



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5083

Introduced 2/10/2026, by Rep. Lindsey LaPointe

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Faith-Based Housing and Mixed-Use By-Right Act. Provides that a unit of local government shall permit multifamily developments and mixed-use developments as allowable by-right uses on faith-based land. Provides that a unit of local government may not require a proposed multifamily or mixed-use development on faith-based land to obtain any discretionary approval in order to permit the proposed use and development or allow for the minimum development standards and limitations established by the Act. Provides that the by-right entitlement under the Act applies whether or not the faith-based organization continues to operate an existing religious, educational, or community facility on the same parcel or adjacent parcel, and regardless of whether the housing is owned, leased, operated, or developed by the faith-based organization or by a partner acting under agreement with the faith-based organization. Provides that nothing in the Act affects the authority of a unit of local government to apply to a development authorized by this Act requirements that are (1) generally applicable to comparable developments within the jurisdiction; (2) objective and ascertainable on the face of the ordinance or code provision; and (3) related to public health and safety. Provides that a unit of local government shall approve an application for a multifamily or mixed-use development on faith-based land if the development satisfies the unit of local government's generally applicable, objective land development and building regulations as limited by the Act. Limits the concurrent use of home rule powers. Effective immediately.

LRB104 18341 RTM 31781 b

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  
5 Faith-Based Housing and Mixed-Use By-Right Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds that:

8 (1) Illinois faces persistent shortages of housing  
9 across income levels, including supportive housing.

10 (2) Faith-based and religious institutions often own  
11 or steward land that can be responsibly developed to meet  
12 housing needs.

13 (3) Discretionary, subjective, or politically  
14 contingent land use approvals can create unreasonable  
15 barriers to timely housing production.

16 (b) The purpose of this Act is to establish a uniform  
17 statewide, ministerial, by-right entitlement for multifamily  
18 and mixed-use housing on qualifying faith-based land, while  
19 preserving generally applicable health and safety regulation.

20 Section 10. Applicability.

21 (a) Except as provided in subsection (b), this Act applies  
22 to all faith-based land within this State.

1 (b) This Act does not apply to faith-based land that is  
2 located within one-quarter mile of:

3 (1) a heavy industrial use; or

4 (2) an airport with scheduled commercial service, a  
5 public-use seaport, or an active military installation.

6 (c) A unit of local government bears the burden of  
7 demonstrating the applicability of subsection (b) based on  
8 substantial evidence in a written determination issued within  
9 the time periods in Section 40.

10 Section 15. Definitions. As used in this Act:

11 "By-right" means a use and development that is permitted  
12 without any discretionary zoning or land use approval, and  
13 that may be approved only through ministerial review for  
14 compliance with objective standards and generally applicable  
15 codes.

16 "Discretionary approval" includes, without limitation, a  
17 zoning map amendment, planned development, special use,  
18 conditional use, variation, special exception, text amendment  
19 required solely to enable the use, comprehensive plan  
20 amendment, development agreement required solely to enable the  
21 use, or any similar discretionary land use classification or  
22 entitlement.

23 "Faith-based land" means real property in this State that  
24 is:

25 (1) owned in fee simple by a faith-based organization;

1 or

2 (2) held of record in fee by trustees for the use or  
3 benefit of a faith-based organization, religious  
4 congregation, or religious corporation; or

5 (3) leased by a faith-based organization under a  
6 recorded lease, with a remaining or initial term of not  
7 less than 30 years.

8 "Faith-based organization" means:

9 (1) a religious corporation;

10 (2) a religious congregation; and

11 (3) any nonprofit corporation, not-for-profit  
12 corporation, or other nonprofit entity that is tax-exempt  
13 under Section 501(c)(3) of the Internal Revenue Code and  
14 is controlled by, affiliated with, or acting at the  
15 direction of an entity described in paragraph (1) or (2)  
16 for religious, charitable, or community-service purposes.

