



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4795

Introduced 2/6/2024, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 100/5-45.55 new

Creates the Single-Family Zoning Ban Act. Defines "zoning unit" as a county, municipality, or township that has adopted zoning regulations, and defines other terms. Provides that, on and after June 1, 2025, for a zoning unit with a population equal to or greater than 100,000 but less than 500,000, and on and after June 1, 2026, for a zoning unit with a population equal to or greater than 500,000, the zoning unit may not zone area exclusively for single-family residential use. Requires middle housing to be allowed on property that is zoned residential. Requires adoption of zoning ordinances and zoning maps consistent with the Act by June 1, 2025 for zoning units with a population equal to or greater than 100,000 but less than 500,000 or by June 1, 2026 for a zoning unit with a population equal to or greater than 500,000. Provides that the Illinois Housing Development Authority shall develop a model middle housing ordinance that must be used if a zoning unit fails to adopt the required ordinance or zoning map. Allows the Authority to grant exceptions to compliance under specified situations. Requires the Authority to adopt rules regarding the form and substance of a zoning unit's application for an extension, and allows the Authority to adopt other rules relating an extension. Limits the concurrent exercise of home rule powers. Amends the Illinois Administrative Procedure Act. Grants the Authority emergency rulemaking authority to implement the Single-Family Zoning Ban Act. Effective immediately.

LRB103 37709 AWJ 67836 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
5 Single-Family Zoning Ban Act.

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

7 "Authority" means the Illinois Housing Development
8 Authority.

9 "Cottage clusters" means groupings of no fewer than 4
10 detached housing units per acre with a footprint of less than
11 900 square feet each and that include a common courtyard.

12 "Middle housing" means a duplex, triplex, quadplex,
13 cottage cluster, or townhouse.

14 "Townhouse" means a dwelling unit constructed in a row of
15 2 or more attached units where each dwelling unit is located on
16 an individual lot or parcel and shares at least one common wall
17 with an adjacent unit.

18 "Zoning unit" means a county, municipality, or township
19 that has adopted zoning regulations.

20 Section 10. Single-family zoning prohibited. On and after
21 June 1, 2025, for a zoning unit with a population equal to or
22 greater than 100,000 but less than 500,000, and on and after

1 June 1, 2026, for a zoning unit with a population equal to or
2 greater than 500,000, the zoning unit may not zone area
3 exclusively for single-family residential use.

4 Section 15. Uses in residentially zoned property.

5 (a) Except as provided in subsection (b), a zoning unit
6 with a population equal to or greater than 100,000 but less
7 than 500,000 shall allow, on and after June 1, 2025, and a
8 zoning unit with a population equal to or greater than 500,000
9 shall allow, on and after June 1, 2026, the development of:

10 (1) middle housing in areas zoned for residential use
11 that allow for the development of detached single-family
12 dwellings; and

13 (2) a duplex on each lot or parcel zoned for
14 residential use that allows for the development of
15 detached single-family dwellings.

16 (b) This Section does not apply to:

17 (1) unincorporated areas of the county that lack
18 sufficient sanitary sewers, water, fire protection, parks,
19 open space, recreation, or streets, roads, or mass
20 transit; and

21 (2) lands that are not zoned for residential use,
22 including lands zoned primarily for commercial,
23 industrial, agricultural, or public uses.

24 (c) Zoning units may regulate siting and design of middle
25 housing required to be permitted under this Section if the

1 regulations do not, individually or cumulatively, discourage
2 the development of all middle housing types permitted in the
3 area through unreasonable costs or delay. Zoning units may
4 regulate middle housing to comply with protective measures
5 adopted pursuant to statewide land use planning goals.

6 (d) This Section does not prohibit a zoning unit from
7 permitting:

8 (1) single-family dwellings in areas zoned to allow
9 for single-family dwellings; or

10 (2) middle housing in areas not required under this
11 Section.

12 Section 20. Adoption of ordinances and zoning maps.

13 (a) Notwithstanding any other provision of law, a zoning
14 unit shall adopt land use ordinances and amend its zoning map
15 to implement Sections 10 and 15 no later than:

16 (1) June 1, 2025 for zoning units with a population
17 equal to or greater than 100,000 but less than 500,000; or

18 (2) June 1, 2026 for a zoning unit with a population
19 equal to or greater than 500,000.

