



Sen. Ann Gillespie

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LRB103 25764 KTG 59336 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 15% 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 2,500. ~~"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 trust fund" means a separate fund, either within
25 a local government or between local governments pursuant to
26 intergovernmental agreement, established solely for the

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

6 "Local government" means a county or municipality.

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

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

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

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

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
26 consideration of affordable housing for both

1 owner-occupied dwelling units and dwelling units for rent,
2 lands and structures of developers who have expressed a
3 commitment to provide affordable housing, and lands and
4 structures that are publicly or 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 description of any housing market conditions,
9 infrastructure limitations, local government ordinances,
10 including zoning and land use ordinances, local government
11 policies or practices that do not affirmatively further
12 fair housing as defined in the federal Fair Housing Act,
13 and other local factors that constrain the local
14 government's ability to create and preserve affordable
15 housing;

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

18 (vi) one or more of the following goals with plans to
19 accomplish the goals within a period of no more than 5
20 years: ~~(iv) a goal of a minimum of 15% of all new~~
21 development or redevelopment within the local government
22 that would be defined as affordable housing in this Act;
23 ~~or~~ a minimum of a 5 ~~3~~ percentage point increase in the
24 overall percentage of affordable housing within its
25 jurisdiction, as described in subsection (b) of Section 20
26 of this Act; or a minimum of a total of 15% ~~10%~~ affordable

1 housing within its jurisdiction as described in subsection
2 (b) of Section 20 of this Act. These goals may be met, in
3 whole or in part, through the creation of affordable
4 housing units under intergovernmental agreements as
5 described in subsection (e) of this Section; and -

6 (vii) proposed timelines, within the first 24 months
7 after the date upon which the affordable housing plan was
8 adopted, for actions to implement the components of the
9 affordable housing plan.

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

16 To comply with the affordable housing plan requirements,
17 no later than 36 months after adopting or updating an
18 affordable housing plan the local government shall submit a
19 report to the Illinois Housing Development Authority
20 summarizing actions taken to implement the current plan.

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

25 (d) In order to promote the goals of this Act and to
26 maximize the creation, establishment, or preservation of

1 affordable housing throughout the State of Illinois, a local
2 government, whether exempt or non-exempt under this Act, may
3 adopt the following measures to address the need for
4 affordable housing:

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

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

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

17 (C) Rental payment assistance.

18 (D) Home-ownership purchase assistance.

19 (E) Preservation of existing affordable housing.

20 (F) Weatherization.

21 (G) Emergency repairs.

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

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

1 households.

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

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

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

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

1 from persons, as long as the donations are demonstrably
2 used to preserve, create, or subsidize low-income housing
3 or moderate-income housing within the jurisdiction.

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

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

20 (310 ILCS 67/30)

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

22 (a) (Blank).

23 (b) (Blank). ~~Beginning January 1, 2009, an affordable~~
24 ~~housing developer whose application is either denied or~~
25 ~~approved with conditions that in his or her judgment render~~

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

16 (b-5) Beginning January 1, 2026, an affordable housing
17 developer, or resident of the municipality where an affordable
18 housing development is proposed, may file an appeal as an
19 appellant to the State Housing Appeals Board against a
20 non-exempt municipality if the proposed affordable housing
21 development was denied by the municipality or approved with
22 conditions that in the appellant's judgment render the
23 provision of affordable housing infeasible. Appeals must be
24 filed within 45 days after the decision by the municipality.
25 The appellant must submit information regarding why the
26 appellant believes the affordable housing development was

1 unfairly denied or unreasonable conditions were placed upon
2 the tentative approval of the development. In the case of
3 local governments that are determined by the Illinois Housing
4 Development Authority under Section 20 to be non-exempt for
5 the first time based on the recalculation of U.S. Census
6 Bureau data after the effective date of this amendatory Act of
7 the 103rd General Assembly, no developer may appeal to the
8 State Housing Appeals Board until 6 months after a local
9 government has been notified of its non-exempt status.

