



Rep. Abdelnasser Rashid

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LRB103 25764 KTG 60617 a

1 AMENDMENT TO SENATE BILL 1476

2 AMENDMENT NO. _____. Amend Senate Bill 1476 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Affordable Housing Planning and Appeal Act
5 is amended by changing Sections 15, 25, 30, and 50 as follows:

6 (310 ILCS 67/15)

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

8 "Affordable housing" means housing that has a value or
9 cost or rental amount that is within the means of a household
10 that may occupy moderate-income or low-income housing. In the
11 case of owner-occupied dwelling units, housing that is
12 affordable means housing in which mortgage, amortization,
13 taxes, insurance, and condominium or association fees, if any,
14 constitute no more than 30% of the gross annual household
15 income for a household of the size that may occupy the unit. In
16 the case of dwelling units for rent, housing that is

1 affordable means housing for which the rent, ~~any required~~
2 ~~parking, maintenance, landlord-imposed fees,~~ and utilities
3 constitute no more than 30% of the gross annual household
4 income for a household of the size that may occupy the unit. In
5 the case of dwelling units for rent, the costs of any required
6 parking, maintenance, or landlord-imposed fees are to be
7 included in the calculation of affordable housing if available
8 from the U.S. Census Bureau.

9 "Affordable housing developer" means a nonprofit entity,
10 limited equity cooperative or public agency, or private
11 individual, firm, corporation, or other entity seeking to
12 build an affordable housing development.

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

21 "Approving authority" means the governing body of the
22 county or municipality.

23 "Area median household income" means the median household
24 income adjusted for family size for applicable income limit
25 areas as determined annually by the federal Department of
26 Housing and Urban Development under Section 8 of the United

1 States Housing Act of 1937.

2 "Community land trust" means a private, not-for-profit
3 corporation organized exclusively for charitable, cultural,
4 and other purposes and created to acquire and own land for the
5 benefit of the local government, including the creation and
6 preservation of affordable housing.

7 "Development" means any building, construction,
8 renovation, or excavation or any material change in any
9 structure or land, or change in the use of such structure or
10 land, that results in a net increase in the number of dwelling
11 units in a structure or on a parcel of land by more than one
12 dwelling unit.

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

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

24 "Housing organization" means a trade or industry group
25 engaged in the construction or management of housing units, or
26 a nonprofit organization whose mission includes providing or

1 advocating for increased access to housing for low or
2 moderate-income households.

3 "Housing trust fund" means a separate fund, either within
4 a local government or between local governments pursuant to
5 intergovernmental agreement, established solely for the
6 purposes authorized in subsection (d) of Section 25,
7 including, without limitation, the holding and disbursing of
8 financial resources to address the affordable housing needs of
9 individuals or households that may occupy low-income or
10 moderate-income housing.

11 "Local government" means a county or municipality.

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

18 "Moderate-income housing" means housing that is
19 affordable, according to the federal Department of Housing and
20 Urban Development, for either home ownership or rental, and
21 that is occupied, reserved, or marketed for occupancy by
22 households with a gross household income that is greater than
23 50% but does not exceed 80% of the area median household
24 income.

25 "Non-appealable local government requirements" means all
26 essential requirements that protect the public health and

1 safety, including any local building, electrical, fire, or
2 plumbing code requirements or those requirements that are
3 critical to the protection or preservation of the environment.
4 (Source: P.A. 102-175, eff. 7-29-21.)