17 "Generally applicable code" means a building, fire,  
18 life-safety, electrical, plumbing, mechanical, energy,  
19 accessibility, stormwater, floodplain, health, or similar  
20 code, ordinance, or regulation that:

21 (1) applies broadly to the jurisdiction or to a zoning  
22 district or overlay without regard to the identity of the  
23 landowner or the religious status of the property;

24 (2) is not applied in a manner that imposes  
25 requirements on a development authorized by this Act that  
26 are more burdensome than those imposed on comparable

1           developments; and

2           (3) does not include any discretionary approval  
3           process, subjective design guideline, or standard whose  
4           satisfaction is determined by a board, commission,  
5           council, or other discretionary body.

6           "Gross floor area" or "building gross floor area" means  
7           the sum of the gross horizontal area of all floors of all  
8           buildings and enclosed structures in a development, measured  
9           from the exterior faces of the exterior walls or from the  
10          centerline of walls separating two buildings, including  
11          mezzanines and enclosed porches, and including below-grade or  
12          partially below-grade floors, but excluding roof area open to  
13          the sky and excluding floor area devoted solely to accessory  
14          parking and required loading and the circulation areas serving  
15          such parking and loading.

16          "Group home" means a residential facility providing  
17          housing and support services in a community-based environment  
18          for individuals requiring assistance due to physical, mental,  
19          developmental, or behavioral disabilities.

20          "Heavy industrial use" means a storage, processing, or  
21          manufacturing use:

22                 (1) with processes using flammable or explosive  
23                 materials in a manner that triggers special hazard  
24                 occupancy classifications under generally adopted building  
25                 or fire codes;

26                 (2) involving hazardous conditions regulated under

1 federal or State environmental law; or

2 (3) that is noxious or offensive from odors, smoke,  
3 noise, fumes, or vibrations such that it is commonly  
4 separated from residential uses in local zoning practice.

5 "Ministerial review" means a review limited to confirming  
6 compliance with objective standards and generally applicable  
7 codes, without discretion to deny, condition, or delay a  
8 development based on subjective criteria, public opposition,  
9 or policy considerations outside those standards and codes.

10 "Mixed-use" means use and development of a site consisting  
11 of residential and nonresidential uses in which residential  
12 uses occupy at least 60% of the total building gross floor area  
13 of the development.

14 "Multifamily" means development of a site for 3 or more  
15 dwelling units within one or more buildings, including a  
16 residential condominium.

17 "Objective standard" means a standard that:

18 (1) is stated in fixed, measurable, or otherwise  
19 ascertainable terms in the text of an ordinance, code, or  
20 adopted engineering manual;

21 (2) is capable of being applied and determined without  
22 the exercise of personal, subjective, or aesthetic  
23 judgment by a public official or body; and

24 (3) is uniformly applicable to similarly situated  
25 development within the jurisdiction.

26 "Religious corporation" means a corporation formed for

1 religious purposes under the Religious Corporation Act,  
2 including a church, congregation, or society incorporated  
3 under that Act.

4 "Religious congregation" means any church, congregation,  
5 or society formed for the purposes of religious worship,  
6 whether or not incorporated.

7 "Supportive housing" means residential accommodations  
8 combined with on-site or off-site supportive services designed  
9 to assist individuals or families in maintaining stable  
10 housing and achieving greater independence.

11 "Trustees" includes trustees, wardens, vestrymen, or other  
12 officers performing duties similar to trustees for a religious  
13 congregation or religious corporation.

14 Section 20. Proof of qualifying status; nondiscrimination.

15 (a) A faith-based organization may demonstrate qualifying  
16 status by submitting any of the following:

17 (1) a recorded affidavit of incorporation or certified  
18 copy thereof for a religious corporation formed under the  
19 Religious Corporation Act;

20 (2) articles of incorporation, an IRS determination  
21 letter, or other documentation establishing tax-exempt  
22 status under Section 501(c)(3) of the Internal Revenue  
23 Code as a religious or charitable organization;

24 (3) a recorded deed, trust, or other instrument  
25 showing ownership or holding of title by trustees for the

1 use or benefit of a religious congregation or religious  
2 corporation; or

3 (4) other objective documentation reasonably  
4 sufficient to establish that the applicant is a  
5 faith-based organization.

