



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5198

Introduced 2/10/2026, by Rep. Tracy Katz Muhl

SYNOPSIS AS INTRODUCED:

310 ILCS 67/5
310 ILCS 67/10
310 ILCS 67/15
310 ILCS 67/20
310 ILCS 67/25
310 ILCS 67/30
310 ILCS 67/50
310 ILCS 67/60

Amends the Affordable Housing Planning and Appeal Act. Requires non-exempt local governments to provide residents with notice and the opportunity for comment at a public hearing prior to adopting an affordable housing plan. Requires a non-exempt local government to provide proof of its compliance with the notice and public hearing requirements when it submits a copy of its affordable housing plan to the Illinois Housing Development Authority. Expands the list of information that must be provided in the affordable housing plan to include, (i) an identification of "specific lands" (rather than "lands") within the jurisdiction that are most appropriate for the construction of affordable housing, (ii) proposed timelines to commence "specific actions and deadlines" (rather than "actions") to implement the components of the affordable housing plan, and (iii) incentives, including certain measures to address the need for affordable housing, that the local government may provide for the purpose of attracting affordable housing. In a provision permitting certain persons to appeal a local government's denial of a proposed affordable housing plan, expands the list to include a service provider that is under contract to provide services for potential residents of a proposed supportive housing project or community-integrated living arrangement that is included in the proposed affordable housing plan. Contains provisions concerning final actions or decisions by the governing body of the local government on the proposed affordable housing plans; appeal procedures and timelines; and other matters. Expands the Illinois Housing Development Authority's rulemaking authority to include the adoption of rules and regulations concerning the substance of affordable housing plans consistent with the changes made in the amendatory Act.

LRB104 18044 KTG 31483 b

A BILL FOR

1 AN ACT concerning housing.

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

4 Section 5. The Affordable Housing Planning and Appeal Act
5 is amended by changing Sections 5, 10, 15, 20, 25, 30, 50, and
6 60 as follows:

7 (310 ILCS 67/5)

8 Sec. 5. Findings. The legislature finds and declares that:

9 (1) there exists a shortage of affordable, accessible,
10 safe, and sanitary housing in the State;

11 (2) it is imperative that action be taken to ensure
12 ~~assure~~ the availability of housing for the State's
13 workforce, retired persons, and low-income and
14 moderate-income households, including households that have
15 persons with disabilities ~~and retirement housing;~~

16 (3) it is necessary for local governments in the State
17 that do not have sufficient affordable housing ~~are~~
18 ~~encouraged~~ to assist in providing affordable housing
19 opportunities to ensure ~~assure~~ the health, safety, and
20 welfare of all citizens of the State;

21 (4) increasing the inventory and affordability of
22 housing choices for people earning between 80% and 140% of
23 household ~~the area~~ median income, termed the missing

1 middle, also helps preserve affordable housing, prevents
2 homelessness, and encourages investment in more inclusive,
3 mixed-income communities throughout the State; and

4 (5) studying the inventory and affordability gaps that
5 affect the missing middle is also crucial to ensuring
6 workforce and retirement housing in the State.

7 (Source: P.A. 104-319, eff. 1-1-26.)

8 (310 ILCS 67/10)

9 Sec. 10. Purpose. The purpose of this Act is to encourage
10 counties and municipalities to incorporate affordable housing
11 within their housing stock sufficient to meet the needs of
12 their county or community. Further, affordable housing
13 developers who believe that they have been unfairly treated
14 due to the fact that a proposed ~~the~~ development contains
15 affordable housing may seek relief from local ordinances and
16 regulations that may inhibit the construction of affordable
17 housing needed to serve low-income and moderate-income
18 households in this State.

19 (Source: P.A. 93-595, eff. 1-1-04.)