5 (310 ILCS 67/25)

6 Sec. 25. Affordable housing plan.

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

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

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

25 (ii) an identification of lands within the

1 jurisdiction that are most appropriate for the
2 construction of affordable housing and of existing
3 structures most appropriate for conversion to, or
4 rehabilitation for, affordable housing, including a
5 consideration of affordable housing for both
6 owner-occupied dwelling units and dwelling units for rent,
7 lands and structures of developers who have expressed a
8 commitment to provide affordable housing, and lands and
9 structures that are publicly or semi-publicly owned;

10 (iii) incentives that local governments may provide
11 for the purpose of attracting affordable housing to their
12 jurisdiction; ~~and~~

13 (iv) a description of any housing market conditions,
14 infrastructure limitations, local government ordinances,
15 including zoning and land use ordinances, local government
16 policies or practices that do not affirmatively further
17 fair housing as defined in the federal Fair Housing Act,
18 and other factors that may constrain the local
19 government's ability to create and preserve affordable
20 housing;

21 (v) a plan or potential strategies to eliminate or
22 mitigate these constraints identified in item (iv);

23 (vi) one or more of the following goals: ~~(iv) a goal of~~
24 a minimum of 15% of all new development or redevelopment
25 within the local government that would be defined as
26 affordable housing in this Act; ~~or~~ a minimum of a 5 %

1 percentage point increase in the overall percentage of
2 affordable housing within its jurisdiction, as described
3 in subsection (b) of Section 20 of this Act; or a minimum
4 of a total of 10% affordable housing within its
5 jurisdiction as described in subsection (b) of Section 20
6 of this Act. These goals may be met, in whole or in part,
7 through the creation of affordable housing units under
8 intergovernmental agreements as described in subsection
9 (e) of this Section; and -

10 (vii) proposed timelines to commence, within the first
11 24 months after the date upon which the affordable housing
12 plan was adopted, for actions to implement the components
13 of the affordable housing plan.

14 Local governments that have previously been determined as
15 a non-exempt municipality and that have submitted an
16 affordable housing plan shall also include a summary of
17 actions taken to implement the previously submitted plan, as
18 well as a summary of progress made toward achieving the goals
19 of the plan.

20 To comply with the affordable housing plan requirements,
21 no later than 4 years after adopting or updating an affordable
22 housing plan the local government shall submit a report to the
23 Illinois Housing Development Authority summarizing actions
24 taken to implement the current plan.

25 (c) Within 60 days after the adoption of an affordable
26 housing plan or revisions to its affordable housing plan, the

1 local government must submit a copy of that plan to the
2 Illinois Housing Development Authority.

3 (d) In order to promote the goals of this Act and to
4 maximize the creation, establishment, or preservation of
5 affordable housing throughout the State of Illinois, a local
6 government, whether exempt or non-exempt under this Act, may
7 adopt the following measures to address the need for
8 affordable housing:

9 (1) Local governments may individually or jointly
10 create or participate in a housing trust fund or otherwise
11 provide funding or support for the purpose of supporting
12 affordable housing, including, without limitation, to
13 support the following affordable housing activities:

14 (A) Housing production, including, without
15 limitation, new construction, rehabilitation, and
16 adaptive re-use.

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

21 (C) Rental payment assistance.

22 (D) Home-ownership purchase assistance.

23 (E) Preservation of existing affordable housing.

24 (F) Weatherization.

25 (G) Emergency repairs.

26 (H) Housing related support services, including

1 homeownership education and financial counseling.

2 (I) Grants or loans to not-for-profit
3 organizations engaged in addressing the affordable
4 housing needs of low-income and moderate-income
5 households.

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

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

21 (3) A local government may use its zoning powers to
22 require the creation and preservation of affordable
23 housing as authorized under Section 5-12001 of the
24 Counties Code and Section 11-13-1 of the Illinois
25 Municipal Code.

26 (4) A local government may accept donations of money

1 or land for the purpose of addressing the affordable
2 housing needs of individuals or households that may occupy
3 low-income or moderate-income housing. These donations may
4 include, without limitation, donations of money or land
5 from persons, as long as the donations are demonstrably
6 used to preserve, create, or subsidize low-income housing
7 or moderate-income housing within the jurisdiction.

