**Section 395.316 Decision**

a) The Board shall render a written decision within 120 Days after the Initial Pleading is filed. Notwithstanding the foregoing, the Board may extend the time by which it will render a decision when circumstances outside the Board's control make it infeasible for the Board to render a decision within 120 Days. The written decision shall state the Board's findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence presented and on matters officially noticed.

b) The Board shall dismiss the appeal during or after the hearing if, based on all relevant evidence presented, it concludes that:

1) the Local Government was an Exempt Local Government in the year in which the appeal was filed;

2) the Local Government has adopted an Affordable Housing Plan, has submitted that plan to IHDA within the required time-frame under the Act, and has submitted documentation to IHDA that evidences the Local Government has met its goal to provide Affordable Housing as required by the Act; or

3) the Approving Authority denied the Affordable Housing based upon Non-Appealable Local Government Requirements.

c) In the case of a denial, if the Board finds that the Affordable Housing Developer has met its burden of proof pursuant to Section 395.314(a), the Board shall vacate the decision of the Approving Authority and shall direct the Approving Authority to issue the appropriate permits to the Affordable Housing Developer.

d) In the case of conditions imposed by the Approving Authority, if the Board finds that the Affordable Housing Developer has met its burden of proof pursuant to Section 395.314(b):

1) the Board shall direct the Approving Authority to remove any such condition; or

2) if the Board finds that the conditions are unreasonable but can be modified to reasonably protect the health, safety, environmental design, open space, and other local concerns, the Board shall direct the Approving Authority to so modify the conditions.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)