



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2726

Introduced 2/16/2023, by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

210 ILCS 9/23 new
30 ILCS 105/5.990 new

Amends the Assisted Living and Shared Housing Act. Provides that, before commencing construction of a new establishment or an alteration or addition to an existing establishment, the owner or operator of the establishment shall submit architectural drawings and specifications for the construction, alteration, or addition to the Department of Public Health for review and approval. Contains requirements for submissions, review of submissions, and notice provided under the provisions. Provides fees based upon the estimated dollar value of constructions, alterations, or additions. Creates the Health Establishment Plan Review Fund and makes a conforming change in the State Finance Act. Requires fees collected under the provisions to be deposited into the Fund and used by the Department only to pay the costs of conducting reviews under the provisions. Contains other provisions.

LRB103 30882 CPF 57410 b

1 AN ACT concerning regulation.

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

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by adding Section 23 as follows:

6 (210 ILCS 9/23 new)

7 Sec. 23. Establishment construction; Department review;
8 fees.

9 (a) Before commencing construction of a new establishment
10 or an alteration or addition to an existing establishment, the
11 owner or operator of the establishment shall submit
12 architectural drawings and specifications for the
13 construction, alteration, or addition to the Department for
14 review and approval.

15 The Department shall provide criteria by rule for
16 determining whether a construction, alteration, or addition is
17 subject to the submission requirements of this Section. The
18 Department shall not review a submission under this Section
19 until the required fee, if any, has been paid.

20 An establishment may voluntarily submit architectural
21 drawings and specifications for a construction, alteration, or
22 addition for Department review and approval under subsection
23 (b) without being charged a fee under subsection (c).

1 Review of architectural drawings and specifications shall
2 be conducted by (i) a Department employee who meets the
3 qualifications for that employee's class specification
4 according to requirements of the Department of Central
5 Management Services or by (ii) a person under contract with
6 the Department who meets the same qualifications described
7 under (i). Final approval of the architectural drawings and
8 specifications shall be obtained from the Department before
9 the construction, alteration, or addition begins.

10 (b) Regardless of whether the submission is complete or
11 incomplete, the Department shall inform the owner or operator
12 of an establishment submitting architectural drawings and
13 specifications under subsection (a) in writing within 10
14 working days after receiving the architectural drawings and
15 specifications and the required fee, if any.

16 If the submission is incomplete, the Department shall
17 inform the owner or operator of each deficiency of the
18 submission in writing. If the Department fails to provide the
19 owner or operator with the notice within 10 working days, the
20 submission shall be deemed complete for purposes of initiating
21 the 60-calendar-day review period required under this
22 subsection.

23 If the submission is complete and the required fee, if
24 any, has been paid, the Department shall approve or disapprove
25 the architectural drawings and specifications no later than 60
26 calendar days after being received by the Department.

1 The drawings and specifications shall be of sufficient
2 detail, as determined by the Department by rule, to enable the
3 Department to render a determination of compliance with design
4 and construction standards under this Act. If the Department
5 finds that the architectural drawings and specifications are
6 not of sufficient detail to render a determination of
7 compliance, the submission shall be deemed incomplete and
8 shall not be considered for purposes of initiating the
9 60-calendar-day review period, but the applicant may submit
10 additional information to supplement the submission. The
11 60-calendar-day review period shall not commence until the
12 Department determines that the submission is complete or if
13 the submission is deemed complete. If the Department has not
14 approved or disapproved the drawings and specifications within
15 the 60-calendar-day review period, the construction,
16 alteration, or addition shall be deemed approved. If the
17 submission is disapproved, the Department shall state in
18 writing, with specificity, the reasons for the disapproval and
19 the owner or operator may submit additional information in
20 response or request a reconsideration of the disapproval. A
21 final decision of approval or disapproval shall be made by the
22 Department within 45 calendar days after receiving the
23 additional information or request for reconsideration. If
24 denied, the Department shall state the specific reasons for
25 the denial.

26 (c) Unless changed by the Department by rule under

1 subsection (e), the Department shall charge the following fees
2 for reviews conducted under this Section:

3 (1) If the estimated dollar value of the construction,
4 alteration, or addition is less than \$50,000, no fee is
5 required.

6 (2) If the estimated dollar value of the construction,
7 alteration, or addition is \$50,000 or more but less than
8 \$500,000, the fee shall be the greater of \$4,000 or 2.0% of
9 the estimated dollar value.

10 (3) If the estimated dollar value of the construction,
11 alteration, or addition is \$500,000 or more but less than
12 \$1,000,000, the fee shall be the greater of \$10,000 or
13 1.5% of the estimated dollar value.

14 (4) If the estimated dollar value of the construction,
15 alteration, or addition is \$1,000,000 or more but less
16 than \$5,000,000, the fee shall be the greater of \$13,000
17 or 0.35% of the estimated dollar value.

18 (5) If the estimated dollar value of the construction,
19 alteration, or addition is \$5,000,000 or more, the fee
20 shall be the greater of \$15,000 or 0.175% of the estimated
21 dollar value, but shall not exceed \$35,000.

22 The fees provided in this subsection shall not apply to an
23 establishment's construction, alteration, or addition if it
24 involves changes to the establishment that are required by the
25 Department by rule.

26 (d) The Health Establishment Plan Review Fund is

1 established as a special fund in the State treasury. All fees
2 received by the Department under this Section shall be
3 deposited into the Fund. Moneys shall be appropriated from the
4 Fund to the Department only to pay the costs of conducting
5 reviews under this Section. No moneys in the Fund shall be used
6 to reduce the amount of moneys appropriated from the General
7 Revenue Fund to the Department for reviews conducted under
8 this Section.

9 (e) The Department shall review the fee structure under
10 subsection (c) 3 years after the effective date of this
11 amendatory Act of the 103rd General Assembly and every 5 years
12 thereafter and shall, by rule, increase or decrease fee
13 amounts as the Department determines to be necessary for the
14 Department to maintain the its ability to review submissions
15 under this Section.

16 (f) The Department shall conduct an on-site inspection of
17 a completed construction, alteration, or addition no later
18 than 30 working days after notification from the owner or
19 operator of the establishment that the construction,
20 alteration, or addition has been completed and all
21 certifications required by the Department have been received
22 and accepted. The establishment shall not be occupied until
23 the Department provides written approval for occupancy to the
24 owner or operator within 5 working days after the Department's
25 final inspection, provided that the owner or operator has
26 substantially complied with this Section as determined by the

1 Department by rule. However, if the Department has not
2 conducted the on-site inspection within the 30-day period or
3 provided the written approval within 5 days thereafter, the
4 construction, alteration, or addition shall be deemed
5 approved, the establishment may be occupied, and the
6 establishment's license shall be issued after the
7 establishment passes an on-site health inspection by the
8 Department.

9 (g) The Department shall establish a procedure, by rule,
10 to conduct voluntary interim on-site review of construction,
11 alteration, or addition projects for a fee of \$3,000 per
12 interim on-site review.

13 (h) The Department shall establish, by rule, an expedited
14 process for emergency repairs or replacement of like
15 equipment.

16 (i) Nothing in this Section shall be construed to apply to
17 emergency repair, maintenance, upkeep, or renovation that does
18 not affect the structural integrity of an establishment, does
19 not add units or services so as to be greater than the number
20 for which the establishment is licensed, and provides a
21 reasonable degree of safety for the establishment's residents.

22 Section 10. The State Finance Act is amended by adding
23 Section 5.990 as follows:

24 (30 ILCS 105/5.990 new)

1 Sec. 5.990. The Health Establishment Plan Review Fund.