10 (c) Beginning on the effective date of this amendatory Act
11 of the 98th General Assembly, the Board shall, whenever
12 possible, render a decision on the appeal within 120 days
13 after the appeal is filed. The Board may extend the time by
14 which it will render a decision where circumstances outside
15 the Board's control make it infeasible for the Board to render
16 a decision within 120 days. In any proceeding before the
17 Board, the appellant ~~affordable housing developer~~ bears the
18 burden of demonstrating that the proposed affordable housing
19 development (i) has been unfairly denied or (ii) has had
20 unreasonable conditions placed upon it by the decision of the
21 local government.

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

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

1 (ii) the local government has implemented its
2 affordable housing plan and has met its goal as
3 established in its affordable housing plan as defined in
4 Section 25 of this Act.

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

9 (f) The Board may affirm, reverse, or modify the
10 conditions of, or add conditions to, a decision made by the
11 approving authority. The decision of the Board constitutes an
12 order directed to the approving authority and is binding on
13 the local government.

14 (g) The appellate court has the exclusive jurisdiction to
15 review decisions of the Board. Any appeal to the Appellate
16 Court of a final ruling by the State Housing Appeals Board may
17 be heard only in the Appellate Court for the District in which
18 the local government involved in the appeal is located. The
19 appellate court shall apply the "clearly erroneous" standard
20 when reviewing such appeals. An appeal of a final ruling of the
21 Board shall be filed within 35 days after the Board's decision
22 and in all respects shall be in accordance with Section 3-113
23 of the Code of Civil Procedure.

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

1 Sec. 50. Housing Appeals Board.

2 (a) On and after the effective date of this amendatory Act
3 of the 103rd General Assembly, the ~~Prior to January 1, 2008, a~~
4 Housing Appeals Board consists ~~shall be created consisting~~ of
5 5 ~~7~~ members appointed by the Governor as follows:

6 (1) a current or retired circuit judge, ~~or retired~~
7 appellate judge, administrative law judge, or attorney
8 with experience in the area of land use law, who shall act
9 as chairperson;

10 (2) 3 members selected from among the following
11 categories:

12 (A) county or municipal zoning board of appeals
13 members;

14 (B) county or municipal planning board members;

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

16 (D) a county board member; and ~~a zoning board of~~
17 ~~appeals member;~~

18 ~~(3) a planning board member;~~

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

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

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

22 ~~(7) an affordable housing advocate.~~

23 In addition, the Chairman of the Illinois Housing
24 Development Authority, ex officio, shall serve as a non-voting
25 member. At least one of the appointments under paragraph (2)
26 shall be from a local government that is non-exempt under this

1 ~~Act. No more than 4 of the appointed members may be from the~~
2 ~~same political party. Appointments under items (2), (3), and~~
3 ~~(4) shall be from local governments that are not exempt under~~
4 ~~this Act.~~

5 (b) Initial terms of 3 of the 4 members designated by the
6 Governor under this amendatory Act of the 103rd General
7 Assembly shall be for 2 years. Initial terms of 2 of the 3
8 members designated by the Governor under this amendatory Act
9 of the 103rd General Assembly shall be for one year.
10 Thereafter, members shall be appointed for terms of 2 years.
11 After a member's term expires, the member shall continue to
12 serve until a successor is appointed. There shall be no limit
13 to the number of terms an appointee may serve. A member shall
14 receive no compensation for his or her services, but shall be
15 reimbursed by the State for all reasonable expenses actually
16 and necessarily incurred in the performance of his or her
17 official duties. The board shall hear all petitions for review
18 filed under this Act and shall conduct all hearings in
19 accordance with the rules and regulations established by the
20 chairperson. The Illinois Housing Development Authority shall
21 provide space and clerical and other assistance that the Board
22 may require.

23 (c) (Blank).

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

26 (e) The terms of members serving before the effective date

1 of this amendatory Act of the 103rd General Assembly expire on
2 the effective date of this amendatory Act of the 103rd General
3 Assembly.

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