

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 Illinois Affordable Housing Act is amended
5 by changing Sections 3 and 10 and by adding Section 18 as
6 follows:

7 (310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

8 Sec. 3. Definitions. As used in this Act:

9 (a) "Program" means the Illinois Affordable Housing
10 Program.

11 (b) "Trust Fund" means the Illinois Affordable Housing
12 Trust Fund.

13 (b-5) "Capital Fund" means the Illinois Affordable Housing
14 Capital Fund.

15 (c) "Low-income household" means a single person, family
16 or unrelated persons living together whose adjusted income is
17 more than 50%, but less than 80%, of the median income of the
18 area of residence, adjusted for family size, as such adjusted
19 income and median income for the area are determined from time
20 to time by the United States Department of Housing and Urban
21 Development for purposes of Section 8 of the United States
22 Housing Act of 1937.

23 (d) "Very low-income household" means a single person,

1 family or unrelated persons living together whose adjusted
2 income is not more than 50% of the median income of the area of
3 residence, adjusted for family size, as such adjusted income
4 and median income for the area are determined from time to time
5 by the United States Department of Housing and Urban
6 Development for purposes of Section 8 of the United States
7 Housing Act of 1937.

8 (e) "Affordable housing" means residential housing that,
9 so long as the same is occupied by low-income households or
10 very low-income households, requires payment of monthly
11 housing costs, including utilities other than telephone, of no
12 more than 30% of the maximum allowable income as stated for
13 such households as defined in this Section.

14 (f) "Multi-family housing" means a building or buildings
15 providing housing to 5 or more households.

16 (g) "Single-family housing" means a building containing
17 one to 4 dwelling units, including a mobile home as defined in
18 subsection (b) of Section 3 of the Mobile Home Landlord and
19 Tenant Rights Act, as amended.

20 (h) "Community-based organization" means a not-for-profit
21 entity whose governing body includes a majority of members who
22 reside in the community served by the organization.

23 (i) "Advocacy organization" means a not-for-profit
24 organization which conducts, in part or in whole, activities
25 to influence public policy on behalf of low-income or very
26 low-income households.

1 (j) "Program Administrator" means the Illinois Housing
2 Development Authority.

3 (k) "Funding Agent" means the Illinois Department of
4 Revenue.

5 (l) "Commission" means the Affordable Housing Advisory
6 Commission.

7 (m) "Congregate housing" means a building or structure in
8 which 2 or more households, inclusive, share common living
9 areas and may share child care, cleaning, cooking and other
10 household responsibilities.

11 (n) "Eligible applicant" means a proprietorship,
12 partnership, for-profit corporation, not-for-profit
13 corporation or unit of local government which seeks to use
14 fund assets as provided in this Article.

15 (o) "Moderate income household" means a single person,
16 family or unrelated persons living together whose adjusted
17 income is more than 80% but less than 120% of the median income
18 of the area of residence, adjusted for family size, as such
19 adjusted income and median income for the area are determined
20 from time to time by the United States Department of Housing
21 and Urban Development for purposes of Section 8 of the United
22 States Housing Act of 1937.

23 (p) "Affordable Housing Program Trust Fund Bonds or Notes"
24 means the bonds or notes issued by the Program Administrator
25 under the Illinois Housing Development Act to further the
26 purposes of this Act.

1 (q) "Trust Fund Moneys" means all moneys, deposits,
2 revenues, income, interest, dividends, receipts, taxes,
3 proceeds and other amounts or funds deposited or to be
4 deposited in the Trust Fund pursuant to Section 5(b) of this
5 Act and any proceeds, investments or increase thereof.

6 (r) "Program Escrow" means accounts, except those accounts
7 relating to any Affordable Housing Program Trust Fund Bonds or
8 Notes, designated by the Program Administrator, into which
9 Trust Fund Moneys are deposited.

10 (s) "Common household pet" means a domesticated animal,
11 such as a dog (canis lupus familiaris) or cat (felis catus),
12 which is commonly kept in the home for pleasure rather than for
13 commercial purposes.

14 (Source: P.A. 95-710, eff. 6-1-08.)

15 (310 ILCS 65/10) (from Ch. 67 1/2, par. 1260)

16 Sec. 10. Trust Fund restrictions and stipulations. (a) All
17 housing financed and all assistance provided from the Trust
18 Fund shall be available to all eligible persons regardless of
19 race, color, ancestry, unfavorable military discharge,
20 familial status, marital status, national origin, religion,
21 creed, sex, age, or disability.

22 (b) There shall be, on all assisted housing, a deed
23 restriction, agreement, or other legal document which provides
24 for the recapture of assistance upon terms and conditions to
25 be specified in rules and regulations promulgated by the

1 Program Administrator.

2 (c) Loans made by the Trust Fund may be at no interest or
3 at below market interest rates, with or without security, and
4 may include loans for predevelopment financing.

5 (d) Assistance may be provided for housing units for low
6 and very low-income households within multi-family housing
7 which is occupied partly by low and very low-income households
8 and partly by households not qualifying as low or very
9 low-income, subject to rules and regulations promulgated by
10 the Program Administrator.

