



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2563

Introduced 2/19/2021, 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.

LRB102 13353 AWJ 18697 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
16 small wireless facility would be installed. These signatures
17 must be collected and the petition filed no later than 30 days
18 after an 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
22 small wireless facility. The hearing may be included in any
23 regularly scheduled meeting of the authority. At the hearing,

1 the 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
6 hearing the following information, including information
7 contained in the application submitted by the wireless
8 provider:

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

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

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

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

24 (e) Nothing in this Section shall be construed to relieve
25 an authority's duty of approving or denying an application as
26 required under paragraph (8) of subsection (d) of Section 15.

1 Any hearing under this Section shall be scheduled so as not to
2 interfere with approval or denial of an application under
3 Section 15.