



Rep. Stephanie A. Kifowit

Filed: 5/17/2021

10200SB0154ham003

LRB102 10411 KTG 26588 a

1 AMENDMENT TO SENATE BILL 154

2 AMENDMENT NO. _____. Amend Senate Bill 154, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Affordable Housing Act is amended
6 by changing Sections 3 and 10 and by adding Section 18 as
7 follows:

8 (310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

9 Sec. 3. Definitions. As used in this Act:

10 (a) "Program" means the Illinois Affordable Housing
11 Program.

12 (b) "Trust Fund" means the Illinois Affordable Housing
13 Trust Fund.

14 (b-5) "Capital Fund" means the Illinois Affordable Housing
15 Capital Fund.

16 (c) "Low-income household" means a single person, family

1 or unrelated persons living together whose adjusted income is
2 more than 50%, but less than 80%, of the median income of the
3 area of residence, adjusted for family size, as such adjusted
4 income and median income for the area are determined from time
5 to time by the United States Department of Housing and Urban
6 Development for purposes of Section 8 of the United States
7 Housing Act of 1937.

8 (d) "Very low-income household" means a single person,
9 family or unrelated persons living together whose adjusted
10 income is not more than 50% of the median income of the area of
11 residence, adjusted for family size, as such adjusted income
12 and median income for the area are determined from time to time
13 by the United States Department of Housing and Urban
14 Development for purposes of Section 8 of the United States
15 Housing Act of 1937.

16 (e) "Affordable housing" means residential housing that,
17 so long as the same is occupied by low-income households or
18 very low-income households, requires payment of monthly
19 housing costs, including utilities other than telephone, of no
20 more than 30% of the maximum allowable income as stated for
21 such households as defined in this Section.

22 (f) "Multi-family housing" means a building or buildings
23 providing housing to 5 or more households.

24 (g) "Single-family housing" means a building containing
25 one to 4 dwelling units, including a mobile home as defined in
26 subsection (b) of Section 3 of the Mobile Home Landlord and

1 Tenant Rights Act, as amended.

2 (h) "Community-based organization" means a not-for-profit
3 entity whose governing body includes a majority of members who
4 reside in the community served by the organization.

5 (i) "Advocacy organization" means a not-for-profit
6 organization which conducts, in part or in whole, activities
7 to influence public policy on behalf of low-income or very
8 low-income households.

9 (j) "Program Administrator" means the Illinois Housing
10 Development Authority.

11 (k) "Funding Agent" means the Illinois Department of
12 Revenue.

13 (l) "Commission" means the Affordable Housing Advisory
14 Commission.

15 (m) "Congregate housing" means a building or structure in
16 which 2 or more households, inclusive, share common living
17 areas and may share child care, cleaning, cooking and other
18 household responsibilities.

19 (n) "Eligible applicant" means a proprietorship,
20 partnership, for-profit corporation, not-for-profit
21 corporation or unit of local government which seeks to use
22 fund assets as provided in this Article.

23 (o) "Moderate income household" means a single person,
24 family or unrelated persons living together whose adjusted
25 income is more than 80% but less than 120% of the median income
26 of the area of residence, adjusted for family size, as such

1 adjusted income and median income for the area are determined
2 from time to time by the United States Department of Housing
3 and Urban Development for purposes of Section 8 of the United
4 States Housing Act of 1937.

5 (p) "Affordable Housing Program Trust Fund Bonds or Notes"
6 means the bonds or notes issued by the Program Administrator
7 under the Illinois Housing Development Act to further the
8 purposes of this Act.

9 (q) "Trust Fund Moneys" means all moneys, deposits,
10 revenues, income, interest, dividends, receipts, taxes,
11 proceeds and other amounts or funds deposited or to be
12 deposited in the Trust Fund pursuant to Section 5(b) of this
13 Act and any proceeds, investments or increase thereof.

14 (r) "Program Escrow" means accounts, except those accounts
15 relating to any Affordable Housing Program Trust Fund Bonds or
16 Notes, designated by the Program Administrator, into which
17 Trust Fund Moneys are deposited.

18 (s) "Common household pet" means a domesticated animal,
19 such as a dog (canis lupus familiaris) or cat (felis catus),
20 which is commonly kept in the home for pleasure rather than for
21 commercial purposes.

22 (Source: P.A. 95-710, eff. 6-1-08.)

23 (310 ILCS 65/10) (from Ch. 67 1/2, par. 1260)

24 Sec. 10. Trust Fund restrictions and stipulations. (a) All
25 housing financed and all assistance provided from the Trust

1 Fund shall be available to all eligible persons regardless of
2 race, color, ancestry, unfavorable military discharge,
3 familial status, marital status, national origin, religion,
4 creed, sex, age, or disability.

5 (b) There shall be, on all assisted housing, a deed
6 restriction, agreement, or other legal document which provides
7 for the recapture of assistance upon terms and conditions to
8 be specified in rules and regulations promulgated by the
9 Program Administrator.

10 (c) Loans made by the Trust Fund may be at no interest or
11 at below market interest rates, with or without security, and
12 may include loans for predevelopment financing.

13 (d) Assistance may be provided for housing units for low
14 and very low-income households within multi-family housing
15 which is occupied partly by low and very low-income households
16 and partly by households not qualifying as low or very
17 low-income, subject to rules and regulations promulgated by
18 the Program Administrator.