20 (b) The Authority shall develop a model middle housing
21 ordinance no later than January 1, 2025.

22 (c) A zoning unit that has not acted within the time
23 provided under subsection (a) shall directly apply the model
24 ordinance developed by the Authority under subsection (b)
25 until the zoning unit adopts an ordinance and zoning map as

1 required under subsection (a).

2 (d) In adopting ordinances and a zoning map under this
3 Section, a zoning unit shall consider ways to increase the
4 affordability of middle housing by considering ordinances and
5 policies that include, but are not limited to, waiving or
6 deferring system development charges.

7 (e) When a zoning unit adopts an ordinance and zoning map
8 as required under subsection (a), the ordinance and zoning map
9 must be adopted even if it would affect an existing or planned
10 transportation facility.

11 Section 25. Extension of time to adopt ordinances and
12 zoning map.

13 (a) Notwithstanding subsection (a) or (c) of Section 20,
14 the Authority may grant to a zoning unit an extension of the
15 time as allowed in this Section to adopt an ordinance allowed
16 to adopt its ordinance or zoning map under Section 20.

17 (b) An extension under this Section may be applied only to
18 specific areas where the zoning unit has identified water,
19 sewer, storm drainage, or transportation services that are
20 either significantly deficient or are expected to be
21 significantly deficient before December 31, 2027 and for which
22 the zoning unit has established a plan of actions that will
23 remedy the deficiency in those services that is approved by
24 the Authority. The extension may not extend beyond the date
25 that the zoning unit intends to correct the deficiency under

1 the plan.

2 (c) In areas where the extension under this Section does
3 not apply, the zoning unit shall apply its own ordinances or
4 zoning map adopted under subsection (a) of Section 20 or the
5 model ordinance under subsection (c) of Section 20.

6 (d) A request for an extension by a zoning unit must be
7 filed with the Authority no later than:

8 (1) December 31, 2024, for a zoning unit subject to
9 paragraph (1) of subsection (a) of Section 20.

10 (2) June 30, 2025, for a zoning unit subject to
11 paragraph (2) of subsection (a) of Section 20.

12 (e) The Authority shall grant or deny a request for an
13 extension under this Section:

14 (1) Within 90 days of receipt of a complete request
15 from a zoning unit subject to paragraph (1) of subsection
16 (a) of Section 20.

17 (2) Within 120 days of receipt of a complete request
18 zoning unit subject to paragraph (2) of subsection (a) of
19 Section 20.

20 (f) The Authority shall adopt rules regarding the form and
21 substance of a zoning unit's application for an extension
22 under this Section. The Authority may adopt rules:

23 (1) defining the affected areas;

24 (2) calculating deficiencies of water, sewer, storm
25 drainage, or transportation services;

26 (3) defining service deficiency levels required to

1 qualify for the extension;

2 (4) establishing components and timing of a
3 remediation plan necessary to qualify for an extension;

4 (5) establishing standards for evaluating
5 applications; and

6 (6) establishing deadlines and components for the
7 approval of a plan

8 Section 30. Home rule. A home rule unit may not regulate
9 single-family zoning or middle family zoning in a manner
10 inconsistent with this Act. This Act is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.

14 Section 35. The Illinois Administrative Procedure Act is
15 amended by adding Section 5-45.55 as follows:

16 (5 ILCS 100/5-45.55 new)

17 Sec. 5-45.55. Emergency rulemaking; Illinois Housing
18 Development Authority. To provide for the expeditious and
19 timely implementation of this amendatory Act of the 103rd
20 General Assembly, emergency rules implementing the
21 requirements of the Single-Family Zoning Ban Act may be
22 adopted in accordance with Section 5-45 by the Illinois
23 Housing Development Authority. The adoption of emergency rules

1 authorized by Section 5-45 and this Section is deemed to be
2 necessary for the public interest, safety, and welfare.

3 This Section is repealed one year after the effective date
4 of this amendatory Act of the 103rd General Assembly.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.