20 (310 ILCS 67/15)

21 Sec. 15. Definitions. As used in this Act:

22 "Affordable housing" means housing that has a value or
23 cost or rental amount that is within the means of a household
24 that may occupy moderate-income or low-income housing. In the

1 case of owner-occupied dwelling units, housing that is
2 affordable means housing in which mortgage, amortization,
3 taxes, insurance, and condominium or association fees, if any,
4 constitute no more than 30% of the gross annual household
5 income for a household of the size that may occupy the unit. In
6 the case of dwelling units for rent, housing that is
7 affordable means housing for which the rent and utilities
8 constitute no more than 30% of the gross annual household
9 income for a household of the size that may occupy the unit. In
10 the case of dwelling units for rent, the costs of any required
11 parking, maintenance, or landlord-imposed fees are to be
12 included in the calculation of affordable housing if available
13 from the U.S. Census Bureau.

14 "Affordable housing developer" means a nonprofit entity,
15 limited equity cooperative or public agency, or private
16 individual, firm, corporation, or other entity seeking to
17 build an affordable housing development.

18 "Affordable housing development" means (i) any housing
19 that is subsidized by the federal or State government or (ii)
20 any housing in which at least 20% of the dwelling units are
21 subject to covenants or restrictions that require that the
22 dwelling units be sold or rented at prices that preserve them
23 as affordable housing for a period of at least 15 years, in the
24 case of owner-occupied housing, and at least 30 years, in the
25 case of rental housing.

26 "Approving authority" means the governing body of the

1 county or municipality.

2 "Area median household income" means the median household
3 income adjusted for family size for applicable income limit
4 areas as determined annually by the federal Department of
5 Housing and Urban Development under Section 8 of the United
6 States Housing Act of 1937.

7 "Community-integrated living arrangement" has the meaning
8 ascribed to that term in Section 3 of the Community-Integrated
9 Living Arrangements Licensure and Certification Act.

10 "Community land trust" means a private, not-for-profit
11 corporation organized exclusively for charitable, cultural,
12 and other purposes and created to acquire and own land for the
13 benefit of the local government, including the creation and
14 preservation of affordable housing.

15 "Development" means any building, construction,
16 renovation, or excavation or any material change in any
17 structure or land, or change in the use of such structure or
18 land, that results in a net increase in the number of dwelling
19 units in a structure or on a parcel of land by more than one
20 dwelling unit.

21 "Exempt local government" means any local government in
22 which at least 25% ~~10%~~ of its total year-round housing units
23 are affordable, as determined by the Illinois Housing
24 Development Authority in accordance with Section 20, or any
25 municipality with a population under 2,500 ~~1,000~~.

26 "Household" means the person or persons occupying a

1 dwelling unit.

2 "Housing organization" means a trade or industry group
3 engaged in the construction or management of housing units, or
4 a nonprofit organization whose mission includes providing or
5 advocating for increased access to housing for low or
6 moderate-income households.

7 "Housing trust fund" means a separate fund, either within
8 a local government or between local governments pursuant to
9 intergovernmental agreement, established solely for the
10 purposes authorized in subsection (d) of Section 25,
11 including, without limitation, the holding and disbursing of
12 financial resources to address the affordable housing needs of
13 individuals or households that may occupy low-income or
14 moderate-income housing.

15 "Local government" means a county or municipality.

16 "Low-income housing" means housing that is affordable,
17 according to the federal Department of Housing and Urban
18 Development, for either home ownership or rental, and that is
19 occupied, reserved, or marketed for occupancy by households
20 with a gross household income that does not exceed 50% of the
21 area median household income.

22 "Moderate-income housing" means housing that is
23 affordable, according to the federal Department of Housing and
24 Urban Development, for either home ownership or rental, and
25 that is occupied, reserved, or marketed for occupancy by
26 households with a gross household income that is greater than

1 50% but does not exceed 80% of the area median household
2 income.

3 "Non-appealable local government requirements" means all
4 essential requirements that protect the public health and
5 safety, including any local building, electrical, fire, or
6 plumbing code requirements or those requirements that are
7 critical to the protection or preservation of the environment.

8 "Special needs populations" means the special needs
9 populations described in subsection (e) of Section 8 of the
10 Illinois Affordable Housing Act.

11 "Supportive housing" means permanent or transitional
12 housing with access to the needed supportive services which
13 enable special needs populations to live as independently as
14 possible.