11 (e) Except to the extent provided in rules and regulations
12 promulgated by the Program Administrator, no household shall
13 be required to vacate or move from any assisted housing as a
14 result of ceasing to qualify as a low or very low-income
15 household under this Act.

16 (f) Rates not to exceed fair market rental may be charged
17 to any person or household which occupies any single family
18 housing or unit of multi-family housing for the period that
19 person or household does not qualify as low or very
20 low-income.

21 (g) All housing assisted by the Trust Fund shall provide a
22 residential antidisplacement and relocation assistance plan
23 consistent with Section 507 of the federal Housing and
24 Community Development Act of 1987.

25 (h) Multi-family housing assisted by the Trust Fund shall
26 be prohibited from refusing to accept tenants for occupancy

1 solely because the tenant receives governmental rental
2 assistance.

3 (i) Trust Fund assisted multi-family housing is prohibited
4 from evicting tenants without good cause.

5 (j) Assistance may be provided to housing whether or not
6 such housing satisfies the definition of a "qualified
7 residential rental project" set forth in Section 142 of the
8 Internal Revenue Code of 1986, as amended.

9 (k) Housing assisted by the Trust Fund shall be required
10 to meet energy efficiency standards which shall be established
11 by the Program Administrator. Any review for affordability of
12 assisted housing must include a review of energy costs.

13 (l) Manufactured housing which is manufactured entirely
14 within the State shall be given priority over housing
15 manufactured in whole or in part outside of the State.

16 (m) It is intended that Trust Fund monies not be used to
17 supplant existing resources and that the Trust Fund shall be a
18 funder of last resort.

19 (n) Prior to application of Trust Fund assets to provide
20 assistance to affordable housing under this Act, Trust Fund
21 assets may be invested in mortgage participation certificates
22 representing undivided interests in specified, first-lien
23 conventional residential Illinois mortgages which are
24 underwritten, insured, guaranteed or purchased by the Federal
25 Home Loan Mortgage Corporation. Trust Fund assets may also be
26 used in such investments as may be lawful for fiduciaries in

1 this State or in such investments which shall reduce the risk
2 associated with fluctuations in interest rates or market price
3 of investments.

4 (o) A tenant of a multifamily rental housing unit that is
5 500 square feet or larger and has been acquired, constructed,
6 or rehabilitated with any money from the Trust Fund after
7 January 1, 2022 and that was designated for affordable housing
8 for low and very low-income families shall be allowed to keep
9 at least 2 cats or one dog that weighs under 50 pounds
10 regardless of breed or height within the tenant's residence in
11 accordance with any applicable State laws. This subsection
12 does not apply to service animals or service animals in
13 training or to any dog that has been deemed a dangerous or
14 vicious dog as provided under the Animal Control Act. This
15 subsection does not apply to supportive living facilities as
16 described in Section 5-5.01a of the Illinois Public Aid Code
17 or elderly housing. For purposes of this subsection, "elderly
18 housing" means housing that is either: (i) intended for and
19 solely occupied by persons age 62 or older; (ii) intended and
20 operated for occupancy by at least one person age 55 years or
21 older per unit, and at least 80% of the units within the
22 elderly housing project are so occupied; or (iii) provided for
23 under any State or federal program that the U.S. Department of
24 Housing and Urban Development has determined is specifically
25 designed and operated to assist elderly persons (as defined in
26 the State or federal program).

1 (Source: P.A. 89-286, eff. 8-10-95.)

2 (310 ILCS 65/18 new)

3 Sec. 18. Pets in affordable housing projects.

4 (a) The enforcement of policies relating to keeping a pet
5 within a residence may include:

6 (1) compliance with noise and sanitation standards;

7 (2) registration of the common household pet with the
8 owner of the residential housing;

9 (3) restraint of the common household pet in common
10 areas of the residential housing;

11 (4) timely removal of common household pet excrement;

12 (5) vaccination and sterilization requirements; and

13 (6) enforcement of violations of the policy.

14 (b) A housing provider shall not be liable for injuries
15 caused by an owner's common household pet permitted on the
16 housing provider's property, except in cases of willful and
17 wanton misconduct.

18 (c) Nothing in this Section shall be construed to limit or
19 otherwise affect other statutes or laws that require
20 reasonable accommodations to be made for an individual with a
21 disability who maintains an animal to provide assistance,
22 service, or support. Nothing in this Section shall be
23 construed to apply to supportive living facilities as
24 described in Section 5-5.01a of the Illinois Public Aid Code
25 or elderly housing. For purposes of this subsection, "elderly

1 housing" means housing that is either: (i) intended for and
2 solely occupied by persons age 62 or older; (ii) intended and
3 operated for occupancy by at least one person age 55 years or
4 older per unit, and at least 80% of the units within the
5 elderly housing project are so occupied; or (iii) provided for
6 under any State or federal program that the U.S. Department of
7 Housing and Urban Development has determined is specifically
8 designed and operated to assist elderly persons (as defined in
9 the State or federal program).

10 Section 95. Applicability. The changes made by this Act
11 apply to multifamily rental housing that is acquired,
12 constructed, or rehabilitated after January 1, 2022 with money
13 from the Illinois Affordable Housing Trust Fund.

14 Section 99. Effective date. This Act takes effect on
15 January 1, 2022.