19 (e) Except to the extent provided in rules and regulations
20 promulgated by the Program Administrator, no household shall
21 be required to vacate or move from any assisted housing as a
22 result of ceasing to qualify as a low or very low-income
23 household under this Act.

24 (f) Rates not to exceed fair market rental may be charged
25 to any person or household which occupies any single family
26 housing or unit of multi-family housing for the period that

1 person or household does not qualify as low or very
2 low-income.

3 (g) All housing assisted by the Trust Fund shall provide a
4 residential antidisplacement and relocation assistance plan
5 consistent with Section 507 of the federal Housing and
6 Community Development Act of 1987.

7 (h) Multi-family housing assisted by the Trust Fund shall
8 be prohibited from refusing to accept tenants for occupancy
9 solely because the tenant receives governmental rental
10 assistance.

11 (i) Trust Fund assisted multi-family housing is prohibited
12 from evicting tenants without good cause.

13 (j) Assistance may be provided to housing whether or not
14 such housing satisfies the definition of a "qualified
15 residential rental project" set forth in Section 142 of the
16 Internal Revenue Code of 1986, as amended.

17 (k) Housing assisted by the Trust Fund shall be required
18 to meet energy efficiency standards which shall be established
19 by the Program Administrator. Any review for affordability of
20 assisted housing must include a review of energy costs.

21 (l) Manufactured housing which is manufactured entirely
22 within the State shall be given priority over housing
23 manufactured in whole or in part outside of the State.

24 (m) It is intended that Trust Fund monies not be used to
25 supplant existing resources and that the Trust Fund shall be a
26 funder of last resort.

1 (n) Prior to application of Trust Fund assets to provide
2 assistance to affordable housing under this Act, Trust Fund
3 assets may be invested in mortgage participation certificates
4 representing undivided interests in specified, first-lien
5 conventional residential Illinois mortgages which are
6 underwritten, insured, guaranteed or purchased by the Federal
7 Home Loan Mortgage Corporation. Trust Fund assets may also be
8 used in such investments as may be lawful for fiduciaries in
9 this State or in such investments which shall reduce the risk
10 associated with fluctuations in interest rates or market price
11 of investments.

12 (o) A tenant of a multifamily rental housing unit that is
13 500 square feet or larger and has been acquired, constructed,
14 or rehabilitated with any money from the Trust Fund after
15 January 1, 2022 and that was designated for affordable housing
16 for low and very low-income families shall be allowed to keep
17 at least 2 cats or one dog that weighs under 50 pounds
18 regardless of breed or height within the tenant's residence in
19 accordance with any applicable State laws. This subsection
20 does not apply to service animals or service animals in
21 training or to any dog that has been deemed a dangerous or
22 vicious dog as provided under the Animal Control Act. This
23 subsection does not apply to supportive living facilities as
24 described in Section 5-5.01a of the Illinois Public Aid Code
25 or elderly housing. For purposes of this subsection, "elderly
26 housing" means housing that is either: (i) intended for and

1 solely occupied by persons age 62 or older; (ii) intended and
2 operated for occupancy by at least one person age 55 years or
3 older per unit, and at least 80% of the units within the
4 elderly housing project are so occupied; or (iii) provided for
5 under any State or federal program that the U.S. Department of
6 Housing and Urban Development has determined is specifically
7 designed and operated to assist elderly persons (as defined in
8 the State or federal program).

9 (Source: P.A. 89-286, eff. 8-10-95.)

10 (310 ILCS 65/18 new)

11 Sec. 18. Pets in affordable housing projects.

12 (a) The enforcement of policies relating to keeping a pet
13 within a residence may include:

14 (1) compliance with noise and sanitation standards;

15 (2) registration of the common household pet with the
16 owner of the residential housing;

17 (3) restraint of the common household pet in common
18 areas of the residential housing;

19 (4) timely removal of common household pet excrement;

20 (5) vaccination and sterilization requirements; and

21 (6) enforcement of violations of the policy.

22 (b) Notwithstanding any other law to the contrary, a
23 housing provider shall not be liable for injuries caused by an
24 owner's common household pet permitted on the housing
25 provider's property, except in cases of willful and wanton

1 misconduct.

2 (c) Nothing in this Section shall be construed to limit or
3 otherwise affect other statutes or laws that require
4 reasonable accommodations to be made for an individual with a
5 disability who maintains an animal to provide assistance,
6 service, or support. Nothing in this Section shall be
7 construed to apply to supportive living facilities as
8 described in Section 5-5.01a of the Illinois Public Code or
9 elderly housing. For purposes of this subsection, "elderly
10 housing" means housing that is either: (i) intended for and
11 solely occupied by persons age 62 or older; (ii) intended and
12 operated for occupancy by at least one person age 55 years or
13 older per unit, and at least 80% of the units within the
14 elderly housing project are so occupied; or (iii) provided for
15 under any State or federal program that the U.S. Department of
16 Housing and Urban Development has determined is specifically
17 designed and operated to assist elderly persons (as defined in
18 the State or federal program).

19 Section 95. Applicability. The changes made by this Act
20 apply to multifamily rental housing that is acquired,
21 constructed, or rehabilitated after January 1, 2022 with money
22 from the Illinois Affordable Housing Trust Fund.

23 Section 99. Effective date. This Act takes effect on
24 January 1, 2022."