15 (Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

16 (310 ILCS 67/20)

17 Sec. 20. Determination of exempt local governments.

18 (a) ~~The Beginning October 1, 2004, the~~ Illinois Housing
19 Development Authority shall determine which local governments
20 are exempt and not exempt from the operation of this Act based
21 on an identification of the total number of year-round housing
22 units in the most recent data from the U.S. Census Bureau for
23 each local government within the State and by an inventory of
24 owner-occupied and rental affordable housing units, as defined
25 in this Act, for each local government from the U.S. Census

1 Bureau and other relevant sources.

2 (b) The Illinois Housing Development Authority shall make
3 this determination by:

4 (i) totaling the number of owner-occupied housing
5 units in each local government that are affordable to
6 households with a gross household income that is less than
7 80% of the median household income within the county or
8 primary metropolitan statistical area;

9 (ii) totaling the number of rental units in each local
10 government that are affordable to households with a gross
11 household income that is less than 60% of the median
12 household income within the county or primary metropolitan
13 statistical area;

14 (iii) adding the number of owner-occupied and rental
15 units for each local government from items (i) and (ii);
16 and

17 (iv) dividing the sum of (iii) above by the total
18 number of year-round housing units in the local government
19 as contained in the latest U.S. Census Bureau and
20 multiplying the result by 100 to determine the percentage
21 of affordable housing units within the jurisdiction of the
22 local government.

23 (c) ~~The Beginning on the effective date of this amendatory~~
24 ~~Act of the 98th General Assembly,~~ the Illinois Housing
25 Development Authority shall publish a list of exempt and
26 non-exempt local governments and the data that it used to

1 calculate its determination at least once every 5 years. The
2 data shall be shown for each local government in the State and
3 for the State as a whole. Upon publishing a list of exempt and
4 non-exempt local governments, the Illinois Housing Development
5 Authority shall notify a local government that it is not
6 exempt from the operation of this Act and provide to it the
7 data used to calculate its determination.

8 (d) A local government or developer of affordable housing
9 may appeal the determination of the Illinois Housing
10 Development Authority as to whether the local government is
11 exempt or non-exempt under this Act in connection with an
12 appeal under Section 30 of this Act.

13 (e) Additionally, the Illinois Housing Development
14 Authority shall make the following calculations:

15 (i) totaling the number of owner-occupied housing
16 units in each local government that are affordable to
17 households with a gross household income that is at or
18 below 30% of the median household income within the county
19 or primary metropolitan statistical area;

20 (ii) totaling the number of rental units in each local
21 government that are affordable to households with a gross
22 household income that is at or below 30% of the median
23 household income within the county or primary metropolitan
24 statistical area;

25 (iii) adding the number of owner-occupied and rental
26 units for each local government from items (i) and (ii);

1 (iv) dividing the sum of (iii) above by the total
2 number of year-round housing units in the local government
3 as contained in the latest U.S. Census Bureau and
4 multiplying the result by 100 to determine the percentage
5 of extremely low-income affordable housing units within
6 the jurisdiction of the local government;

7 (v) totaling the number of owner-occupied housing
8 units in each local government that are affordable to
9 households with a gross household income that is between
10 80% and 140% of the median household income within the
11 county or primary metropolitan statistical area;

12 (vi) totaling the number of rental units in each local
13 government that are affordable to households with a gross
14 household income that is between 60% and 80% of the median
15 household income within the county or primary metropolitan
16 statistical area;

17 (vii) totaling the number of rental units in each
18 local government that are affordable to households with a
19 gross household income that is between 80% and 140% of the
20 median household income within the county or primary
21 metropolitan statistical area;

22 (viii) adding the number of owner-occupied and rental
23 units for each local government from items (v), (vi), and
24 (vii); and

25 (ix) dividing the sum of (viii) above by the total
26 number of year-round housing units in the local government

1 as contained in the latest U.S. Census Bureau and
2 multiplying the result by 100 to determine the percentage
3 of affordable middle housing units within the jurisdiction
4 of the local government.

