90% or better sealed
13 combustion heating systems;

14 (H) installing Energy Star hot water heaters;

15 (I) installing or replacing mechanical ventilation
16 to exterior for kitchens and baths;

17 (J) installing or replacing Energy Star
18 appliances;

19 (K) installing or replacing Energy Star certified
20 lighting in common areas; or

21 (L) installing or replacing grading and
22 landscaping to promote on-site water retention if the
23 retained water is used to replace water that is
24 provided from a municipal source.

25 (11) Accessibility improvements. All accessibility
26 improvements must comply with applicable codes. An owner

1 may make accessibility improvements to residential real
2 property to increase access for people with disabilities.
3 As used in this paragraph (11), "disability" has the
4 meaning given to that term in the Illinois Human Rights
5 Act. As used in this paragraph (11), "accessibility
6 improvements" means a home modification listed under the
7 Home Services Program administered by the Department of
8 Human Services (Part 686 of Title 89 of the Illinois
9 Administrative Code) including, but not limited to:
10 installation of ramps, grab bars, or wheelchair lifts;
11 widening doorways or hallways; re-configuring rooms and
12 closets; and any other changes to enhance the independence
13 of people with disabilities.

14 (12) Any applicant who has purchased the property in
15 an arm's length transaction not more than 90 days before
16 applying for this reduced valuation may use the cost of
17 rehabilitation or repairs required by documented code
18 violations, up to a maximum of \$2 per square foot, to meet
19 the qualifying rehabilitation requirements.

20 Section 5-25. The Affordable Housing Planning and Appeal
21 Act is amended by changing Sections 15, 25, and 50 and by
22 adding Section 70 as follows:

23 (310 ILCS 67/15)

24 Sec. 15. Definitions. As used in this Act:

1 "Affordable housing" means housing that has a value or
2 cost or rental amount that is within the means of a household
3 that may occupy moderate-income or low-income housing. In the
4 case of owner-occupied dwelling units, housing that is
5 affordable means housing in which mortgage, amortization,
6 taxes, insurance, and condominium or association fees, if any,
7 constitute no more than 30% of the gross annual household
8 income for a household of the size that may occupy the unit. In
9 the case of dwelling units for rent, housing that is
10 affordable means housing for which the rent, any required
11 parking, maintenance, landlord-imposed fees, and utilities
12 constitute no more than 30% of the gross annual household
13 income for a household of the size that may occupy the unit.

14 "Affordable housing developer" means a nonprofit entity,
15 limited equity cooperative or public agency, or private
16 individual, firm, corporation, or other entity seeking to
17 build an affordable housing development.

18 "Affordable housing development" means (i) any housing
19 that is subsidized by the federal or State government or (ii)
20 any housing in which at least 20% of the dwelling units are
21 subject to covenants or restrictions that require that the
22 dwelling units be sold or rented at prices that preserve them
23 as affordable housing for a period of at least 15 years, in the
24 case of owner-occupied housing, and at least 30 years, in the
25 case of rental housing.

26 "Approving authority" means the governing body of the

1 county or municipality.

2 "Area median household income" means the median household
3 income adjusted for family size for applicable income limit
4 areas as determined annually by the federal Department of
5 Housing and Urban Development under Section 8 of the United
6 States Housing Act of 1937.

7 "Community land trust" means a private, not-for-profit
8 corporation organized exclusively for charitable, cultural,
9 and other purposes and created to acquire and own land for the
10 benefit of the local government, including the creation and
11 preservation of affordable housing.

12 "Development" means any building, construction,
13 renovation, or excavation or any material change in any
14 structure or land, or change in the use of such structure or
15 land, that results in a net increase in the number of dwelling
16 units in a structure or on a parcel of land by more than one
17 dwelling unit.

18 "Exempt local government" means any local government in
19 which at least 10% of its total year-round housing units are
20 affordable, as determined by the Illinois Housing Development
21 Authority pursuant to Section 20 of this Act; or any
22 municipality under 1,000 population.

23 "Household" means the person or persons occupying a
24 dwelling unit.

25 "Housing trust fund" means a separate fund, either within
26 a local government or between local governments pursuant to

1 intergovernmental agreement, established solely for the
2 purposes authorized in subsection (d) of Section 25,
3 including, without limitation, the holding and disbursing of
4 financial resources to address the affordable housing needs of
5 individuals or households that may occupy low-income or
6 moderate-income housing.

7 "Local government" means a county or municipality.

8 "Low-income housing" means housing that is affordable,
9 according to the federal Department of Housing and Urban
10 Development, for either home ownership or rental, and that is
11 occupied, reserved, or marketed for occupancy by households
12 with a gross household income that does not exceed 50% of the
13 area median household income.