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

1 units that are to be credited to each local government
2 participating in the agreement for purposes of complying with
3 this Act. In specifying how many affordable housing units will
4 be credited to each local government, the same affordable
5 housing unit may not be counted by more than one local
6 government.

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

20 (g) The Illinois Housing Development Authority shall post
21 each affordable housing plan submitted by a local government
22 on the Illinois Housing Development Authority's website.

23 (Source: P.A. 102-175, eff. 7-29-21.)

24 (310 ILCS 67/30)

25 Sec. 30. Appeal to State Housing Appeals Board.

1 (a) (Blank).

2 (b) (Blank). ~~Beginning January 1, 2009, an affordable~~
3 ~~housing developer whose application is either denied or~~
4 ~~approved with conditions that in his or her judgment render~~
5 ~~the provision of affordable housing infeasible may, within 45~~
6 ~~days after the decision, appeal to the State Housing Appeals~~
7 ~~Board challenging that decision unless the municipality or~~
8 ~~county that rendered the decision is exempt under Section 15~~
9 ~~of this Act. The developer must submit information regarding~~
10 ~~why the developer believes he or she was unfairly denied or~~
11 ~~unreasonable conditions were placed upon the tentative~~
12 ~~approval of the development. In the case of local governments~~
13 ~~that are determined by the Illinois Housing Development~~
14 ~~Authority under Section 20 to be non exempt for the first time~~
15 ~~based on the recalculation of U.S. Census Bureau data after~~
16 ~~the effective date of this amendatory Act of the 98th General~~
17 ~~Assembly, no developer may appeal to the State Housing Appeals~~
18 ~~Board until 60 months after a local government has been~~
19 ~~notified of its non exempt status.~~

20 (b-5) Beginning January 1, 2026, any of the following
21 parties may file an appeal as an appellant to the State Housing
22 Appeals Board against a non-exempt municipality if the
23 proposed affordable housing development was denied by the
24 municipality, or approved with conditions that in the
25 appellant's judgment render the provision of affordable
26 housing infeasible:

1 (1) the affordable housing developer of the proposed
2 affordable housing development;

3 (2) a person who would be eligible to apply for
4 residency in the proposed affordable housing development;
5 or

6 (3) a housing organization whose geographic focus area
7 includes the municipality, or county if in an
8 unincorporated area, where the proposed affordable housing
9 development is located.

10 Appeals must be filed within 45 days after the decision by
11 the municipality. The appellant must submit information
12 regarding why the appellant believes the affordable housing
13 development was unfairly denied or unreasonable conditions
14 were placed upon the tentative approval of the development. In
15 the case of local governments that are determined by the
16 Illinois Housing Development Authority under Section 20 to be
17 non-exempt for the first time based on the recalculation of
18 U.S. Census Bureau data after the effective date of this
19 amendatory Act of the 103rd General Assembly, no appellant may
20 appeal to the State Housing Appeals Board until 6 months after
21 a local government has been notified of its non-exempt status.

22 (c) Beginning on the effective date of this amendatory Act
23 of the 98th General Assembly, the Board shall, whenever
24 possible, render a decision on the appeal within 120 days
25 after the appeal is filed. The Board may extend the time by
26 which it will render a decision where circumstances outside

1 the Board's control make it infeasible for the Board to render
2 a decision within 120 days. In any proceeding before the
3 Board, the appellant ~~affordable housing developer~~ bears the
4 burden of demonstrating that the proposed affordable housing
5 development (i) has been unfairly denied or (ii) has had
6 unreasonable conditions placed upon it by the decision of the
7 local government.

8 (d) The Board shall dismiss any appeal if:

9 (i) the local government has adopted an affordable
10 housing plan as defined in Section 25 of this Act and
11 submitted that plan to the Illinois Housing Development
12 Authority within the time frame required by this Act; and

13 (ii) the local government has implemented its
14 affordable housing plan and has met its goal as
15 established in its affordable housing plan as defined in
16 Section 25 of this Act.