5 (f) Beginning on the effective date of this amendatory Act
6 of the 104th General Assembly, the Illinois Housing
7 Development Authority shall publish the data collected under
8 paragraphs (i) through (ix) of subsection (e). The data shall
9 be shown for each local government in the State and for the
10 State as a whole and shall be published at least once every 5
11 years. The Illinois Housing Development Authority shall also
12 compile the collected data into a report and submit the report
13 to the General Assembly.

14 (g) The data collected under subsection (e) shall be for
15 informational purposes only and shall not factor into the
16 determination of exempt local governments.

17 (Source: P.A. 104-319, eff. 1-1-26.)

18 (310 ILCS 67/25)

19 Sec. 25. Affordable housing plan.

20 (a) ~~Prior to April 1, 2005, all non-exempt local~~
21 ~~governments must approve an affordable housing plan.~~ Any local
22 government that is determined by the Illinois Housing
23 Development Authority under Section 20 to be non-exempt ~~for~~
24 ~~the first time based on the recalculation of U.S. Census~~
25 ~~Bureau data after 2010~~ shall have 18 months from the date of

1 notification of its non-exempt status to approve an affordable
2 housing plan under this Act. A non-exempt local government
3 must provide ~~On and after the effective date of this~~
4 ~~amendatory Act of the 102nd General Assembly, an affordable~~
5 ~~housing plan, or any revision thereof, shall not be adopted by~~
6 ~~a non exempt local government until~~ notice to residents and
7 the opportunity for comment at a public hearing in accordance
8 with the Open Meetings Act prior to adopting its affordable
9 housing plan ~~have first been afforded.~~

10 (b) For the purposes of this Act, the affordable housing
11 plan shall consist of at least the following:

12 (i) a statement of the total number of affordable
13 housing units that are necessary to exempt the local
14 government from the operation of this Act as defined in
15 Section 15 and Section 20;

16 (ii) an identification of specific lands within the
17 jurisdiction that are most appropriate for the
18 construction of affordable housing and of existing
19 structures most appropriate for conversion to, or
20 rehabilitation for, affordable housing, including a
21 consideration of affordable housing for both
22 owner-occupied dwelling units and dwelling units for rent,
23 lands and structures of developers who have expressed a
24 commitment to provide affordable housing, and lands and
25 structures that are publicly or semi-publicly owned;

26 (iii) incentives, including, but not limited to, the

1 measures outlined in subsection (d), that the local
2 government ~~local governments~~ may provide for the purpose
3 of attracting affordable housing to their jurisdiction;

4 (iv) a description of any housing market conditions,
5 infrastructure limitations, local government ordinances,
6 including zoning and land use ordinances, local government
7 policies or practices that do not affirmatively further
8 fair housing ~~as defined in the federal Fair Housing Act,~~
9 and other factors that may constrain the local
10 government's ability to create and preserve affordable
11 housing;

12 (v) a plan or potential strategies to eliminate or
13 mitigate these constraints identified in item (iv);

14 (vi) one or more of the following goals: a minimum of
15 15% of all new development or redevelopment within the
16 local government that would be defined as affordable
17 housing in this Act; a minimum of a 5 percentage point
18 increase in the overall percentage of affordable housing
19 within its jurisdiction, as described in subsection (b) of
20 Section 20 of this Act; or a minimum of a total of 10%
21 affordable housing within its jurisdiction as described in
22 subsection (b) of Section 20 of this Act. These goals may
23 be met, in whole or in part, through the creation of
24 affordable housing units under intergovernmental
25 agreements as described in subsection (e) of this Section;
26 and

1 (vii) proposed timelines to commence, within the first
2 24 months after the date upon which the affordable housing
3 plan was adopted, ~~for~~ specific actions and deadlines to
4 implement the components of the affordable housing plan.

5 Local governments that have previously been determined as
6 a non-exempt municipality and that have submitted an
7 affordable housing plan shall also include a summary of
8 actions taken to implement the previously submitted plan, as
9 well as a summary of progress made toward achieving the goals
10 of the plan.