14 "Moderate-income housing" means housing that is
15 affordable, according to the federal Department of Housing and
16 Urban Development, for either home ownership or rental, and
17 that is occupied, reserved, or marketed for occupancy by
18 households with a gross household income that is greater than
19 50% but does not exceed 80% of the area median household
20 income.

21 "Non-appealable local government requirements" means all
22 essential requirements that protect the public health and
23 safety, including any local building, electrical, fire, or
24 plumbing code requirements or those requirements that are
25 critical to the protection or preservation of the environment.

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

1 (310 ILCS 67/25)

2 Sec. 25. Affordable housing plan.

3 (a) Prior to April 1, 2005, all non-exempt local
4 governments must approve an affordable housing plan. Any local
5 government that is determined by the Illinois Housing
6 Development Authority under Section 20 to be non-exempt for
7 the first time based on the recalculation of U.S. Census
8 Bureau data after 2010 shall have 18 months from the date of
9 notification of its non-exempt status to approve an affordable
10 housing plan under this Act. On and after the effective date of
11 this amendatory Act of the 102nd General Assembly, an
12 affordable housing plan, or any revision thereof, shall not be
13 adopted by a non-exempt local government until notice and
14 opportunity for public hearing have first been afforded.

15 (b) For the purposes of this Act, the affordable housing
16 plan shall consist of at least the following:

17 (i) a statement of the total number of affordable
18 housing units that are necessary to exempt the local
19 government from the operation of this Act as defined in
20 Section 15 and Section 20;

21 (ii) an identification of lands within the
22 jurisdiction that are most appropriate for the
23 construction of affordable housing and of existing
24 structures most appropriate for conversion to, or
25 rehabilitation for, affordable housing, including a

1 consideration of lands and structures of developers who
2 have expressed a commitment to provide affordable housing
3 and lands and structures that are publicly or
4 semi-publicly owned;

5 (iii) incentives that local governments may provide
6 for the purpose of attracting affordable housing to their
7 jurisdiction; and

8 (iv) a goal of a minimum of 15% of all new development
9 or redevelopment within the local government that would be
10 defined as affordable housing in this Act; or a minimum of
11 a 3 percentage point increase in the overall percentage of
12 affordable housing within its jurisdiction, as described
13 in subsection (b) of Section 20 of this Act; or a minimum
14 of a total of 10% affordable housing within its
15 jurisdiction as described in subsection (b) of Section 20
16 of this Act. These goals may be met, in whole or in part,
17 through the creation of affordable housing units under
18 intergovernmental agreements as described in subsection
19 (e) of this Section.

20 (c) Within 60 days after the adoption of an affordable
21 housing plan or revisions to its affordable housing plan, the
22 local government must submit a copy of that plan to the
23 Illinois Housing Development Authority.

24 (d) In order to promote the goals of this Act and to
25 maximize the creation, establishment, or preservation of
26 affordable housing throughout the State of Illinois, a local

1 government, whether exempt or non-exempt under this Act, may
2 adopt the following measures to address the need for
3 affordable housing:

4 (1) Local governments may individually or jointly
5 create or participate in a housing trust fund or otherwise
6 provide funding or support for the purpose of supporting
7 affordable housing, including, without limitation, to
8 support the following affordable housing activities:

9 (A) Housing production, including, without
10 limitation, new construction, rehabilitation, and
11 adaptive re-use.

12 (B) Acquisition, including, without limitation,
13 land, single-family homes, multi-unit buildings, and
14 other existing structures that may be used in whole or
15 in part for residential use.

16 (C) Rental payment assistance.

17 (D) Home-ownership purchase assistance.

18 (E) Preservation of existing affordable housing.

19 (F) Weatherization.

20 (G) Emergency repairs.

21 (H) Housing related support services, including
22 homeownership education and financial counseling.

23 (I) Grants or loans to not-for-profit
24 organizations engaged in addressing the affordable
25 housing needs of low-income and moderate-income
26 households.

1 Local governments may authorize housing trust funds to
2 accept and utilize funds, property, and other resources
3 from all proper and lawful public and private sources so
4 long as those funds are used solely for addressing the
5 affordable housing needs of individuals or households that
6 may occupy low-income or moderate-income housing.

7 (2) A local government may create a community land
8 trust, which may: acquire developed or undeveloped
9 interests in real property and hold them for affordable
10 housing purposes; convey such interests under long-term
11 leases, including ground leases; convey such interests for
12 affordable housing purposes; and retain an option to
13 reacquire any such real property interests at a price
14 determined by a formula ensuring that such interests may
15 be utilized for affordable housing purposes.

16 (3) A local government may use its zoning powers to
17 require the creation and preservation of affordable
18 housing as authorized under Section 5-12001 of the
19 Counties Code and Section 11-13-1 of the Illinois
20 Municipal Code.