17 (e) The Board shall dismiss any appeal if the reason for
18 denying the application or placing conditions upon the
19 approval is a non-appealable local government requirement
20 under Section 15 of this Act.

21 (f) The Board may affirm, reverse, or modify the
22 conditions of, or add conditions to, a decision made by the
23 approving authority. The decision of the Board constitutes an
24 order directed to the approving authority and is binding on
25 the local government.

26 (g) The appellate court has the exclusive jurisdiction to

1 review decisions of the Board. Any appeal to the Appellate
2 Court of a final ruling by the State Housing Appeals Board may
3 be heard only in the Appellate Court for the District in which
4 the local government involved in the appeal is located. The
5 appellate court shall apply the "clearly erroneous" standard
6 when reviewing such appeals. An appeal of a final ruling of the
7 Board shall be filed within 35 days after the Board's decision
8 and in all respects shall be in accordance with Section 3-113
9 of the Code of Civil Procedure.

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

11 (310 ILCS 67/50)

12 Sec. 50. Housing Appeals Board.

13 (a) On and after the effective date of this amendatory Act
14 of the 103rd General Assembly, the ~~Prior to January 1, 2008, a~~
15 Housing Appeals Board consists ~~shall be created consisting~~ of
16 7 members appointed by the Governor as follows:

17 (1) a retired circuit judge, a ~~or~~ retired appellate
18 judge, a current or retired administrative law judge, or a
19 practicing or retired attorney with experience in the area
20 of land use law or related field, who shall act as
21 chairperson;

22 (2) 4 members selected from among the following
23 categories:

24 (A) county or municipal zoning board of appeals
25 members;

1 (B) county or municipal planning board members;

2 (C) a mayor or municipal council or board member;

3 (D) a county board member; ~~a zoning board of~~
4 ~~appeals member;~~

5 (3) an affordable housing developer; and ~~a planning~~
6 ~~board member;~~

7 ~~(4) a mayor or municipal council or board member;~~

8 ~~(5) a county board member;~~

9 ~~(6) an affordable housing developer; and~~

10 (4) ~~(7)~~ an affordable housing advocate.

11 In addition, the Chairman of the Illinois Housing
12 Development Authority, ex officio, shall serve as a non-voting
13 member. At least 2 of the appointments under paragraph (2)
14 shall be from a local government that is non-exempt under this
15 Act. ~~No more than 4 of the appointed members may be from the~~
16 ~~same political party. Appointments under items (2), (3), and~~
17 ~~(4) shall be from local governments that are not exempt under~~
18 ~~this Act.~~

19 (b) Initial terms of 4 members designated by the Governor
20 under this amendatory Act of the 103rd General Assembly shall
21 be for 2 years. Initial terms of 3 members designated by the
22 Governor under this amendatory Act of the 103rd General
23 Assembly shall be for one year. Thereafter, members shall be
24 appointed for terms of 2 years. After a member's term expires,
25 the member shall continue to serve until a successor is
26 appointed. There shall be no limit to the number of terms an

1 appointee may serve. A member shall receive no compensation
2 for his or her services, but shall be reimbursed by the State
3 for all reasonable expenses actually and necessarily incurred
4 in the performance of his or her official duties. The Board
5 ~~board~~ shall hear all petitions for review filed under this Act
6 and shall conduct all hearings in accordance with the rules
7 and regulations established by the chairperson. The Illinois
8 Housing Development Authority shall provide space and clerical
9 and other assistance that the Board may require.

10 (c) (Blank).

11 (d) To the extent possible, any vacancies in the Housing
12 Appeals Board shall be filled within 90 days of the vacancy.

13 (e) The terms of members serving before the effective date
14 of this amendatory Act of the 103rd General Assembly expire on
15 the effective date of this amendatory Act of the 103rd General
16 Assembly.

17 (Source: P.A. 102-175, eff. 7-29-21.)".