



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4653

Introduced 2/5/2020, by Rep. Deanne M. Mazzochi

#### SYNOPSIS AS INTRODUCED:

50 ILCS 840/23 new

Creates the Local Control, Protection, and Empowering Law in the Small Wireless Facilities Deployment Act. Provides that property owners may, by petition, require a hearing prior to an authority's approval or denial of the installation of a small wireless facility in an area zoned exclusively for residential purposes. Requires the petition to include 250 signatures of the property owners or 40% of the property owners, whichever is less, within 1,000 feet of where the small wireless facility would be installed. Includes other petition and hearing requirements. Provides that all findings and written comments of the authority as a result of the hearing must be forwarded to the Office of the Secretary of the Federal Communications Commission by the authority. Provides that a hearing shall not interfere with the requirement that an authority approve or deny an application within specified timeframes.

LRB101 18686 AWJ 68141 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Small Wireless Facilities Deployment Act is  
5 amended by adding Section 23 as follows:

6 (50 ILCS 840/23 new)

7 Sec. 23. Public hearings.

8 (a) This Section may be referred to as the Local Control,  
9 Protection, and Empowering Law.

10 (b) Property owners may, by petition, require a hearing  
11 prior to an authority's approval or denial of the installation  
12 of a small wireless facility in an area zoned exclusively for  
13 residential purposes. The petition shall include 250  
14 signatures of the property owners or 40% of the property  
15 owners, whichever is less, within 1,000 feet of where the small  
16 wireless facility would be installed. These signatures must be  
17 collected and the petition filed no later than 30 days after an  
18 application is received by the authority.

19 If the authority receives a petition meeting the  
20 requirements of this subsection, the authority must hold a  
21 public hearing on the proposed application to install the small  
22 wireless facility. The hearing may be included in any regularly  
23 scheduled meeting of the authority. At the hearing, the

1 authority shall permit the local residents to make oral or  
2 written presentations relating to the safety, health, and  
3 welfare of the community that may be affected by the small  
4 wireless facility.

5 (c) The authority may make available for the public hearing  
6 the following information, including information contained in  
7 the application submitted by the wireless provider:

8 (1) Evidence that the installation of the small  
9 wireless facility shall meet all Federal Communications  
10 Commission regulations and guidelines.

11 (2) Evidence that the installation of the small  
12 wireless facility shall meet the aesthetic requirements  
13 that are identified by the authority in its ordinance.

14 (3) Evidence that the location of the proposed small  
15 wireless facility is in the most appropriate placement to  
16 provide communications service, and there is no less  
17 instructive location within 500 feet of the proposed  
18 location.

19 (d) All findings and written comments of the authority as a  
20 result of the hearing must be forwarded to the Office of the  
21 Secretary of the Federal Communications Commission by the  
22 authority.

23 (e) Nothing in this Section shall be construed to relieve  
24 an authority's duty of approving or denying an application as  
25 required under paragraph (8) of subsection (d) of Section 15.  
26 Any hearing under this Section shall be scheduled so as not to

1 interfere with approval or denial of an application under  
2 Section 15.