21 (4) A local government may accept donations of money
22 or land for the purpose of addressing the affordable
23 housing needs of individuals or households that may occupy
24 low-income or moderate-income housing. These donations may
25 include, without limitation, donations of money or land
26 from persons, as long as the donations are demonstrably

1 used to preserve, create, or subsidize low-income housing
2 or moderate-income housing within the jurisdiction ~~in lieu~~
3 ~~of building affordable housing.~~

4 (e) In order to encourage regional cooperation and the
5 maximum creation of affordable housing in areas lacking such
6 housing in the State of Illinois, any non-exempt local
7 government may enter into intergovernmental agreements under
8 subsection (e) of Section 25 with local governments within 10
9 miles of its corporate boundaries in order to create
10 affordable housing units to meet the goals of this Act. A
11 non-exempt local government may not enter into an
12 intergovernmental agreement, however, with any local
13 government that contains more than 25% affordable housing as
14 determined under Section 20 of this Act. All intergovernmental
15 agreements entered into to create affordable housing units to
16 meet the goals of this Act must also specify the basis for
17 determining how many of the affordable housing units created
18 will be credited to each local government participating in the
19 agreement for purposes of complying with this Act. All
20 intergovernmental agreements entered into to create affordable
21 housing units to meet the goals of this Act must also specify
22 the anticipated number of newly created affordable housing
23 units that are to be credited to each local government
24 participating in the agreement for purposes of complying with
25 this Act. In specifying how many affordable housing units will
26 be credited to each local government, the same affordable

1 housing unit may not be counted by more than one local
2 government.

3 (f) To enforce compliance with the provisions of this
4 Section, and to encourage local governments to submit their
5 affordable housing plans to the Illinois Housing Development
6 Authority in a timely manner, the Illinois Housing Development
7 Authority shall notify any local government and may notify the
8 Office of the Attorney General that the local government is in
9 violation of State law if the Illinois Housing Development
10 Authority finds that the affordable housing plan submitted is
11 not in substantial compliance with this Section or that the
12 local government failed to submit an affordable housing plan.
13 The Attorney General may enforce this provision of the Act by
14 an action for mandamus or injunction or by means of other
15 appropriate relief.

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

17 (310 ILCS 67/50)

18 Sec. 50. Housing Appeals Board.

19 (a) Prior to January 1, 2008, a Housing Appeals Board
20 shall be created consisting of 7 members appointed by the
21 Governor as follows:

22 (1) a retired circuit judge or retired appellate
23 judge, who shall act as chairperson;

24 (2) a zoning board of appeals member;

25 (3) a planning board member;

1 (4) a mayor or municipal council or board member;

2 (5) a county board member;

3 (6) an affordable housing developer; and

4 (7) an affordable housing advocate.

5 In addition, the Chairman of the Illinois Housing
6 Development Authority, ex officio, shall serve as a non-voting
7 member. No more than 4 of the appointed members may be from the
8 same political party. Appointments under items (2), (3), and
9 (4) shall be from local governments that are not exempt under
10 this Act.

11 (b) Initial terms of 4 members designated by the Governor
12 shall be for 2 years. Initial terms of 3 members designated by
13 the Governor shall be for one year. Thereafter, members shall
14 be appointed for terms of 2 years. After a member's term
15 expires, the member shall continue to serve until a successor
16 is appointed. There shall be no limit to the number of terms an
17 appointee may serve. A member shall receive no compensation
18 for his or her services, but shall be reimbursed by the State
19 for all reasonable expenses actually and necessarily incurred
20 in the performance of his or her official duties. The board
21 shall hear all petitions for review filed under this Act and
22 shall conduct all hearings in accordance with the rules and
23 regulations established by the chairperson. The Illinois
24 Housing Development Authority shall provide space and clerical
25 and other assistance that the Board may require.

26 (c) (Blank).

1 (d) Any vacancies in the Housing Appeals Board shall be
2 filled within 90 days of the vacancy.

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

4 (310 ILCS 67/70 new)

5 Sec. 70. Home rule application. Unless otherwise provided
6 under this Act or otherwise in accordance with State law, a
7 unit of local government, including a home rule unit, or any
8 non-home rule county within the unincorporated territory of
9 the county, may not regulate the activities described in this
10 Act in a manner more restrictive than the regulation of those
11 activities by the State under this Act. This Section is a
12 limitation under subsection (i) of Section 6 of Article VII of
13 the Illinois Constitution on the concurrent exercise by home
14 rule units of powers and functions exercised by the State.

15 ARTICLE 99. EFFECTIVE DATE

16 Section 99-99. Effective date. This Act takes effect upon
17 becoming law.".