6 (b) A unit of local government shall not condition  
7 approval on the faith-based organization's denomination,  
8 theology, mode of worship, or other religious doctrine, and  
9 shall apply this Act in a religion-neutral manner.

10 Section 25. Allowable uses; by-right entitlement.

11 (a) A unit of local government shall permit the following  
12 as allowable by-right uses on faith-based land:

13 (1) multifamily development; and

14 (2) mixed-use development.

15 (b) A unit of local government may not require a proposed  
16 multifamily or mixed-use development on faith-based land to  
17 obtain any discretionary approval in order to:

18 (1) permit the proposed use and development; or

19 (2) allow for the minimum development standards and  
20 limitations established by this Act.

21 (c) The by-right entitlement under this Act applies  
22 whether or not the faith-based organization continues to  
23 operate an existing religious, educational, or community  
24 facility on the same parcel or adjacent parcel, and regardless  
25 of whether the housing is owned, leased, operated, or

1 developed by the faith-based organization or by a partner  
2 acting under agreement with the faith-based organization.

3 Section 30. Prohibited local requirements and constraints.  
4 For a multifamily or mixed-use development on faith-based  
5 land, a unit of local government may not:

6 (1) restrict the height of the proposed development to  
7 less than 60 feet or 5 full stories, whichever permits a  
8 greater height, except to the extent a lower height is  
9 required to comply with a generally applicable airport  
10 safety overlay required by federal law;

11 (2) require setbacks in excess of 10 feet from the  
12 front of the building, 10 feet from the rear of the  
13 building, and 5 feet from the side of the building, except  
14 as required to satisfy generally applicable fire access  
15 standards or building code light or ventilation  
16 requirements;

17 (3) establish or enforce any minimum off-street  
18 parking requirement for dwelling units or nonresidential  
19 uses, except as necessary to comply with:

20 (A) the Americans with Disabilities Act and  
21 implementing regulations; or

22 (B) other federal law that expressly requires  
23 minimum parking;

24 (4) restrict development through maximum or minimum  
25 density caps, floor-area ratio, lot coverage, minimum unit

1 size, maximum unit size, maximum number of bedrooms, or  
2 any other dimensional or quantitative constraint, except  
3 as expressly permitted in paragraphs (1) and (2) of this  
4 Section and except for generally applicable codes and  
5 structural safety limits;

6 (5) prohibit or unreasonably restrict supportive  
7 housing or group homes within a multifamily or mixed-use  
8 development authorized by this Act;

9 (6) require the conversion to exceed standards imposed  
10 by the generally adopted building code for a change of  
11 occupancy for a proposed development converting an  
12 existing building from a different use to a multifamily  
13 use or mixed-use use, provided that this paragraph does  
14 not limit generally applicable accessibility requirements;

15 (7) require review or approval based on subjective  
16 standards including, without limitation, neighborhood  
17 character, compatibility, aesthetic harmony, community  
18 fit, or similar criteria, or require appearance-based  
19 design approvals by a board, commission, council, or other  
20 discretionary body as a condition of approval; or

21 (8) require a public hearing, vote of the corporate  
22 authorities, plan commission recommendation, zoning board  
23 recommendation, aldermanic prerogative sign-off, or any  
24 other legislative or quasi-judicial proceeding as a  
25 condition of approving the use or development authorized  
26 by this Act.

1 Section 35. Permitted local regulation; objective  
2 standards preserved.

3 (a) Nothing in this Act affects the authority of a unit of  
4 local government to apply to a development authorized by this  
5 Act requirements that are:

6 (1) generally applicable to comparable developments  
7 within the jurisdiction;

8 (2) objective and ascertainable on the face of the  
9 ordinance or code provision; and

10 (3) related to public health and safety.

