



Sen. John G. Mulroe

**Filed: 5/28/2019**

10100HB2862sam003

LRB101 10300 AWJ 61296 a

1 AMENDMENT TO HOUSE BILL 2862

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2862, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by changing  
6 Section 5-12012.1 as follows:

7 (55 ILCS 5/5-12012.1)

8 Sec. 5-12012.1. Actions subject to de novo review; due  
9 process.

10 (a) Any decision by the county board of any county, home  
11 rule or non-home rule, in regard to any petition or application  
12 for a special use, variance, rezoning, or other amendment to a  
13 zoning ordinance shall be subject to de novo judicial review as  
14 a legislative decision, regardless of whether the process in  
15 relation thereto is considered administrative for other  
16 purposes. Any action seeking the judicial review of such a

1 decision, but not including a facial challenge to a zoning  
2 ordinance governing the challenger's own property, shall be  
3 commenced not later than 90 days after the date of the  
4 decision.

5 (b) The principles of substantive and procedural due  
6 process apply at all stages of the decision-making and review  
7 of all zoning decisions.

8 (Source: P.A. 94-1027, eff. 7-14-06; 95-843, eff. 1-1-09.)

9 Section 10. The Township Code is amended by changing  
10 Section 110-50.1 as follows:

11 (60 ILCS 1/110-50.1)

12 Sec. 110-50.1. Actions subject to de novo review; due  
13 process.

14 (a) Any decision by the township board of any township in  
15 regard to any petition or application for a special use,  
16 variance, rezoning, or other amendment to a zoning ordinance  
17 shall be subject to de novo judicial review as a legislative  
18 decision, regardless of whether the process in relation thereto  
19 is considered administrative for other purposes. Any action  
20 seeking the judicial review of such a decision, but not  
21 including a facial challenge to a zoning ordinance governing  
22 the challenger's own property, shall be commenced not later  
23 than 90 days after the date of the decision.

24 (b) The principles of substantive and procedural due

1 process apply at all stages of the decision-making and review  
2 of all zoning decisions.

3 (Source: P.A. 94-1027, eff. 7-14-06; 95-843, eff. 1-1-09.)

4 Section 15. The Illinois Municipal Code is amended by  
5 changing Section 11-13-25 as follows:

6 (65 ILCS 5/11-13-25)

7 Sec. 11-13-25. Actions subject to de novo review; due  
8 process.

9 (a) Any decision by the corporate authorities of any  
10 municipality, home rule or non-home rule, in regard to any  
11 petition or application for a special use, variance, rezoning,  
12 or other amendment to a zoning ordinance shall be subject to de  
13 novo judicial review as a legislative decision, regardless of  
14 whether the process in relation thereto is considered  
15 administrative for other purposes. Any action seeking the  
16 judicial review of such a decision, but not including a facial  
17 challenge to a zoning ordinance governing the challenger's own  
18 property, shall be commenced not later than 90 days after the  
19 date of the decision.

20 (b) The principles of substantive and procedural due  
21 process apply at all stages of the decision-making and review  
22 of all zoning decisions.

23 (Source: P.A. 94-1027, eff. 7-14-06; 95-843, eff. 1-1-09.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".