



Rep. Esther Golar

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09800HB0656ham001

LRB098 03479 KTG 43557 a

1 AMENDMENT TO HOUSE BILL 656

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 656 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Affordable Housing Planning and Appeal Act  
5 is amended by changing Section 30 as follows:

6 (310 ILCS 67/30)

7 Sec. 30. Appeal to State Housing Appeals Board.

8 (a) (Blank).

9 (b) Beginning January 1, 2009, an affordable housing  
10 developer whose application is either denied or approved with  
11 conditions that in his or her judgment render the provision of  
12 affordable housing infeasible may, within 45 days after the  
13 decision, appeal to the State Housing Appeals Board challenging  
14 that decision unless the municipality or county that rendered  
15 the decision is exempt under Section 15 of this Act. The  
16 developer must submit information regarding why the developer

1 believes he or she was unfairly denied or unreasonable  
2 conditions were placed upon the tentative approval of the  
3 development. In the case of local governments that are  
4 determined by the Illinois Housing Development Authority under  
5 Section 20 to be non-exempt for the first time based on the  
6 recalculation of decennial census data after 2010, no developer  
7 may appeal to the State Housing Appeals Board until 60 months  
8 after a local government has been notified of its non-exempt  
9 status.

10 (c) Beginning on the effective date of this amendatory Act  
11 of the 98th General Assembly January 1, 2009, the Board shall,  
12 whenever possible, render a decision on the appeal within 120  
13 days after the appeal is filed. The Board may extend the time  
14 by which it will render a decision where circumstances outside  
15 the Board's control make it infeasible for the Board to render  
16 a decision within 120 days. In any proceeding before the Board,  
17 the affordable housing developer bears the burden of  
18 demonstrating that the proposed affordable housing development  
19 (i) has been unfairly denied or (ii) has had unreasonable  
20 conditions placed upon it by the decision of the local  
21 government.

22 (d) The Board shall dismiss any appeal if:

23 (i) the local government has adopted an affordable  
24 housing plan as defined in Section 25 of this Act and  
25 submitted that plan to the Illinois Housing Development  
26 Authority within the time frame required by this Act; and

1           (ii) the local government has implemented its  
2 affordable housing plan and has met its goal as established  
3 in its affordable housing plan as defined in Section 25 of  
4 this Act.

5           (e) The Board shall dismiss any appeal if the reason for  
6 denying the application or placing conditions upon the approval  
7 is a non-appealable local government requirement under Section  
8 15 of this Act.

9           (f) The Board may affirm, reverse, or modify the conditions  
10 of, or add conditions to, a decision made by the approving  
11 authority. The decision of the Board constitutes an order  
12 directed to the approving authority and is binding on the local  
13 government.

14           (g) The appellate court has the exclusive jurisdiction to  
15 review decisions of the Board. Any appeal to the Appellate  
16 Court of a final ruling by the State Housing Appeals Board may  
17 be heard only in the Appellate Court for the District in which  
18 the local government involved in the appeal is located.

19           (Source: P.A. 93-595, eff. 1-1-04; 94-303, eff. 7-21-05.)

20           Section 99. Effective date. This Act takes effect upon  
21 becoming law."