11 (b) Permitted regulations include, without limitation:

12 (1) building codes, fire codes, and life-safety codes  
13 of general applicability;

14 (2) generally applicable accessibility requirements;

15 (3) sewer, water, and utility connection requirements;

16 (4) stormwater and floodplain management requirements;

17 (5) environmental remediation requirements imposed by  
18 State or federal law;

19 (6) construction-phase requirements of general  
20 applicability including erosion control, dust control, and  
21 hours that do not function as a denial of the by-right  
22 entitlement.

23 (c) A unit of local government may impose ministerial  
24 permit fees that do not exceed the ministerial permit fees  
25 imposed on comparable multifamily or mixed-use developments.

1       However, a unit of local government may not condition approval  
2       on an exaction, dedication, impact fee, or contribution that  
3       is not also generally imposed on comparable developments, and  
4       any such condition shall be subject to generally applicable  
5       constitutional standards.

6               Section 40. Duty to approve; ministerial review;  
7       timelines; deemed approval.

8               (a) A unit of local government shall approve an  
9       application for a multifamily or mixed-use development on  
10       faith-based land if the development satisfies the unit of  
11       local government's generally applicable, objective land  
12       development and building regulations as limited by this Act.

13              (b) The duty to approve under subsection (a) is  
14       ministerial.

15              (c) Within 15 business days after submission, the unit of  
16       local government shall notify the applicant in writing of any  
17       specific, objective information required to deem the  
18       application complete. If the unit of local government fails to  
19       comply with this subsection, then the application shall be  
20       deemed complete.

21              (d) Within 60 days after an application is deemed  
22       complete, the unit of local government shall approve or deny  
23       the application in a written determination. A denial must  
24       identify each specific, objective provision of a generally  
25       applicable code or ordinance with which the application fails

1 to comply, and shall describe the corrective action that would  
2 result in compliance. If the unit of local government fails to  
3 approve or deny an application within the time period required  
4 by this subsection, then the application shall be deemed  
5 approved by operation of law.

6 (e) Upon deemed approval, the applicant may request, and  
7 the unit of local government shall issue within 10 business  
8 days, all permits necessary to commence construction, subject  
9 only to compliance with generally applicable building and  
10 safety codes.

11 Section 45. Enforcement; remedies; fees; waiver of  
12 immunity; expedited hearing.

13 (a) Any of the following may bring an action to enforce  
14 this Act:

15 (1) a faith-based organization that owns, leases, or  
16 is developing faith-based land;

17 (2) an applicant or developer acting under agreement  
18 with a faith-based organization;

19 (3) any person directly aggrieved by a violation of  
20 this Act, including by unlawful denial, unlawful delay, or  
21 imposition of prohibited requirements.

22 (b) An action under this Section shall be brought in the  
23 circuit court of the county in which the property is wholly or  
24 partly located.

25 (c) In an action under this Section, the court may:

- 1           (1) enter declaratory judgment;
- 2           (2) issue a writ of mandamus compelling compliance  
3 with this Act;
- 4           (3) issue temporary, preliminary, or permanent  
5 injunctive relief;
- 6           (4) order issuance of permits wrongfully withheld;
- 7           (5) award damages for proven economic losses  
8 proximately caused by the violation, including carrying  
9 costs and increased construction costs attributable to  
10 unlawful delay.

11           (d) The court shall award reasonable attorney's fees and  
12 court costs to a prevailing plaintiff.

13           (e) Any statutory, common law, or governmental immunity of  
14 a unit of local government is waived to the extent necessary to  
15 effectuate the remedies expressly authorized by this Section,  
16 including damages authorized under paragraph (5) of subsection  
17 (c).

18           (f) The circuit court shall prioritize actions under this  
19 Act and, upon motion of any party, shall set a hearing on  
20 preliminary relief as soon as practicable.

21           Section 50. Home rule.       A home rule municipality may  
22 not regulate faith-based land in a manner inconsistent with  
23 this Act. This Act is a limitation under subsection (i) of  
24 Section 6 of Article VII of the Illinois Constitution on the  
25 concurrent exercise by home rule units of powers and functions

1 exercised by the State.

2 Section 97. Severability. The provisions of this Act are  
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.