



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3552

Introduced 2/18/2025, by Rep. Kam Buckner, Michelle Mussman and Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Accessory Dwelling Unit Act. Provides that a unit of local government may not prohibit the building or usage of accessory dwelling units in the unit of local government. Provides that a unit of local government may provide reasonable regulations relating to the size and location of accessory dwelling units similar to other accessory structures unless a regulation would have the effect of prohibiting accessory dwelling units. Provides that, for the purposes of the Act, a regulation is considered to have the effect of prohibiting an accessory dwelling unit if it: (1) explicitly disallows the construction of accessory dwelling units; (2) imposes fees other than building permit review; (3) applies standards that would render such units inconsistent with other local land use laws; (4) imposes design, bulk, and density standards that would physically preclude the project; (5) requires off-street parking spaces; or (6) requires corrections of nonconformities of the principal dwelling unit. Provides that that a unit of local government shall approve or deny an application for a permit to create or serve an accessory dwelling unit by right and without discretionary review. Requires the unit of local government to either approve or deny the application to create or serve an accessory dwelling unit within 60 days from the date the unit of local government receives a completed application if there is an existing single-family or multi-family dwelling on the lot. Provides that, if the unit of local government has not approved or denied the completed application within 60 days, then the application shall be deemed approved unless the Act provides for additional time. Provides that, if a unit of local government denies an application for an accessory dwelling unit, then the unit of local government shall return a full set of comments to the applicant in writing with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. Provides that a unit of local government shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit. Defines terms. Limits home rule powers.

LRB104 11169 RTM 21251 b

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 1. Short title. This Act may be cited as the Local  
5 Accessory Dwelling Unit Act.

6 Section 5. Definitions. As used in this Act:

7 "Accessory dwelling unit" means an attached or a detached  
8 residential dwelling unit that provides complete independent  
9 living facilities for one or more persons and is located on a  
10 lot with a proposed or existing principal residence and must  
11 include permanent provisions for living, sleeping, eating,  
12 cooking, and sanitation on the same parcel as the  
13 single-family or multi-family dwelling it is or will be  
14 situated. "Accessory dwelling unit" includes, but is not  
15 limited to:

16 (1) an efficiency unit; and

17 (2) a manufactured home, as that term is defined in  
18 paragraph (53) of subsection (a) of Section 9-102 of the  
19 Uniform Commercial Code.

20 "Discretionary review" means review of a housing proposal  
21 or building permit application by a government official or  
22 governing body which involves personal judgment by any public  
23 officials and involves any criteria other than whether a

1 proposal meets pre-existing building codes or design  
2 standards.

3 "Efficiency unit" means a unit for occupancy by no more  
4 than 2 persons which has a minimum floor area of 150 square  
5 feet and may also have a partial kitchen or bathroom  
6 facilities.

7 "Multi-family dwelling" means any improved real property  
8 used or intended to be used as a residence and that contains  
9 more than one dwelling unit. "Multi-family dwelling" includes,  
10 but is not limited to, a condominium or cooperative, and  
11 single room occupancy housing developments.

12 "Off-street parking" means parking facilities for the  
13 parking of motor vehicles off the public streets. "Off-street  
14 parking" includes:

15 (1) graded, regraded, graveled, oiled, surfaced,  
16 macadamized, paved, curbed, guttered, and drained sites  
17 used for parking motor vehicles off the public streets;

18 (2) driveways, ramps, structures, buildings,  
19 elevators, and traffic control equipment used for parking  
20 motor vehicles off the public streets; and

21 (3) all appurtenances and incidentals necessary,  
22 useful, or desirable for parking motor vehicles off the  
23 public streets.

24 "Principal dwelling unit" means an existing or proposed  
25 single-family dwelling or multi-family dwelling that is  
26 located on the lot where the accessory dwelling unit will be

1 constructed or converted.

2 "Single-family dwelling" means a residential building  
3 structure that is designed and used as a single unit of  
4 residential occupancy, housing one family, with direct access  
5 to the outside, and providing complete, independent living  
6 facilities including provisions for living, sleeping, eating,  
7 cooking, and sanitation.

8 Section 10. Regulation of accessory dwelling units.

9 (a) A unit of local government may not prohibit the  
10 building or usage of accessory dwelling units in the unit of  
11 local government.

12 (b) A unit of local government may provide reasonable  
13 regulations relating to the size and location of accessory  
14 dwelling units similar to other accessory structures unless a  
15 regulation would have the effect of prohibiting accessory  
16 dwelling units of at least 1,200 square feet.

17 (c) For the purposes of this Act, a regulation is  
18 considered to have the effect of prohibiting an accessory  
19 dwelling unit if it:

20 (1) explicitly disallows the construction of accessory  
21 dwelling units;

22 (2) contain fees other than building permit review  
23 fees;

24 (3) applies standards that would render such units  
25 inconsistent with other local land use laws;

1           (4) imposes design, bulk, and density standards that  
2 would physically preclude the project;

3           (5) requires off-street parking spaces; or

4           (6) requires corrections of nonconformities of the  
5 principal dwelling unit.

6           Section 15. Applications to create or serve accessory  
7 dwelling units.

8           (a) When a unit of local government that has not adopted an  
9 ordinance governing accessory dwelling units receives an  
10 application for a permit to create or serve an accessory  
11 dwelling unit, the unit of local government shall approve or  
12 disapprove the application by right and without discretionary  
13 review. The unit of local government shall either approve or  
14 deny the application to create or serve an accessory dwelling  
15 unit within 60 days from the date the unit of local government  
16 receives a completed application if there is an existing  
17 single-family or multi-family dwelling on the lot. If the  
18 permit application to create or serve an accessory dwelling  
19 unit is submitted with a permit application to create or serve  
20 a new single-family or multi-family dwelling on the lot, then  
21 the unit of local government may delay approving or denying  
22 the permit application for the accessory dwelling unit until  
23 the unit of local government approves or denies the permit  
24 application to create or serve the new single-family dwelling  
25 or multi-family dwelling, but the application to create or

1 serve the accessory dwelling unit shall still be considered by  
2 right and without discretionary review or a hearing. If the  
3 applicant requests a delay, the 60-day time period shall be  
4 tolled for the period of the delay. If the unit of local  
5 government has not approved or denied the completed  
6 application within 60 days, then the application shall be  
7 deemed approved.

8 (b) If a unit of local government denies an application  
9 for an accessory dwelling unit under subsection (a), then the  
10 unit of local government shall, within the time period  
11 described in subsection (a), return a full set of comments to  
12 the applicant in writing with a list of items that are  
13 defective or deficient and a description of how the  
14 application can be remedied by the applicant.

15 (c) The unit of local government shall not deny an  
16 application for a permit to create an accessory dwelling unit  
17 due to the correction of nonconforming zoning conditions,  
18 building code violations, or unpermitted structures that do  
19 not present a threat to public health and safety and are not  
20 affected by the construction of the accessory dwelling unit.

21 Section 20. Home rule. A home rule unit may not regulate  
22 accessory dwelling units in a manner inconsistent with this  
23 Act. This Act is a limitation under subsection (i) of Section 6  
24 of Article VII of the Illinois Constitution on the concurrent  
25 exercise by home rule units of powers and functions exercised

1 by the State.