11 To comply with the affordable housing plan requirements,
12 no later than 4 years after adopting or updating an affordable
13 housing plan the local government shall submit a report to the
14 Illinois Housing Development Authority summarizing actions
15 taken to implement the current plan.

16 (c) Within 60 days after the adoption of an affordable
17 housing plan or revisions to its affordable housing plan, the
18 local government must submit a copy of that plan to the
19 Illinois Housing Development Authority. The non-exempt local
20 government shall provide proof of compliance with the notice
21 and other requirements described in subsection (a) as part of
22 its submission.

23 (d) In order to promote the goals of this Act and to
24 maximize the creation, establishment, or preservation of
25 affordable housing throughout the State of Illinois, a local
26 government, whether exempt or non-exempt under this Act, may

1 adopt the following measures to address the need for
2 affordable housing:

3 (1) Local governments may individually or jointly
4 create or participate in a housing trust fund or otherwise
5 provide whole or partial funding or support for the
6 purpose of supporting affordable housing, including,
7 without limitation, to support the following affordable
8 housing activities:

9 (A) Housing production, including, without
10 limitation, new construction, rehabilitation, and
11 adaptive re-use.

12 (B) Acquisition, including, without limitation,
13 land, single-family homes, multi-unit buildings, and
14 other existing structures that may be used in whole or
15 in part for residential use.

16 (C) Rental payment assistance.

17 (D) Home-ownership purchase assistance.

18 (E) Preservation of existing affordable housing.

19 (F) Weatherization.

20 (G) Emergency repairs.

21 (H) Housing related support services, including
22 homeownership education and financial counseling.

23 (I) Grants or loans to not-for-profit
24 organizations engaged in addressing the affordable
25 housing needs of low-income and moderate-income
26 households.

1 (J) Participation in affordable housing special
2 assessment programs as authorized under Section 15-178
3 of the Property Tax Code.

4 Local governments may authorize housing trust funds to
5 accept and utilize funds, property, and other resources
6 from all proper and lawful public and private sources so
7 long as those funds are used solely for addressing the
8 affordable housing needs of individuals or households that
9 may occupy low-income or moderate-income housing.

10 (2) A local government may create a community land
11 trust, which may: acquire developed or undeveloped
12 interests in real property and hold them for affordable
13 housing purposes; convey such interests under long-term
14 leases, including ground leases; convey such interests for
15 affordable housing purposes; and retain an option to
16 reacquire any such real property interests at a price
17 determined by a formula ensuring that such interests may
18 be utilized for affordable housing purposes.

19 (3) A local government may use its zoning powers to
20 require the creation and preservation of affordable
21 housing as authorized under Section 5-12001 of the
22 Counties Code and Section 11-13-1 of the Illinois
23 Municipal Code.

24 (4) A local government may accept donations of money
25 or land for the purpose of addressing the affordable
26 housing needs of individuals or households that may occupy

1 low-income or moderate-income housing. These donations may
2 include, without limitation, donations of money or land
3 from persons, as long as the donations are demonstrably
4 used to preserve, create, or subsidize low-income housing
5 or moderate-income housing within the jurisdiction.

6 (e) In order to encourage regional cooperation and the
7 maximum creation of affordable housing in areas lacking such
8 housing in the State of Illinois, any non-exempt local
9 government may enter into intergovernmental agreements under
10 subsection (e) of Section 25 with local governments within 10
11 miles of its corporate boundaries in order to create
12 affordable housing units to meet the goals of this Act. A
13 non-exempt local government may not enter into an
14 intergovernmental agreement, however, with any local
15 government that contains more than 25% affordable housing as
16 determined under Section 20 of this Act. All intergovernmental
17 agreements entered into to create affordable housing units to
18 meet the goals of this Act must also specify the basis for
19 determining how many of the affordable housing units created
20 will be credited to each local government participating in the
21 agreement for purposes of complying with this Act. All
22 intergovernmental agreements entered into to create affordable
23 housing units to meet the goals of this Act must also specify
24 the anticipated number of newly created affordable housing
25 units that are to be credited to each local government
26 participating in the agreement for purposes of complying with

1 this Act. In specifying how many affordable housing units will
2 be credited to each local government, the same affordable
3 housing unit may not be counted by more than one local
4 government.

