

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 Affordable Housing Planning and Appeal Act  
5 is amended by changing Sections 15, 20, and 25 as follows:

6 (310 ILCS 67/15)

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

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

20 "Affordable housing developer" means a nonprofit entity,  
21 limited equity cooperative or public agency, or private  
22 individual, firm, corporation, or other entity seeking to build  
23 an affordable housing development.

24 "Affordable housing development" means (i) any housing  
25 that is subsidized by the federal or State government or (ii)  
26 any housing in which at least 20% of the dwelling units are  
27 subject to covenants or restrictions that require that the  
28 dwelling units be sold or rented at prices that preserve them  
29 as affordable housing for a period of at least 15 years, in the  
30 case of for-sale housing, and at least 30 years, in the case of  
31 rental housing.

32 "Approving authority" means the governing body of the

1 county or municipality.

2 "Area median household income" means the median household  
3 income adjusted for family size for applicable income limit  
4 areas as determined annually by the federal Department of  
5 Housing and Urban Development under Section 8 of the United  
6 States Housing Act of 1937.

7 "Development" means any building, construction,  
8 renovation, or excavation or any material change in the use or  
9 appearance of any structure or in the land itself; the division  
10 of land into parcels; or any change in the intensity or use of  
11 land, such as an increase in the number of dwelling units in a  
12 structure or a change to a commercial use.

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 pursuant to Section 20 of this Act; or any  
17 municipality under 1,000 population.

18 "Household" means the person or persons occupying a  
19 dwelling unit.

20 "Local government" means a county or municipality.

21 "Low-income housing" means housing that is affordable,  
22 according to the federal Department of Housing and Urban  
23 Development, for either home ownership or rental, and that is  
24 occupied, reserved, or marketed for occupancy by households  
25 with a gross household income that does not exceed 50% of the  
26 area median gross household income for households of the same  
27 size within the county in which the housing is located.

28 "Moderate-income housing" means housing that is  
29 affordable, according to the federal Department of Housing and  
30 Urban Development, for either home ownership or rental, and  
31 that is occupied, reserved, or marketed for occupancy by  
32 households with a gross household income that is greater than  
33 50% but does not exceed 80% of the area median gross household  
34 income for households of the same size within the county in  
35 which the housing is located.

36 "Non-appealable local government requirements" means all

1 essential requirements that protect the public health and  
2 safety, including any local building, electrical, fire, or  
3 plumbing code requirements or those requirements that are  
4 critical to the protection or preservation of the environment.

5 (Source: P.A. 93-595, eff. 1-1-04.)

6 (310 ILCS 67/20)

7 Sec. 20. Determination of exempt local governments.

8 (a) Beginning October 1, 2004 ~~January 1, 2006~~, the Illinois  
9 Housing Development Authority shall determine which local  
10 governments are exempt and not exempt from the operation of  
11 this Act based on an identification of the total number of  
12 year-round housing units in the most recent decennial census  
13 for each local government within the State and by an inventory  
14 of for-sale and rental affordable housing units, as defined in  
15 this Act, for each local government from the decennial census  
16 and other relevant sources.

17 (b) The Illinois Housing Development Authority shall make  
18 this determination by:

19 (i) totaling the number of for-sale housing units in  
20 each local government that are affordable to households  
21 with a gross household income that is less than 80% of the  
22 median household income within the county or primary  
23 metropolitan statistical area;

24 (ii) totaling the number of rental units in each local  
25 government that are affordable to households with a gross  
26 household income that is less than 60% of the median  
27 household income within the county or primary metropolitan  
28 statistical area;

29 (iii) adding the number of for-sale and rental units  
30 for each local government from items (i) and (ii); and

31 (iv) dividing the sum of (iii) above by the total  
32 number of year-round housing units in the local government  
33 as contained in the latest decennial census and multiplying  
34 the result by 100 to determine the percentage of affordable  
35 housing units within the jurisdiction of the local

1 government.

2 (c) Beginning October 1, 2004 ~~January 1, 2006~~, the Illinois  
3 Housing Development Authority shall publish on an annual basis  
4 a list of exempt and non-exempt local governments and the data  
5 that it used to calculate its determination. The data shall be  
6 shown for each local government in the State and for the State  
7 as a whole. Upon publishing a list of exempt and non-exempt  
8 local governments, the Illinois Housing Development Authority  
9 shall notify a local government that it is not exempt from the  
10 operation of this Act and provide to it the data used to  
11 calculate its determination.

12 (d) A local government or developer of affordable housing  
13 may appeal the determination of the Illinois Housing  
14 Development Authority as to whether the local government is  
15 exempt or non-exempt under this Act in connection with an  
16 appeal under Section 30 of this Act.

17 (Source: P.A. 93-595, eff. 1-1-04.)

18 (310 ILCS 67/25)

19 Sec. 25. Affordable housing plan.

20 (a) Prior to April 1, 2005 ~~July 1, 2004~~, all non-exempt  
21 local governments must approve an affordable housing plan.

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

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

28 (ii) an identification of lands within the  
29 jurisdiction that are most appropriate for the  
30 construction of affordable housing and of existing  
31 structures most appropriate for conversion to, or  
32 rehabilitation for, affordable housing, including a  
33 consideration of lands and structures of developers who  
34 have expressed a commitment to provide affordable housing  
35 and lands and structures that are publicly or semi-publicly

1 owned;

2 (iii) incentives that local governments may provide  
3 for the purpose of attracting affordable housing to their  
4 jurisdiction; and

5 (iv) a goal of a minimum of 15% of all new development  
6 or redevelopment within the local government that would be  
7 defined as affordable housing in this Act; or a minimum of  
8 a 3 percentage point increase in the overall percentage of  
9 affordable housing within its jurisdiction, as described  
10 in subsection (b) of ~~defined in~~ Section 20 of this Act; or  
11 a minimum of a total of 10% ~~of~~ affordable housing within  
12 its jurisdiction as described in subsection (b) of Section  
13 20 of this Act.

14 (c) Within 60 days after the adoption of an affordable  
15 housing plan or revisions to its affordable housing plan, the  
16 local government must submit a copy of that plan to the  
17 Illinois Housing Development Authority.

18 (Source: P.A. 93-595, eff. 1-1-04.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.