5 (f) To enforce compliance with the provisions of this
6 Section, and to encourage local governments to submit their
7 affordable housing plans to the Illinois Housing Development
8 Authority in a timely manner, the Illinois Housing Development
9 Authority shall notify any local government and ~~may notify~~ the
10 Office of the Attorney General that the local government is in
11 violation of State law if the Illinois Housing Development
12 Authority finds that the affordable housing plan submitted is
13 not in substantial compliance with this Section or that the
14 local government failed to submit an affordable housing plan.
15 The Attorney General may enforce this provision of the Act by
16 an action for mandamus or injunction or by means of other
17 appropriate relief.

18 (g) The Illinois Housing Development Authority shall post
19 each affordable housing plan submitted by a local government
20 on the Illinois Housing Development Authority's website.

21 (Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

22 (310 ILCS 67/30)

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

24 (a) (Blank).

25 (b) (Blank).

1 (b-5) ~~Any Beginning January 1, 2026, any~~ of the following
2 parties may file an appeal as an appellant to the State Housing
3 Appeals Board against a non-exempt municipality if the
4 proposed affordable housing development was denied by the
5 municipality, or approved with conditions that in the
6 appellant's judgment render the provision of affordable
7 housing infeasible:

8 (1) the affordable housing developer of the proposed
9 affordable housing development;

10 (2) a person who would be eligible to apply for
11 residency in the proposed affordable housing development;

12 ~~or~~

13 (3) a housing organization whose geographic focus area
14 includes the municipality, or county if in an
15 unincorporated area, where the proposed affordable housing
16 development is located; or -

17 (4) a service provider that is under contract to
18 provide services for potential residents of a proposed
19 supportive housing project or community-integrated living
20 arrangement that otherwise meets this Act's definition of
21 "affordable housing development".

22 Appeals must be filed within 45 days after the final
23 action or decision by the municipality. The appellant must
24 submit information regarding why the appellant believes the
25 affordable housing development was unfairly denied or
26 unreasonable conditions were placed upon the tentative

1 approval of the development. In the case of local governments
2 that are determined by the Illinois Housing Development
3 Authority under Section 20 to be non-exempt for the first time
4 based on the recalculation of U.S. Census Bureau data after
5 the effective date of this amendatory Act of the 103rd General
6 Assembly, no appellant may appeal to the State Housing Appeals
7 Board until 6 months after a local government has been
8 notified of its non-exempt status.

9 (b-6) A final action or decision of an approving authority
10 may include, but is not limited to:

11 (1) voting to formally deny a proposal;

12 (2) denying land use approvals or entitlements
13 necessary for the issuing of a building permit;

14 (3) refusing to take final legislative or
15 administrative action;

16 (4) determining an application incomplete which
17 complies with all criteria as specified by local land use
18 codes; or

19 (5) rendering a proposal financially infeasible by
20 imposing conditions or fees which are not required by
21 local land use codes or extensive delay which causes a
22 source of funding to expire.

23 (c) ~~The Beginning on the effective date of this amendatory~~
24 ~~Act of the 98th General Assembly, the~~ Board shall, whenever
25 possible, render a decision on the appeal within 120 days
26 after the appeal is filed. The Board may extend the time by

1 which it will render a decision where circumstances outside
2 the Board's control make it infeasible for the Board to render
3 a decision within 120 days. In any proceeding before the
4 Board, the local government ~~appellant~~ bears the burden of
5 demonstrating by the preponderance of the evidence that:

6 (1) the denial, or approval with conditions, of the
7 proposed affordable housing development is necessary to
8 protect substantial public interests regarding health and
9 safety; (i) has been unfairly denied or (ii) has had
10 unreasonable conditions placed upon it by the decision of
11 the local government.

12 (2) the public interests implicated clearly outweigh
13 the need for affordable housing; and

14 (3) the public interests cannot be protected through
15 reasonable modification to the affordable housing
16 proposal.

17 (c-5) The Board shall take into consideration the failure
18 to submit a compliant affordable housing plan in connection
19 with any appeal before the Board.

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

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

25 (ii) the local government has implemented its
26 affordable housing plan and has met its goal as

1 established in its affordable housing plan as defined in
2 Section 25 of this Act.

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

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

12 (g) The Appellate Court ~~appellate court~~ has the exclusive
13 jurisdiction to review decisions of the Board. Any appeal to
14 the Appellate Court of a final ruling by the ~~State Housing~~
15 ~~Appeals~~ Board may be heard only in the Appellate Court for the
16 District in which the local government involved in the appeal
17 is located. The appellate court shall apply the "clearly
18 erroneous" standard when reviewing such appeals. An appeal of
19 a final ruling of the Board shall be filed within 35 days after
20 the Board's decision and in all respects shall be in
21 accordance with Section 3-113 of the Code of Civil Procedure.

22 (h) The Board shall award reasonable attorney's fees and
23 costs of suit to the plaintiff or petitioner; however, the
24 Board shall not award attorney's fees if it determines, under
25 extraordinary circumstances, that awarding attorney's fees
26 would not further the purposes of this Act.

1 (Source: P.A. 103-487, eff. 1-1-24.)

2 (310 ILCS 67/50)

3 Sec. 50. Housing Appeals Board.

4 (a) On and after the effective date of this amendatory Act
5 of the 103rd General Assembly, the Housing Appeals Board
6 consists of 7 members appointed by the Governor as follows:

7 (1) a retired circuit judge, a retired appellate
8 judge, a current or retired administrative law judge, or a
9 practicing or retired attorney with experience in the area
10 of land use law or related field, who shall act as
11 chairperson;

12 (2) 4 members selected from among the following
13 categories:

14 (A) county or municipal zoning board of appeals
15 members;

16 (B) county or municipal planning board members;

17 (C) a mayor or municipal council or board member;

18 (D) a county board member;

19 (3) an affordable housing developer; and

20 (4) an affordable housing advocate.

21 In addition, the Chairman of the Illinois Housing
22 Development Authority, ex officio, shall serve as a non-voting
23 member. At least 2 of the appointments under paragraph (2)
24 shall be from a local government that is non-exempt under this
25 Act.

1 (b) Initial terms of 4 members designated by the Governor
2 under this amendatory Act of the 103rd General Assembly shall
3 be for 2 years. Initial terms of 3 members designated by the
4 Governor under this amendatory Act of the 103rd General
5 Assembly shall be for one year. Thereafter, members shall be
6 appointed for terms of 2 years. After a member's term expires,
7 the member shall continue to serve until a successor is
8 appointed. There shall be no limit to the number of terms an
9 appointee may serve. A member shall receive no compensation
10 for his or her services, but shall be reimbursed by the State
11 for all reasonable expenses actually and necessarily incurred
12 in the performance of his or her official duties. The Board
13 shall hear all petitions for review filed under this Act and
14 shall conduct all hearings in accordance with the rules and
15 regulations established by the chairperson. The Illinois
16 Housing Development Authority shall provide space and clerical
17 and other assistance that the Board may require.

18 (c) (Blank).

19 (d) To the extent possible, any vacancies in the Housing
20 Appeals Board shall be filled within 90 days of the vacancy.

21 (e) (Blank). ~~The terms of members serving before the~~
22 ~~effective date of this amendatory Act of the 103rd General~~
23 ~~Assembly expire on the effective date of this amendatory Act~~
24 ~~of the 103rd General Assembly.~~

25 (Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

1 (310 ILCS 67/60)

2 Sec. 60. Rulemaking authority. The Illinois Housing
3 Development Authority shall adopt other rules and regulations
4 as needed to carry out the Board's responsibilities under this
5 Act and to provide direction to local governments, ~~and~~
6 affordable housing developers, and other appellants. This
7 includes, but is not limited to, rules and regulations
8 concerning the substance of affordable housing plans as
9 described in Section 25.

10 (Source: P.A. 94-303, eff. 7-21-05.)